

**Board of Directors
San Simeon Community Services District**



**SPECIAL BOARD MEETING
PACKET**

December 20, 2022

Meeting Start Time 6:00 pm

Virtual Board Meeting via Zoom Webinar

Prepared by:



GRACE
ENVIRONMENTAL SERVICES

**SPECIAL BOARD MEETING AGENDA
SAN SIMEON COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS BOARD MEETING
Tuesday, December 20, 2022
6:00 pm**

Pursuant to San Simeon CSD Resolution 22-460 and incompliance with AB 361 this meeting shall occur as a virtual teleconference using the Zoom app.

Internet Meeting Location – Via ZOOM

Join Zoom for Special Board Session:

<https://us02web.zoom.us/j/87307810050>

Or One tap mobile:

US: +16699009128, 87307810050#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 9128

The following commands can be entered via DTMF tones using your **phone's** dial pad while in a **Zoom meeting**: *6 - Toggle mute/unmute. *9 - **Raise hand**.

Webinar ID: 873 0781 0050

NOTE: On the day of the meeting, the virtual meeting room will be open 30 minutes prior to the meeting start time. If you wish to submit public comment in the written format you can email Cortney Murguia at admin@sansimeoncsd.org. Members of the public can also contact the District office at (805) 927-4778 with any questions or concerns related to this agenda or accessing the meeting.

1. SPECIAL SESSION:

A. Roll Call

2. BUSINESS ACTION ITEMS:

Public Comment – This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Consent Agenda Items. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes.

A. ADOPTION OF RESOLUTION 22-462 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.

B. APPOINTMENT OF AD-HOC COMMITTEE TO ASSIST WITH NEGOTIATIONS RELATED TO RON HURLBERT.

3. CLOSED SESSION:

The Board will adjourn to Closed Session to address the following items:

A. CONFERENCE WITH LEGAL COUNSEL – SSCSD legal counsel replacement candidate(s) / firms.

Pursuant to Government Code § 54957; Public Employment: District Legal Counsel

MEMBERS OF THE PUBLIC: Please Join Us for the Remainder of the Meeting –

Part Two is Here:

<https://us06web.zoom.us/j/84896233106?pwd=a0RhMFRKb1I4dytzV2tWeUMyMXN1dz09>

Meeting ID: 848 9623 3106

Passcode: 595716

******RECONVENE TO OPEN SESSION******

Report on Closed Session

4. ADJOURNMENT –

All staff reports or other written documentation, including any supplemental material distributed to a majority of the Board within 24 hours of a special meeting, relating to each item of business on the agenda are available for public inspection during regular business hours in the District office, 111 Pico Avenue, San Simeon. If requested, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. To make a request for a disability-related modification or accommodation, contact the District Administrator at 805-927-4778 as soon as possible and at least 48 hours prior to the meeting date. This agenda was prepared and posted pursuant to Government Code Section 54954.2.



BUSINESS ACTION ITEM STAFF REPORT

ITEM 2.A. ADOPTION OF RESOLUTION 22-462 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.

Summary:

At a Special Meeting on September 30, 2021, the Board approved District Resolution 21-433 to continue virtual meetings of the Board of Directors and District committees pursuant to AB 361. AB 361 requires periodic review of the determination for a legislative body to continue to meet via teleconference, and if a state of emergency remains active, then no later than 30 days after meeting via teleconference, the body must make a subsequent finding that it “has reconsidered the circumstances of the state of emergency” and determined that in-person meetings continue to pose a risk to public health. During the December 8, 2022 special Board meeting, the Board approved Resolution 22-460 which extended the “state of emergency” for an additional 30 days. Resolution 22-462 extends the “state of emergency” for an additional 30 days to allow continued virtual meetings.

Possible Outcomes:

- 1) The Board may direct meetings to be held in person.
- 2) The Board may approve Resolution 22-462.

RESOLUTION NO. 22-462

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY THE GOVERNOR ISSUED ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT FOR THE PERIOD OF DECEMBER 20, 2022, TO JANUARY 19, 2023, PURSUANT TO BROWN ACT PROVISIONS

Recitals

WHEREAS, the San Simeon Community Services District ("District") is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, Number 21-433 on September 30, 2021, finding that the requisite conditions exist for the legislative bodies of the District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the District, specifically, the State of Emergency declared by Governor Newsom on March 4, 2020, due to COVID-19, and strong recommendations by the California Department of Public Health that all persons, regardless of vaccination status, continue to undertake social distancing measures including wearing masks while in indoor public settings; and

WHEREAS, the Board of Directors does hereby find that the rise in SARS-CoV-2 variants have caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the legislative bodies of the District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the Board of Directors will ensure that the public has access to meetings and the opportunity to participate in meetings in the interest of transparency and as required by AB 361.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the San Simeon Community Services District, as follows:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency in the District and proclaims that a local emergency persists throughout the District, and COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District.
3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby re-ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.
4. Remote Teleconference Meetings. The General Manager and Staff of the District are hereby authorized and directed to take all actions necessary to carry out the

intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

- 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) January 19, 2023, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

ADOPTED by the Board of Directors of the San Simeon Community Services District on December 20, 2022, by the following roll call votes:

AYES:
NOES:
ABSENT:
ABSTAINED:

President, Board of Directors of the
San Simeon Community Services District

ATTEST:

Charles Grace, General Manager of the
San Simeon Community Services District

APPROVED AS TO FORM:

District Counsel



BUSINESS ACTION ITEM STAFF REPORT

ITEM 2.B. APPOINTMENT OF AD-HOC COMMITTEE TO ASSIST WITH NEGOTIATIONS RELATED TO RON HURLBERT.

Summary:

This item was placed on the agenda at the request of Chairperson Diamond. She is requesting that a ad-hoc committee be formed.

Enc: Correspondence from Hurlbert

December 9, 2022

Via Email

Board of Directors
San Simeon Community Services District
c/o Jeffrey A. Minnery
Adamski Moroski Madden
Cumberland & Green LLP
PO Box 3835
San Luis Obispo, CA 93403-3835
jminnery@ammcglaw.com

RE: Ronald Hurlbert

Dear Board Members,

This letter follows the November 2, 2022 letter I submitted to this Board on behalf of Mr. Ronald Hurlbert. To date no meaningful progress has been made towards resolution of this matter.

As I explained in my previous letter, the San Simeon Community Services District (“the District”) created a public nuisance when it unlawfully constructed a Reverse Osmosis unit and offices on Pico Street in San Simeon. This new facility encroached on both Hearst Ranch Property and the public right of way. Moreover, the District undertook this project without the benefit of any meaningful environmental review or appropriate land use permits from San Luis Obispo County or the California Coastal Commission. It is my understanding that material facts about this project were misrepresented to the County. The District has since acknowledged most of these facts, but has not taken any corrective action.

The District’s actions have compromised the public health and welfare by creating unsafe conditions on Pico Street which could result in a catastrophic loss of life and property by precluding EMTs and fire trucks from timely responding to a fire or other emergencies. The public has been harmed also because the CSD facilities are incompatible with the residential and peaceful character this neighborhood by creating excessive noise and traffic generated by District business. Owing to these conditions, it is not clear whether Mr. Hurlbert will be able to develop his parcel to its full potential unless the CSD facilities are entirely removed.



1124 Nipomo Street
Suite C
San Luis Obispo CA 93401
ph: 805-593-0926
fax: 805-593-0946
babaknaficy@naficylaw.com

As I explained in my previous letter, I believe the CSD's actions have created a public nuisance that affects adjacent property owners, residents and business owners. The District's inaction may force Mr. Hurlbert to bring a suit sounding in public nuisance seeking both damages and injunctive relief, including an order directing the District to remove the offending facility.

In addition to foregoing, Mr. Hurlbert may be forced to file suit to seek a judicial order directing the CSD to take action on his hardship application. As you know, Mr Hurlbert has failed a hardship application to obtain will-serve letter to develop his property pursuant to District Ordinance No. 102, section V. It is my understanding that the District has refused to take action on Mr. Hurlbert's hardship application for no legitimate or lawful reason. The District's refusal to afford Mr. Hurlbert the process that is due pursuant to the District's own regulation is an egregious violation of Mr. Hurlbert's constitutional right to due process of the law.

The District's failure to timely rule on Mr. Hurlbert's legitimate hardship application is prejudicial and has caused Mr. Hurlbert damages by preventing him from pursuing his plans to develop his property.

Mr. Hurlbert and I remain available to discuss a potential settlement of these matters at the earliest opportunity. Unless these issues are resolved promptly, we will have no choice but to resort to judicial intervention.

Sincerely

Babak Naficy

Babak Naficy

Counsel for Ronald Hurlbert

November 1, 2022

Via Email & Certified Mail

Board of Directors
San Simeon Community Services District
c/o Jeffrey A. Minnery
Adamski Moroski Madden
Cumberland & Green LLP
PO Box 3835
San Luis Obispo, CA 93403-3835

Notice of Intent by Robert Hather to bring suit against San Simeon Community Services District

Dear Mr. Minnery and Honorable Directors

This office represents Ronald Hurlbert, on whose behalf I submit for your consideration and action this demand letter.

As you are aware, the San Simeon Community Services District (“the District”) unlawfully constructed a Reverse Osmosis unit and offices on Pico Street in San Simeon. These constructions were unlawful because (1) the District did not obtain proper land use permits from San Luis Obispo County or the California Coastal Commission, (2) the potential environmental impacts of these developments was never meaningfully analyzed and (3) these facilities encroach on the public right of way. The District has in fact acknowledged that these facilities encroach on the public right of way.

The District’s unlawful action has resulted in potentially significant risk to the public health and welfare by making it unsafe for vehicles travelling on Pico Street to turn around at the end of the cul-de-sac, thereby precluding EMTs and fire trucks from potentially responding to emergencies. In clear recognition of this impact, the District initially resorted to self-help --without any required environmental review or authorization by either the County or the Coastal Commission-- by unilaterally expanding the “bulb” end of Pico Street, installing a fence along

Mr. Hurlbert's property, and dumping gravel on the road beyond the established public right of way on to Mr. Hurlbert's property. Unfortunately, the gravel bed encroaches on Mr. Hurlbert's property.

In addition, the ongoing operation of the District's offices has harmed and will continue to harm Mr. Hurlbert by creating excessive noise and traffic generated by District business in a manner that is incompatible with the purely residential character of the neighborhood. The District's illegal encroachment has resulted in financial damages to Mr. Hurlbert by reducing the value of Mr. Hurlbert's property. This damage, which is currently estimated to be in excess of \$680,000, is caused by the resulting inadequate access to Mr. Hurlbert's property and the incompatible industrial/office use across the street which has made the property more difficult if not impossible to develop. In fact, representatives of the County planning department have expressed significant doubts about the prospect of the property ever being developed anywhere near its potential.

Unless the District is willing to make Mr. Hurlbert whole by either removing the encroachment or by paying the sum of \$678,999. in damages, Mr. Hurlbert has no choice but to sue the District for creating a public nuisance.

The County defines encroachment as "any structure or object of any kind or character placed either in, under or over "under or over any road or other public place, including highway, alley, street, avenue, place, sidewalk, path, walk, park, plaza, boulevard or right-of-way or any other public place in the city whether or not currently improved. . ." San Luis Obispo County Municipal Code (SLOMUC) §12.04.010 & 12.04.020. The County Code also provides that any violation of the County Code, including the prohibition against encroachment, constitutes a public nuisance: "In addition to other penalties provided by law, any condition caused or permitted to exist in violation of any provision of this code shall be deemed a public nuisance and may be summarily abated as such by the city, and each day such condition

continues shall constitute a new and separate offense.” SLOMUC §1.12.070. The prevailing party in a public nuisance claim is entitled to attorney’s fees. SLOMUC §1.12.130.

Consistent with the County Code, Civil Code § 3479 provides that “[a]nything which is injurious to health, including, but not limited to, , unlawfully obstructs the free passage or use, in the customary manner, of street, or highway, is a nuisance.

A public nuisance is “one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.” Civ. Code, § 3480. All other nuisances are private. Civ. Code § 3481. In this case, Mr. Hurlbert would be alleging a public nuisance. “A private person may maintain an action for a public nuisance, if it is specially injurious to himself, but not otherwise.” Civ. Code, § 3493. A private plaintiff bringing a public nuisance claim “must show special injury to himself of a character different in kind – not merely in degree – from that suffered by the general public.” (Institoris v. City of Los Angeles (1989) 210 Cal.App.3d 10, 20.) This is sometimes referred to as a “standing” requirement.

Moreover, “a plaintiff may maintain a private nuisance action based on a public nuisance when the nuisance caused an injury to plaintiff’s private property, or to a private right incidental to such private property.” (Newhall Land & Farming Co. v. Superior Court (1993) 19 Cal.App.4th 334, 342

Here, Mr. Hurlbert is easily able to show special injury and therefore standing to maintain a public notice. While the public as a whole, particularly the residents of San Simeon are affected by the encroachment on the public right of way, Mr. Hurlbert is specially injured because the encroachment by the District has diminished the value of his property more than any other, and made it potentially

impossible for him to develop his property. As such, he will be able to establish standing for maintaining an action for public nuisance.

Please contact me at your earliest convenience but no later than 10 days from the date of this letter to discuss a potential settlement. Likewise, if the District is simply not interested in discussing settlement, please let me know at once so we may proceed with preparing a lawsuit.

Sincerely

Babak Naficy

Counsel for Ronald Hurlbert

Proposal from Robert Schultz

ROBERT W. SCHULTZ
956 Walnut Street, Suite 200
San Luis Obispo, CA 93401
(805) 550-3588
attorneyinslo@gmail.com

LEGAL

EXPERIENCE

GENERAL: Thirty-five years as an attorney, the last twenty-five of which have been devoted to municipal representation while serving as legal counsel for the Town of Los Gatos, City of Morro Bay, City of Pismo Beach, San Simeon Community Services District, City of Atascadero and the Guadalupe Redevelopment Agency. My trial experience includes cases involving CEQA, public works construction, water and wastewater, labor, and arguments before the California Courts of Appeal. Admitted to practice in the courts of the State of California in June of 1987, the United States District Court for the Central Districts of the State of California, and the United States Ninth Circuit Court of Appeals.

2013 -2022

TOWN OF LOS GATOS, *Town Attorney/Risk Manager*

Provided legal advice and opinions to the Town Council, the Town's officials, departments, employees, boards, and commissions. Attended all Town Council and Advisory Board Meetings and drafted and reviewed all contracts, ordinances, resolutions, and other Town documents. Represented the Town's legal interests before judicial and administrative agencies and prosecuted violations of the Municipal Code. Managed the work of outside special counsel and served as the Risk Manager for the Town.

2002- 2013

CITY OF MORRO BAY, *City Attorney/Risk Manager*

Provided legal advice and opinions to the City Council, the City's officials, departments, employees, boards, and commissions. Attended all Town Council Meetings and drafted and reviewed all contracts, ordinances, resolutions, and other City documents. Rendered legal advice and opinions in complex environmental compliance matters, land use/natural resource strategies, water rights and permitting and protection of water supply and wastewater discharge permits and public agency law. Represented the City's legal interests before judicial and administrative agencies including the Water Quality Control Board, the Energy Commission, and the Coastal Commission. Managed the work of outside special counsel and served as the Risk Manager for the City.

1998- 2013

SAN SIMEON COMMUNITY SERVICES DISTRICT , *District Counsel*

Provided legal advice and services to the District Board and Committees. Attended all District Board Meetings and Committee meetings. Rendered legal advice and opinions. Drafted and reviewed all contracts, ordinances, resolutions, and other documents. Rendered legal advice and opinions in complex environmental compliance matters and in the permitting and

protection of the District's water supply and wastewater discharge permits. Represented the District's legal interests before judicial and administrative agencies including the Water Quality Control Board and Coastal Commission.

1997-2002

HUNT & ASSOCIATES, Attorneys and Counselors at Law:

Senior Attorney serving the Firm and its clients in the Firm's litigation practice group and as the City Attorney for the City of Morro Bay, the Assistant City Attorney for the City of Pismo Beach and the San Simeon Community Services District as its General Counsel. Extensive trial experience in all aspects of civil litigation, including CEQA, construction, real estate, and personal injury.

1990 - 1997

BAILEY & SCHULTZ, APC

PARTNER of a law firm specializing in Public Works disputes against Cities and Counties.

1987 - 1990

ANDRADE & HARGAN APC:

ASSOCIATE Attorney in civil litigation firm specializing in Construction Law.

EDUCATION

*JD, December of 1986, SOUTHWESTERN UNIVERSITY SCHOOL OF LAW.
BS, June of 1983, Business Administration, UNIVERSITY OF LA VERNE.*

**OTHER
EXPERIENCE**

- Special Counsel for the City of Santa Maria.
- Special Counsel for the City of San Luis Obispo.
- Special Counsel for the City of Guadalupe.
- Cal Cities State Brown Act Board Member.
- Cal Cities State Public Works Board Member.
- Cal Cities State Economic Development Board Member
- Cal Cities State Housing Committee Board Member.
- Cal Cities State Marijuana Committee Member.
- PLANJPA Executive Board Member.
- City of San Luis Obispo Architectural Review Commissioner.
- City of Tustin Recreation & Parks Commissioner.
- Cal Poly Athletic Fund Board Member.
- San Luis Obispo Downtown Economic Development Board Member.
- Association of General Contractors Legal Advisory Board Member.
- National Legal Network and the College Legal Clinic Member.

ROBERT W. SCHULTZ

December 10, 2022

References

Current Los Gatos Council Member Maria Ristow – (408) 307-7775

Current Los Gatos Council Member Marico Sayoc – (408) 679-9835

Former Los Gatos Mayor and Council Member Steve Leonardis – (408) 813-3098

Former Los Gatos Mayor and Council Member Barbara Spector - (408) 781-5213

Former Los Gatos Mayor and Council Member Marcia Jensen - (408) 656-9280

Former Los Gatos Mayor and Council Member Joe Pirzynski - (408) 356-3924

Current Morro Bay Mayor Carla Wixom – (805) 441-7057

Former Morro Bay Mayor Rodger Anderson – (805) 441-8756

Former Morro Bay Mayor and Council Member Janice Peters – (805) 459-9379

Former Morro Bay Mayor Cathy Novak – (805) 441-7581

Former Morro Bay Council Member Nancy Johnson – (805) 801-8112

Current Pismo Beach Council Member Mary Ann Reiss – (805) 709 -6296

SLO City Attorney and Colleague at H &A Christine Dietrich – (805) 540-8281

Pismo Beach City Attorney Dave Fleishman and Colleague at H&A - (213) 626-8484

Please let me know if there is any additional information or references you need.

Re: District Counsel Position

Robert Schultz <attorneyinslo@gmail.com>

Mon 12/12/2022 11:10 AM

To: Gwen Kellas <gkellas@sansimeoncsd.org>

Cc: Charlie Grace <cgrace@graceenviro.com>; San Simeon CSD <admin@sansimeoncsd.org>

Good Morning Chair Kellas,

I certainly understand the challenges that San Simeon Community Services faces in trying to select District Counsel that is the most qualified and cost-effective. If you review the legal services that I provided for 15 years as District Counsel, you will find that I delivered high quality legal services in a timely fashion and at an affordable cost.

I am willing to discuss and negotiate either a Fixed Retainer Rate or an Hourly Rate. A Fixed Retainer Rate provides the added benefit of allowing the District to know each year the amount to budget for legal services. For discussion purposes, I would propose a monthly retainer in the amount of \$5,500 for all General Counsel legal services. Alternatively, I can bill straight by-the-hour for General Counsel legal services at a rate of \$190 per hour.

General Counsel legal services includes:

1. Routine legal advice, consultation, and opinions to the District and staff; and
2. Assistance in the preparation and review of agendas for all Board and Committee Meetings; and
3. Draft and Review of agreements, contracts and related documents, forms, notices, and other documents required by the District; and
4. Attendance, in-person or via video or teleconferencing, all Board and Committee Meetings; and
5. Preparation and Attendance at all 3rd party Administrative Agency hearings and meetings; and
6. Monitoring pending and current state and federal legislation and case law as appropriate; and
7. Coordinating the work of outside legal counsel as needed and as directed by the Board and General Manager.

Litigation Legal Services would not be included in my General legal services agreement. This eliminates any conflict of interest and allows the Board to decide whom to hire as outside legal counsel.

Robert Schultz

On Mon, Dec 12, 2022 at 9:23 AM Gwen Kellas <gkellas@sansimeoncsd.org> wrote:

Good morning,

A follow up to my VM; please send a price sheet. I plan to green sheet your information and one other attorney's information then add it as an emergency item at the Board meeting tomorrow. Please plan to attend. You will find the Board Packet and dial in information here: <https://sansimeoncsd.org/board-meetings/>

Thank you,
Gwen Kellas
805-857-2646

From: Robert Schultz <attorneyinslo@gmail.com>

Sent: Sunday, December 11, 2022 9:46 AM

To: Gwen Kellas <gkellas@sansimeoncsd.org>

Cc: Charlie Grace <cgrace@graceenviro.com>; San Simeon CSD <admin@sansimeoncsd.org>

Subject: Re: District Counsel Position

Proposal from White Brenner LLP



Proposal to Provide Legal Counsel Services – San Simeon Community Services District

May 24, 2022

Presented By:

White Brenner LLP

1414 K Street, 3rd Floor
Sacramento, CA 95814

Telephone: 916.468.0950
Fax: 916.468.0951

Firm Background

White Brenner LLP is pleased to present this proposal to provide General Counsel Services to the San Simeon Community Services District (“District”). Our attorneys practice virtually every legal specialty that would be of interest to the District, providing full-service advice and counsel to our clients and, if selected, to the San Simeon Community Services District. The Firm is uniquely qualified and prepared to deliver the highest quality legal services at competitive rates.

Firm Description

White Brenner LLP is a law firm with deep roots in California. Based in Sacramento, we have a particular focus on sound public policy. Our lawyers and lobbyists work in the areas of government relations, regulatory, municipal, special districts, political, ethics and conflicts of interest, real estate and land use, environmental and natural resources, water, litigation, and more. We are recognized for our expertise in highly specialized areas not commonly found at other firms. We diligently represent private businesses, cities, counties, and special districts. Our partners have years of experience at some of the largest global and national law firms, including Greenberg Traurig, Littler Mendelson, and Stoel Rives.

The attorneys at White Brenner LLP take great pride in their work, producing powerful solutions to the most complex legal issues. White Brenner LLP clients also benefit from attorneys who are thought leaders and deal makers that bring a common sense approach to the practice of law. We focus on results, while providing exceptional client service and helping our clients navigate across complexities that are unique to California. Whatever the context, most businesses, municipalities, or governmental bodies are in a perpetual cycle of growing, strengthening, or defending their business. White Brenner LLP has the expertise to provide clients with the leadership, advocacy, and creative solutions they need to be successful.

Values

What sets a law firm apart from all others? Its culture, its brand, and its commitment. White Brenner LLP delivers on its commitment to clients and to the people that work so hard to deliver exceptional service and value to clients each and every day. What makes White Brenner LLP unique is that we don’t just write down values and ignore them when things get tough or when following them earns us less money. We honor them. We live by them.

Our values serve as a framework for our firm and guide every aspect of our business strategies. We believe that if we continue to honor these values, we will continue to accomplish our goal of being a leading provider of highly sophisticated, government-related legal services. Our attorneys and professionals work for the Firm because they enjoy

delivering high level, creative legal work with a true commitment to our clients and the communities we represent.

Diversity

At White Brenner LLP, diversity is an essential part of our firm identity. We are committed to fostering an inclusive community of professionals of all races, religions, genders, sexual orientations, and family structures. We see our individual differences as an asset that enhances the quality of life for each of us and strengthens what we can accomplish as a firm. We believe our success is directly attributable to the unique skills, talents, and viewpoints contributed by attorneys from a variety of different backgrounds and beliefs. The groundbreaking work we handle at White Brenner LLP benefits from our diversity.

White Brenner LLP works hard to create a workplace that allows our attorneys, paralegals, and staff to transcend differences and value similarities to ensure we provide our clients with a distinctive level of client service.

Scope and Location

Throughout our eight years of operation, the Firm has been proud to represent a range of public interests across the state. The Firm proudly serves as City Attorney or Special Counsel to the cities of Angels, Atwater, Ceres, Dixon, Livingston, Newman, Oakdale, Patterson, Riverbank, Sonora, Turlock, and San Bruno, to name a few. The Firm also serves as General Counsel or Special Counsel to the California Electronic Recording Transaction Network, the San Miguel Community Services District, Grizzly Flats Community Services District, Westley Community Services District, Rio Linda-Elverta Community Water District, Marina Coast Water District, Fort Ord Reuse Authority, Georgetown Divide Public Utility District, Reclamation District 799, Nevada Irrigation District, and Riverbank Local Redevelopment Authority, among others. In addition, our attorneys are often hired by other prominent public and municipal law firms seeking assistance with complex litigation, transactions, and regulatory compliance matters.

Legal Name and Address

White Brenner LLP
Established: 2013

1414 K Street, 3rd Floor
Sacramento, CA 95814

Telephone: 916.468.0950
Fax: 916.468.0951

Qualifications & Specializations

White Brenner LLP works collectively as a team to offer a range of services for the benefit of our clients, and the District will benefit from the full resources of the Firm. In addition to the proposed General Counsel, the firm's other partners and associates are highly trained and qualified in a wide range of legal areas. Below is a list of the firm's areas of expertise and the attorneys that practice in each area.

- Public Law (municipal and special districts): Douglas White, Barbara Brenner, Nubia Goldstein, Tom Hallinan, Joshua Varinsky, Andrew Doan
- Water (rights, quality, rate setting): Barbara Brenner, Kerry Fuller
- Employment and Labor Law: Douglas White, Nubia Goldstein, Debra Hinshaw Vierra, Erin Dervin
- Litigation: Barbara Brenner, Nubia Goldstein, Erin Dervin, J. Scott Miller
- Environmental and Natural Resources: Barbara Brenner, Kerry Fuller
- Land Use: Douglas White, Barbara Brenner, Nubia Goldstein, Joshua Varinsky
- Administrative and Regulatory: Barbara Brenner, Nubia Goldstein, Erin Dervin
- Ethics and Conflicts of Interest: Douglas White, Nubia Goldstein, Kerry Fuller, Andrew Doan
- Legislative Advocacy: Randy Pollack, Elisabeth White, Nubia Goldstein

Relevant Prior Experience

White Brenner LLP is well-versed in the laws that regulate public agencies in the State of California. In order to provide the best service to our clients, our attorneys stay up-to-date on current general municipal and public law issues and trends that affect public agencies, including changes to the Ralph M. Brown Act, California Public Records Act, Political Reform Act, and other relevant statutes. The Firm has a pulse on emerging case law and regulations that may impact local government entities in areas including local ordinances and resolutions, code enforcement, real estate, land use and planning, environment and natural resources, CEQA/NEPA, water law, general plans, administrative law, employment and personnel matters, Proposition 218, ethics, and conflicts of interests. The firm rounds out the legal services offered to clients by providing governmental affairs and lobbying services at the state capitol.

As City Attorneys and General Counsel to cities and public agencies across the state, our attorneys regularly provide day-to-day legal advice and counsel on transactional and litigation matters. That advice and counsel includes, but is not limited to, issues related to regular Board meetings, as well as other special meetings; the Ralph M. Brown Act and CPRA; election law; the Political Reform Act and conflicts of interest; public contracts and

prevailing wage compliance; environmental issues, including CEQA, NEPA, the Endangered Species Act, and toxic substances; natural resources issues; planning, building, and development matters; employment law matters, including termination, discrimination, disciplinary actions, and labor negotiations; and litigation.

In addition to the firm's legal counsel services, below is a sampling of services that we provide to clients of similar industry and interests as the District. These projects and abilities demonstrate not only our attorneys' qualifications to provide the requested scope of services, but also the expertise to assist with almost any other legal need the District may have.

- The firm currently represents public agencies in nearly every aspect of general municipal service:
 - Project Negotiation – Economic development (negotiated with developers of a Restoration Hardware Distribution and an Amazon Fulfillment Center to facilitate development of the warehouses under existing entitlements)
 - Public Works – Wastewater treatment (successfully represented City of Dixon in financing new \$40 million treatment facility, Proposition 218 rate setting, and defending taxpayer litigation)
 - Litigation – CEQA (successfully represented the City of Riverbank in a CEQA litigation matter, which resulted in a \$4,000,000 settlement awarded to the city)
 - Land Use – Local Agency Formation Commission (“LAFCO”) annexations (represented the cities of Patterson, Oakdale, Riverbank and Newman in significant annexations and sphere of influence modifications before the Stanislaus County LAFCO)
- The firm understands the District's business, from rate setting to environmental compliance:
 - Every Proposition 218 proceeding involving our firm has been successfully completed
 - Real Estate (assisting with easements, purchase and sale agreements, licenses, and LAFCO approvals)
 - CEQA/NEPA (representing cities and special districts to obtain state and federal approvals)
 - Water Use planning from groundwater management issues to evaluation of surface supply water rights and planning

- Our proximity to the state capitol, coupled with in-house advocacy attorneys, provides the District with better access to policymakers; and
- Our 13 attorneys currently represent about 30 cities and special districts throughout the state. We are well seasoned to work collaboratively to address the District's needs.

Finally, as part of our commitment to providing exceptional service to its clients, White Brenner LLP is an active member of several public law organizations and associations, such as California Special Districts Association and Association of California Water Agencies, as well as other similar organizations.

Experience

Our attorneys are experienced in handling nearly every matter that may affect or be of interest to the District. Below is an overview of some of the firm's areas of expertise, accomplishments, and previous experiences that benefit municipal clients:

General Counsel

Our attorneys assist clients in successfully maneuvering through legal complexities and governmental mandates. Serving as General Counsel to several public agency clients, our attorneys regularly provide day-to-day legal advice and counsel on transactional and litigation matters, including but not limited to the following areas:

- General Counsel services at board meetings, as well as other special meetings as requested;
- Public law;
- The Ralph M. Brown Act and Public Records Act;
- Election law;
- The Political Reform Act and conflicts of interest;
- Public contracts, including professional consultants, public works and commercial services, and prevailing wage compliance;
- Planning, building, and development matters; and
- Litigation.

Litigation

Among the variety of matters that the firm's litigation attorneys have worked on are cases involving the Brown Act, the Public Records Act, water resources and quality, CEQA, fee and rate challenges (including Proposition 218), hazardous materials and toxic clean-up, real estate, labor and employment matters, public contracting and bidding disputes, equal protection claims, civil rights claims and First Amendment issues, and more. White Brenner LLP's litigation attorneys practice in the federal and state courts, at both the trial and appellate levels.

Examples of a few key cases argued by the firm's proposed General Counsel are:

- Successfully represented the City of Dixon in a pre-election challenge to two initiatives filed by a local taxpayer association on the basis the initiatives were unconstitutional and beyond the power of the electorate. By prevailing against the local tax payer group, the City of Dixon was able to move forward with increasing its sewer rates to comply with a state regulatory mandate in order to protect the City's

groundwater from contamination and implement a wastewater solution for the next generation.

- Successfully represented the City of Patterson in a decade-long dispute against members of the Patterson Hotel Associates, LLC (PHC). Following several years of litigation, the three-week trial stemmed from the city's claim for unpaid taxes in the amount of \$237,000 and PHC's various cross claims for approximately \$4,000,000. The court found in favor of the city for all taxes owed, plus interest, and nothing owed by the city to PHC. Since the city was the prevailing party, the city was also awarded attorneys' fees and costs.
- Successfully represented the City of Riverbank in a CEQA litigation matter, which resulted in a \$4,000,000 settlement awarded to the city. This case was featured in the California Journal's Top Plaintiff Settlement and Verdicts.

In addition to general litigation, the firm provides guidance on procedural and substantive responses to claims against public entities and employees under the California Government Claims Act. Our experience generally involves the defense of public entities and public employees. We utilize defenses based on claims procedures, late claims, general and specific immunities of public entities and employees, and laws regarding dangerous conditions on public property. Our attorneys will vigorously defend the District. We have a thorough understanding of liability theories and the applicable immunities that can be claimed.

Our litigation attorneys are also extremely familiar with insurance law. Several attorneys at White Brenner LLP have significant experience in insurance litigation. In addition, the firm often coordinates with Joint Powers Insurance Agencies (JPIA) and risk management authorities to resolve claims in the most expeditious and cost-effective manner for our clients. We have worked with JPIA outside counsel to assist in the defense of basic tort and wrongful termination claims, for example.

Environmental

White Brenner LLP understands the dual responsibility of protecting our unique and valuable natural resources while continuing to progress as a society. As such, our attorneys have worked consciously to develop a deep expertise in all aspects of environmental law, with a particular emphasis on California's unique regulations and requirements.

White Brenner LLP represents clients in environmental permitting, regulatory compliance, enforcement and litigation, business transactions, and legislative advocacy that involve environmental problems or risks. Whether the project involves water quality, compliance with CEQA and NEPA or the California Coastal Act, or matters involving air quality, hazardous

waste, asbestos, and the California and Federal Endangered Species Acts, the firm has led private and public clients to a successful outcome. We assist clients with due diligence requirements, site audits, site remediation, and cost recovery. The environmental and natural resources practice at White Brenner LLP includes working with the California Environmental Protection Agency, U.S. Environmental Protection Agency, U. S. Bureau of Land Management, California Department of Toxic Substances Control, California Air Resources Board, California State Water Resources Control Board, and Regional Water Quality Control Boards.

Our attorneys assist both private and public clients through all aspects of CEQA. We assist with pre-project planning and strategy before CEQA is triggered to minimize costs and maximize environmental protection. Our attorneys are proficient at reviewing and preparing notices of exemption, initial studies, negative declarations, findings, and statements of overriding considerations, addenda, and mitigation monitoring and reporting plans. We are also experts at writing and editing environmental impact reports to fully comply with CEQA's requirements. If a legal challenge should arise, our CEQA lawyers are skilled in the procedural and substantive complexities of litigating a CEQA case, including the short statutes of limitations, administrative record requirements, and unique briefing, and oral argument trial. Similarly, we have experience in dealing with issues presented by NEPA. Our attorneys assist both private and public clients through the entire NEPA procedural process and document preparation, as well as through any subsequent litigation.

The firm also advises clients on acquisitions, sales, and exchanges of various natural resources, such as timber, minerals, water, and other natural resources. We advise clients on the development of renewable energy projects, such as hydroelectric, solar, wind, and biomass from site acquisition to resource management and local, state, and federal approvals. The attorneys at White Brenner LLP have expertise in water resource planning, endangered species regulations, and wetlands conversion and use. The firm's expertise in environmental and natural resources includes administrative hearings, appeals, and state and federal litigation.

We have assisted clients in complex enforcement issues requiring the application of overlapping general plan policies, ordinances, easements, and quasi-public enforcement of Covenants, Conditions & Restrictions.

Utility (Electric & Water)

White Brenner LLP specifically focuses on representing water districts, special districts, and cities that operate public water systems. We understand the benefit of developing long-term solutions that can successfully adapt to new and proposed state and federal laws and regulations related to water quality and water rights. One of the firm's partners, Barbara

Brenner, is a well-known figure in the water law community, with over 25 years of experience. Ms. Brenner leads our water rights and water quality practices, which include permit proceedings, regulatory compliance, legislative assistance, and state and federal litigation. White Brenner LLP's water rights team assists in difficult matters involving water rights, supply, use, distribution, and policy. Our attorneys represent clients of all ranges, from small homestead owners, to cities and water districts and large companies, in matters involving riparian, appropriative, and overlying water rights.

Our attorneys have represented clients before state and federal water resources agencies, environmental regulators, and other governmental agencies. We have a strong reputation and bring excellent working relationships with state and federal agencies to the table. Although we emphasize communication and negotiation in resolving conflicts, litigation and water rights adjudications are sometimes the only effective means of protecting our clients' interests.

We have represented clients in proceedings before the State Water Board and Regional Water Quality Control Boards, in matters involving conflicts between junior and senior water users, conversion of minimum stream flows to in-stream water rights, transfers and sales of existing water rights, and conflicts between hydroelectric power use and municipal water use.

The long-term viability of the clients we serve is paramount to us. Accordingly, we help clients develop long-range management plans to ensure that they have the water needed to remain viable and that they meet obligations under state and federal laws, including the California Water Code, the Clean Water Act, state and federal endangered species laws, and the Warren Act. Such efforts include water transfers, acquiring and protecting water rights, and regional planning. In addition, water users in California face challenges beyond the acquisition of water rights, such as meeting the demands of constantly changing environmental regulations. White Brenner LLP is ready to assist small and large water users and landowners in order to meet these permitting, regulatory, and long-term planning challenges.

Proposition 218 Issues

The firm has extensive experience assisting municipal providers and special districts in compliance with Proposition 218. Our attorneys oversee the review of rate studies, resolutions and ordinances, notice and hearing requirements, and subsequent litigation involving rate setting matters. To date, every Proposition 218 proceeding in which the firm has participated has been successful. White Brenner LLP has assisted the following clients in Proposition 218 proceedings: Amador Water Agency, Georgetown Divide Public Utility

District, Rio Linda-Elverta Community Water District, Grizzly Flats Community Services District, and the cities of Dixon, Riverbank, and Oakdale.

Due to the volume of the firm's Proposition 218 work, our municipal attorneys have reviewed existing and newly proposed tiered rate structures in response to the *San Juan Capistrano* case. Our attorneys also stay abreast of ongoing proposals by organizations and interest groups advocating for amendments to the California Constitution to provide greater flexibility for rate setting, in response to the *San Juan Capistrano* case.

Legal and Regulatory Compliance

White Brenner LLP attorneys are committed to staying at the forefront of legal developments, including pending and newly adopted legislation and regulations that directly affect our clients. In addition to regularly sending out complimentary e-alerts to clients on a variety of relevant topics, including new and ongoing legislation, court rulings, and both weekly and annual updates from the state capitol, we also provide several other cost-effective resources to clients.

Attorney Qualifications

Douglas L. White - Partner

Our Firm is committed to proposing the most qualified attorneys to meet the needs of each client. Mr. White is the Firm's Managing Partner, and his practice focuses on every aspect of municipal law, including the Brown Act, Public Records Act, Political Reform Act, Elections Code, Proposition 218, real estate, land use, planning, and redevelopment law. His clients include numerous cities and special districts. He has specific expertise in land use entitlements and project approvals, environmental reviews, real estate contracts and commercial transactions, leasing, building and project certifications, project financing, eminent domain, public contracting, and regulatory and governmental affairs. In addition to his municipal work, Mr. White has also successfully represented public and private clients in high-profile litigation matters and has obtained favorable judgments and settlements, including a \$4,000,000 settlement for the City of Riverbank in a CEQA litigation matter.

Mr. White currently serves as City Attorney for the cities of Angels Camp, Dixon, and Sonora; serves as General Counsel for the San Miguel Community Services District; and serves as Deputy City Attorney for the cities of Ceres, Livingston, Oakdale, Patterson, and Riverbank. He also provides Special Counsel services for a number of other cities. He advises public entities and officials on issues pertaining to the Brown Act, Political Reform Act, Public Records Act, public contracting, code enforcement, and other municipal and public law matters.

Prior to joining White Brenner, Mr. White served as legal counsel and Vice President of Government Affairs for the California Bankers Association, legal staff for the Fair Political Practices Commission, and Chief of Staff, Legislative Director, and a consultant to various elected officials, including former Congressman Dennis Cardoza and former State Superintendent of Public Instruction Jack O'Connell.

Mr. White has been recognized as one of the leading attorneys in the United States on issues related to renewable energy and sustainability and been named by the California Real Estate Journal as one of California's Green Leaders. He has been selected as a Northern California Super Lawyer by *Super Lawyers Magazine* and been featured as a speaker and moderator at state and national conferences. Mr. White is an AV Rated attorney by Martindale-Hubbell and has been honored by his peers as Best of the Bar by the Sacramento Business Journal every year since 2014.

Attorney Name:	Douglas L. White
Areas of Expertise:	Municipal, Land Use, Real Estate
Education:	J.D., McGeorge School of Law, 1998 B.A., University of California, Davis, 1995
Date of Admittance to the California State Bar:	5/2000
Years of Practice:	20+
Employment History:	White Brenner LLP (formerly Churchwell White LLP), 2013-Present DL White Law Group, 2011-2013 Weintraub Tobin, 2010-2011 Greenberg Traurig LLP, 2009 Hoge Fenton Jones & Appel, 2007-2008
Scholastic Honors and Professional Affiliations:	Member, California State Bar, Real Estate Section Member, California State Bar, Environmental Section Former licensed Real Estate Broker
Municipal and Public Sector Experience:	<ul style="list-style-type: none"> • 20+ years of Local Government Experience • Current City Attorney for the cities of Angels Camp, Dixon, and Sonora • Deputy City Attorney for the cities of Ceres, Livingston, Oakdale, Riverbank, and Patterson • General Counsel to the San Miguel Community Services District • Mr. White has contributed to the California Municipal Law Handbook • Advises municipal clients on matters relating to land use and planning, development and redevelopment, real estate, and public contracting • Represents public clients in land use entitlements and project approvals, CEQA and NEPA, real estate contracts and commercial transactions, leasing, building and project certifications, and project financing • Successfully represented the City of Riverbank in a CEQA litigation matter, which resulted in a \$4,000,000 settlement awarded to the city. This case was featured in the Daily Journal's Top Plaintiff Verdicts and Settlements. • Successfully represented the City of Dixon in a pre-election challenge to two initiatives filed by a local taxpayer association on the basis the initiatives were unconstitutional and beyond the power of the electorate. By prevailing against the local taxpayer group, the City of Dixon was able to move forward with increasing its sewer rates to comply with a state regulatory mandate in order to protect the City's groundwater from contamination and implement a wastewater solution for the next generation.

Nubia I. Goldstein - Partner

Ms. Goldstein’s areas of practice include municipal law, litigation, eminent domain, and legislative advocacy. Ms. Goldstein serves as City Attorney for the cities of Newman and Patterson, and Deputy City Attorney for the cities of Angels Camp, Dixon, Ceres, and Sonora. She also advises the Firm’s public agency clients on issues related to the Brown Act, Public Records Act, Political Reform Act, Elections Code, Proposition 218, conflicts of interest, and personnel and employee negotiations. She represents the Firm’s public and private clients in all stages of litigation and alternative dispute resolution. She is a member of the Public Law section of the California State Bar, a member of the Hispanic National Bar Association, and a registered lobbyist. Ms. Goldstein is also fluent in Spanish.

In addition to handling day-to-day municipal matters for her clients, Ms. Goldstein has guided the Firm’s public clients through several high-profile litigation cases. On behalf of the City of Patterson (against Patterson Hotel Associates), the City of Dixon (against the Solano County Taxpayers Association) and Amador Water Agency (against the Howard Jarvis Taxpayers Association), she prevailed, receiving favorable decisions for all clients. Ms. Goldstein also assists the Firm’s clients with labor, personnel, and elections issues.

Prior to joining White Brenner, Ms. Goldstein gained legislative experience working at the State Capitol for a California Assemblywoman and political know-how while working on local election campaigns. She also built upon her governmental relations and legal experience at the California Attorney General’s Office, Fair Political Practices Commission, and the Department of Fair Employment and Housing. She also previously worked in the Civil Law and Motion Department of the Sacramento County Superior Court. The accumulation of all these experiences naturally led Ms. Goldstein towards municipal law as an intersection of politics, policy, and law.

Ms. Goldstein has been selected every year since 2015 to the Super Lawyers Northern California Rising Stars list for the areas of State, Local & Municipal, General Litigation, and Lobbying, as well as to *Sacramento Magazine’s* Top Lawyers list. She has also contributed to the *California Municipal Law Handbook*, California Special Districts Association’s *Sample Policy Handbook*, and has been published in *TYL*, a publication of the American Bar Association.

Attorney Name:	Nubia I. Goldstein
Areas of Expertise:	Municipal, Litigation, Legislative Advocacy
Education:	J.D., McGeorge School of Law, 2010 B.A., California State University, Sacramento, 2006
Date of Admittance to the California State Bar:	12/2010
Years of Practice:	10+

Employment History:	White Brenner LLP (formerly Churchwell White LLP), 2013-Present DL White Law Group, 2011-2013
Scholastic Honors and Professional Affiliations:	<ul style="list-style-type: none"> • Advocate, National Institute for Trial Advocacy (NITA) • Member, Hispanic National Bar Association • California Bar, Public Law Section • Recipient, Witkin Award for Excellence • Member, Traynor Honor Society • Outstanding Student Service Award, McGeorge School of Law • President and Executive Chair, McGeorge’s Public Legal Services Society
Municipal and Public Sector Experience:	<ul style="list-style-type: none"> • Current City Attorney for the cities of Newman and Patterson • Deputy City Attorney for the cities of Angels Camp, Dixon, Ceres, and Sonora • General Counsel for the California Electronic Recording Transaction Network • Special Counsel for City of Redwood City • 10 years of Municipal Law experience • Ms. Goldstein has served as a contributor and editor of the California Municipal Law Handbook • Advises municipal clients on issues pertaining to the Brown Act, Political Reform Act, Public Records Act, public contracting, code enforcement, and other municipal and public law matters • Successfully represented the City of Patterson in a decade-long lawsuit against members of the Patterson Hotel Associates, LLC (PHA). This three-week trial stemmed from the city’s claim for unpaid taxes in the amount of \$237,000 and PHA’s various cross claims for approximately \$4,000,000. The court found in favor of the city for all taxes owed, plus interest, and nothing owed by the city to PHA. Since the city was the prevailing party, the city was also awarded attorneys’ fees and costs. • Successfully negotiated fair monetary reimbursement to landowners subject to eminent domain claims by the West Sacramento Area Flood Control Agency • Successfully represented public and private clients in various ADR proceedings, including mediation and arbitration

The Firm works collectively as a team for the benefit of our clients, and the District will benefit from the full resources of the Firm.

Support Staff

In addition to the proposed team, White Brenner currently employs 2 paralegals and 3 certified law clerks who assist as needed.

Availability

The firm's office is open to the public during standard business hours. However, our attorneys understand that issues can arise outside of normal work days and hours. As such, our attorneys believe in being readily available to clients by both phone and email for urgent questions and in case of emergencies.

The firm does not foresee any current or future professional commitments that would hinder or interfere with our availability or service to the District.

Proactive Approach

Our attorneys are committed to staying at the forefront of legal developments. A benefit to having an active governmental relations group within the firm is their immediate involvement in the early stages of any and all legislation that may have a direct effect on our municipal clients. Our legislative advocates compile and send out a weekly report on pertinent legislative, executive, and regulatory news from the state capitol, as well as host a monthly meeting that all public agency clients can attend or call into to suit their busy schedules. Each winter we also provide an annual legislative and legal update summarizing legislation and case law that may affect public agencies in the coming year. In addition to our government relations communications, the firm also tracks and regularly sends out e-alerts to clients on a variety of relevant topics, including the latest water rights and quality regulations; Fair Political Practices Commission, ethics, conflicts of interests, and political updates; new and ongoing legislation; and major state and federal decisions.

Communication and Response Times

Communication is key to delivering exceptional client service. The firm believes that before taking significant action, it is imperative that we consult with our clients to keep them informed of major developments. The attorneys at White Brenner LLP believe in being readily available and accessible to their clients and are committed to providing whatever turn-around time is needed to meet each client's expectation. It is customary for attorneys to provide same-day response to all emails and phone calls, in the absence of an established expectation. District staff is encouraged to communicate with us on any issue that needs attention. We encourage our clients to share with us all expectations and concerns regarding our services during the course of our representation.

In order to facilitate communication and timely responses, the firm is committed to staying at the leading edge of technology. All attorneys at White Brenner LLP have smart phones, laptop computers, and state-of-the-art, highly-secure remote access to the firm's document management system and other critical software applications. Our office is equipped for

video and phone conferencing, which allow for direct and efficient communication and, in some cases, reducing the cost and hassle of travel. The firm prides itself on providing its attorneys and staff with the most recent technology available in order to support our commitment to being readily accessible to clients and providing clients with exceptional service.

Monthly Reporting

In addition to meetings and regularly scheduled check-in calls, White Brenner LLP routinely produces a monthly status report on all litigation matters handled or monitored by the firm. All non-litigated matters are also included, with the exception of assignments completed on short order, as including such matters would result in the report being out-of-date by the time it is generated. The firm would be willing to include those items if requested. The firm maintains a detailed internal task tracking database which tracks every assignment, ensuring timely completion.

Transmittal of Requests

District leadership should be actively involved in the strategy and management of your legal affairs, and our goal is to encourage candid and frequent communication between the District and our firm. District staff is encouraged to communicate with us directly on any issue or matter that you feel deserves attention and we will endeavor to respond promptly. In order for us to assist you effectively and efficiently, we assume that you will provide us with the factual information you have which relates to the subject matter of our agreement, and that you will make any appropriate business or technical decisions. In addition, we encourage you to share with us, at all times, your expectations and any concerns regarding our services during the course of our representation.

The firm can provide files electronically or via mail. Clients can upload and download documents and files of all types and sizes through the firm's secure client portal, which is accessed through our website by selecting "Login" at the bottom of the navigation bar or through the URL <https://whitebrennerllp.sharefile.com>.

Style of Interaction at Public Meetings

We do not believe there is a one-size-fits-all model as it relates to our style of participation in meetings. While we typically take a proactive approach in representing our clients' best interests, there are times when the more appropriate approach is to step back and manage a particular issue in a more reactive manner. Flexibility is key, and we focus on the needs of each client. Our commitment is to communicate early and often to ensure that our services are provided in a way that will exceed the District's expectations.

Clients

Not only does White Brenner LLP serve as General Counsel to several special districts, including Rio Linda-Elverta Community Water District, Georgetown Divide Public Utilities District, and Grizzly Flats Community Service District, but we also assist the firm's other public agency clients with water rights and acquisition, wastewater treatment, utility rate setting, and environmental compliance issues. This includes cities, such as Banning, Dixon, Patterson and Riverbank, as well as other special districts.

White Brenner LLP currently has clients of similar size and industry as the District.

Below is a list of the firm's past and current public agency clients. Additional information is provided where the firm has provided City Attorney, General Counsel, Administrative Hearing Officer, or similar services in the last five years:

- **Amador Water Agency**
2015-2019: providing special counsel services.
- **California Electronic Recording Transaction Network Authority**
2018-present: providing general counsel services.
- **City of Angels Camp**
2018-present: providing city attorney and special counsel services.
- **City of Atwater**
2018-2019: providing city attorney and special counsel services.
- **City of Benicia**
2016-present: providing special counsel services.
- **City of Ceres**
2014-present: providing city attorney and special counsel services.
- **City of Dixon**
2013-present: providing city attorney and special counsel services.
- **City of Fresno**
2013-present: providing special counsel services.
- **City of Livingston**
2021-present: providing city attorney and special counsel services.
- **City of Newman**
2013-present: providing city attorney and special counsel services.
- **City of Oakdale**
2013-present: providing city attorney and special counsel services, including municipal infraction prosecutions.
- **City of Oakland**
2013-present: providing special counsel services.

- **City of Orange Cove**
2013-2016: providing special counsel services.
- **City of Patterson**
2013-present: providing city attorney and special counsel services.
- **City of Redwood City**
2013-2018: providing special counsel services.
- **City of Riverbank**
2013-present: providing city attorney and special counsel services.
- **City of San Bruno**
2013-2016: providing general and special counsel services.
- **City of Santa Clara**
2017-present: providing special counsel services.
- **City of Sonora**
2016-present: providing city attorney and special counsel services.
- **City of Suisun City**
2017-present: providing special counsel services.
- **City of Turlock**
2019-2021: providing city attorney and special counsel services.
- **Del Paso Manor Water District**
2019-2021: providing general counsel and special counsel services.
- **Georgetown Divide Public Utility District**
2013-present: providing general counsel and special counsel services.
- **Grizzly Flats Community Services District**
2014-present: providing general counsel and special counsel services.
- **Knightsen Town Community Services District**
2019-present: providing general counsel services
- **Los Rios Community College District**
2017-present: providing general and special counsel services.
- **Marina Coast Water District**
2013-present: providing special counsel services.
- **Merced Irrigation District**
2013-present: providing special counsel services.
- **Nevada Irrigation District**
2017-present: providing special counsel services.
- **North Yuba Water District**
2017-2021: providing general counsel and special counsel services.
- **Port of Oakland**
2018: provided administrative hearing officer services
- **Reclamation District 799**
2016-present: providing general counsel and special counsel services.

- **Rio Linda-Elverta Community Water District**
2013-present: providing general counsel and special counsel services.
- **Riverbank Local Redevelopment Authority**
2013-present: providing general counsel and special counsel services.
- **San Miguel Community Services District**
2015-present: providing general counsel and special counsel services.
- **Westley Community Services District**
2014-present: providing general counsel services.

References

White Brenner LLP is proud to identify the following references, for which the firm currently provides services to, and that demonstrate our ability to provide the scope and complexity of services required by the District:

Reference 1

Jim Lindley, City Manager
City of Dixon
600 East A Street, Dixon, CA 95620
Phone: (707) 678-7000 ext. 1101
Email: jlindley@ci.dixon.ca.us
City Attorney: Douglas White

Reference 2

Sean Scully, City Manager (former City Manager for the City of Riverbank)
City of Lincoln
600 6th Street, Lincoln, CA 95648
Phone: (916) 434-2490 ext. 4

Reference 3

Ken Irwin, City Manager
City of Patterson
1 Plaza, Patterson, CA 95363
Phone: (209) 895-8015
Email: kirwin@ci.patterson.ca.us
City Attorney: Nubia Goldstein

Reference 4

Rob Roberson, Interim General Manager
San Miguel Community Services District
1150 Mission Street, San Miguel, CA 93451
Phone: (805) 467-3388
Email: rob.roberson@sanmiguelcsd.org
General Counsel: Douglas White

Additional references are available upon request.

Fees

Our firm understands the challenges public agencies face in trying to balance selecting a firm that is the most qualified with the firm that is the most cost-effective. White Brenner LLP combines both of these factors by implementing more cost-effective and efficient systems for delivering high quality legal services in a timely fashion and at an affordable cost. We believe the quality and depth of our experience and expertise is unmatched by any other firm, large or small.

During the interview process, our firm would welcome the opportunity to discuss a fee structure that would best suit the District's needs. Until then, White Brenner LLP proposes the following compensation arrangement. Below is an option for a fixed monthly retainer as well as an hourly fee structure for our public clients, which reflect our discounted rates for public clients.

Hourly Billing

The Firm can bill straight by-the-hour for General Counsel legal services. White Brenner bills at a blended rate for all legal professionals including attorneys, paralegals, and law clerks. Hourly time is billed in increments of 1/10 of an hour.

General Legal: Blended at \$175.00 per hour for all attorneys, paralegals, and law clerks

Special: Blended at \$250.00 per hour for all attorneys, paralegals, and law clerks

Cost Recovery: Blended at \$350.00 per hour for all attorneys, paralegals, and law clerks

The Firm does not charge for administrative professionals.

General Counsel Legal Services: Examples of the legal services that are considered general legal services include the following:

- Attendance at all scheduled City Council meetings and special meetings;
- Attendance, as requested, at Planning Commission or other City meetings;
- Routine legal advice, consultation, and opinions to the City and Staff;
- Preparation, review, and revision of staff documents, including, but not limited to, initiation of memorandums concerning legal issues, contracts, agreements, ordinances, resolutions, land use decisions on appeal, and staff reports;
- Monitoring pending and current state and federal legislation and case law as appropriate;

- Assistance in the preparation and review of agendas in preparation for City Council and Planning Commission meetings;
- Assistance in the preparation and review of ordinances, resolutions, agreements, contracts and related documents, forms, notices, certificates, deeds, and other documents required by the City;
- Consultation with the City or City's labor counsel regarding personnel matters, labor relations matters, litigation, and other matters;
- Coordinating the work of outside legal counsel as needed and as directed by the City Council or department heads.

Special Legal Services: Special legal services will be provided at the blended hourly rate of \$250.00. Special legal services include all litigation, water, complex real estate transactions, matters paid for by enterprise funds, complex environmental, and complex labor and employment services.

Reimbursable Services: Legal services provided to the City for which the City receives reimbursement (i.e., from a developer or other third party) will be billed at the blended hourly rate of \$350.00.

Reimbursements and Expenses

The firm makes no separate charge for secretarial or other administrative charges. Our fees include all routine word processing, secretarial, and office costs associated with the provision of legal services.

Reimbursement of costs advanced by us on behalf of the District, as well as other expenses, will be billed in addition to the amount billed for fees. These currently include, but are not limited to, automobile mileage at the authorized IRS rate, actual expenses away from our office on District business, long distance telephone calls, extraordinary photocopy charges at \$0.20/page, and any costs of producing or reproducing photographs, documents, and other items necessary for legal representation.

Travel Billed to the District

The firm will charge actual attorney travel time and mileage when our physical presence is requested at meetings and other events outside of regular meetings. Travel expenses for attendance at regular meetings will not be charged. Automobile mileage will be charged at the authorized IRS rate.

Monthly Itemized Billing

White Brenner LLP will provide the District with detailed monthly invoices for legal services performed and expenses incurred. Each monthly invoice reflects both fees for services rendered through the end of the prior month, as well as expenses incurred on the District's behalf that have been processed by the end of the prior month. Processing of some expenses may be delayed until the next month and billed thereafter. Fees are not contingent upon any aspect of the matter.

Our invoices for hourly services reflect the activity of each billing professional (attorney/clerk/paralegal) in detail as to the date, amount of time, nature of work performed, and cost. The invoices provide sufficient detail to track reimbursable legal expenses.

The firm can accept payment via check, ACH transfer, or credit card. However, please note that a 3.75 percent processing fee is attached to payments submitted via credit card by the third-party vendor. Payment is due within thirty (30) days after the date of our invoice.

Rate Increases

The firm's rates may be adjusted annually according to the All Urban San Francisco-Oakland-Hayward Consumer Price Index ("CPI").

Conclusion

White Brenner LLP is excited about this opportunity, and we would be pleased to provide General Counsel services to the San Simeon Community Services District. We encourage the District to focus on our qualifications, our commitment to the provision of quality legal services and exceptional service, as well as our ability to offer these services at the most cost-effective rates available. We hope that you will strongly consider offering us the opportunity to interview with the District so we can discuss our qualifications and experience in more detail.

Thank you for your consideration. If you require any additional information, please contact me at 916-468-0950 or at doug@whitebrennerllp.com.

Respectfully submitted,
WHITE BRENNER LLP

Doug White

Douglas L. White
Partner



Douglas L. White

Managing Partner

D 916.468.0947

doug@whitebrennerllp.com

EDUCATION

J.D., University of the Pacific,
McGeorge School of Law

B.A., University of California,
Davis

CA Bar Admission Date: 5/2000

Bar No. 206705

As a founding and managing partner of White Brenner LLP, Doug White has set himself apart as a widely respected thought leader and legal practitioner. Doug's "clients first" approach is focused in the areas of real estate, land use, municipal law and litigation. His diverse groups of clients range from cities, counties, special districts, and other public agencies to private developers, builders, lenders, professional associations, unions and business owners. Doug has vast experience in land use entitlements and project approvals, CEQA and NEPA, real estate contracts and commercial transactions, leasing, building and project certifications, project financing, eminent domain, public contracting and regulatory and governmental affairs.

Doug currently serves as the City Attorney for the cities of Angels Camp, Dixon, and Sonora, as well as Deputy City Attorney for the cities of Oakdale, Riverbank, Patterson, and Ceres, and is also special counsel for a number of other cities. Doug also serves as General Counsel to San Miguel Community Services District and Knightsen Town Community Services District. As both a City Attorney and General Counsel, he advises public entities and officials on issues pertaining to the Brown Act, Political Reform Act, Public Records Act, public contracting, code enforcement, and other municipal and public law matters. In addition to his municipal work, Doug has also successfully represented his public and private clients in high-profile litigation matters and has obtained favorable judgments and settlements.

Prior to forming White Brenner, Doug served as legal counsel and Vice President of Government Affairs for the California Bankers Association as well as legal staff for the Fair Political Practices Commission. Doug also benefits from his extensive political experience as Chief of Staff, Legislative Director and consultant to various elected officials, including former Congressman Dennis Cardoza and former State Superintendent of Public Instruction Jack O'Connell.

Doug has been recognized as one of the leading attorneys in the United States on issues related to renewable energy and sustainability and has been named by the *California Real Estate Journal* as one of California's Green Leaders. He has been selected as a Northern California Super Lawyer by *Super Lawyers Magazine* and been featured as a speaker and moderator at state and national conferences. Doug is an AV Rated attorney by Martindale-Hubbell and has been

honored by his peers as Best of the Bar by the *Sacramento Business Journal* every year since 2014.

Doug is not only an innovative leader in his field, but also in the office. As managing partner, he leads by example, incorporating his business experience and technological know-how into ensuring White Brenner remains at the forefront in providing exceptional legal services to its clients.

Significant Projects and Representations:

- As the City Attorney, represents the cities of Angels Camp, Dixon, and Sonora in all municipal and legal matters
- Deputy City Attorney for the cities of Ceres, Oakdale, Patterson, and Riverbank
- Facilitated the development of the Restoration Hardware distribution center in the City of Patterson, which is expected to generate over 350 new jobs for the City
- Guided the City of Patterson's efforts in processing the necessary city approvals for a project consisting of a 120-acre business park, expected to bring over 1,000 new jobs to the City
- Responsible for the planning of a 1,100 acre industrial and commercial business park for the City of Patterson
- Assists cities in the preparation and evaluation of general and specific plan updates and adoptions
- Represented the City of Riverbank in CEQA litigation, resulting in a \$4M settlement for the city
- Successfully mediated and settled litigation cases on behalf of both private and public clients

Professional Honors and Activities:

- Member, California State Bar, Real Estate and Environmental Sections
- Member, Sacramento County Bar Association

- Selected by his peers for inclusion in *The Best Lawyers™ in America* 2021 Edition, Real Estate Law
- Northern California Super Lawyer
- Top Lawyer, *Sacramento Magazine*



Nubia I. Goldstein

Partner

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EDUCATION

J.D., University of the Pacific,
McGeorge School of Law

B.A., California State University,
Sacramento

CA Bar Admission Date: 12/2010

Bar No. 272305

LANGUAGES

Spanish (fluent)

If Nubia Goldstein's career seems perfectly tailored towards municipal law, that's because it is. From majoring in Government at California State University, Sacramento to choosing Public Law and Policy as her academic focus at the University of the Pacific, McGeorge School of Law, Nubia has developed a background in politics and policy that continually influences her diverse public agency work today.

As part of the White Brenner LLP team, Nubia's areas of practice include real estate and land use, litigation, eminent domain and legislative advocacy. Nubia serves as City Attorney for the cities of Newman and Patterson and Deputy City Attorney to the cities of Angels Camp, Dixon, and Sonora, as well as General Counsel to the California Electronic Recording Transaction Network Authority (CeRTNA). She advises White Brenner LLP's municipal and special district clients on issues related to the Brown Act, conflicts of interest, election law and land use matters. She represents the firm's public and private clients in all stages of litigation, mediation and alternative dispute resolution. She is a member of the Public Law section of the California State Bar, a member of the Hispanic National Bar Association, and a registered lobbyist.

Before entering law school, Nubia gained both legislative experience working at the Capitol for a California Assemblywoman and political know-how while working on local election campaigns. The time spent staffing bills and communicating with constituents and lobbyists naturally carried over to her desire to practice law. While at McGeorge, Nubia participated in several student organizations and served as President and Executive Chair of McGeorge's Public Legal Services Society. In addition to graduating with distinction, she earned the Witkin Award for Excellence in two courses, was admitted to the Traynor Honor Society, and received the Outstanding Student service Award for her significant contributions to the McGeorge community.

Outside of her academic honors, Nubia built upon her governmental relations and legal experience at the California Attorney General's Office, Fair Political Practices Commission, and the Department of Fair Employment and Housing. She also previously worked in the Civil Law and Motion Department of the Sacramento County Superior Court. The accumulation of all of these experiences naturally drew Nubia towards municipal law as an intersection of politics, policy, and law.

Significant Projects and Representations:

- Representing the City of Patterson in all aspects of litigation with local developers
- Representing local business owners in obtaining entitlements for emerging industries
- Advising public agency clients in evaluating compliance with California and federal election laws
- Represented the City of Patterson in litigation regarding environmental and permit conditions related to storm drainage
- Assisting the City of Newman in developing an urban growth boundary
- Representing solar developers in obtaining entitlements and drafting contracts related to large-scale photovoltaic systems
- Represented the City of Riverbank in CEQA litigation, resulting in a \$4M settlement for the city

Professional Honors and Activities:

- Member, Hispanic National Bar Association
- Registered Lobbyist
- President and Executive Chair of McGeorge's Public Legal Services Society
- Recipient of the Witkin Award for Excellence
- Member of the Traynor Honor Society
- Recipient, Outstanding Student Service Award
- Contributor and reviewer, California Municipal Law Handbook
- Contributor and reviewer, California Special District Association's Sample Policy Handbook
- Selected for inclusion as a Super Lawyers Rising Star

- Best of the Bar, *Sacramento Business Journal*
- Top Lawyers, *Sacramento Magazine*
- Selected Participant, Latina Commission 2017 Leadership Academy, Hispanic National Bar Association
- Designated National Institute for Trial Advocacy Training (NITA) Advocate



Barbara A. Brenner
Partner

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EDUCATION

L.L.M., Pace University School of Law

J.D., University of the Pacific,
McGeorge School of Law

B.A., Sonoma State University

CA Bar Admission Date: 12/1989

Bar No. 142222

Barbara A. Brenner is a partner of White Brenner LLP with extensive experience in the areas of natural resources, environmental, land use, energy and municipal law. Prior to joining White Brenner, Barbara was formerly a partner at Stoel Rives LLP, practicing in their natural resources and environmental group as well as land use. As a leader of the White Brenner team, Barbara advises public and private clients in permitting, regulatory compliance, transactional and litigation matters involving water resources, water quality, endangered species, land use, energy, eminent domain and general municipal matters.

In the area of water resources, Barbara has extensive experience with the protection and acquisition of water resources, water contract interpretation and negotiations, water supply planning and assessments, aquifer storage and recovery, water transfers and water quality. Barbara's in-depth experience in water law allows her to represent water districts and other purveyors, growers, ranchers, and other rural landowners, as well as various industry clients, including those involved in the agricultural, timber, renewable energy, and land use and development sectors that are addressing California's myriad of water supply and quality challenges.

Within her natural resources practice, Barbara assists clients with the state and federal Endangered Species Acts, wetlands, land conservation permitting, and related litigation. She has assisted private and public interests with the evaluation of Habitat Conservation Plans, Natural Community Conservation Plans, Biological Opinion consultations, California Incidental Take Permits, 404 individual permits, timber harvest plans, and conservation easements.

Barbara's land use practice includes representing private land owners, developers, and public agencies in matters involving local government planning and zoning, Coastal Act permitting, CEQA and NEPA compliance, Clean Water Act compliance, land development strategy, eminent domain and related litigation.

Barbara's municipal practice includes serving as general and special counsel to special districts, joint power agencies, cities, and counties. Barbara regularly advises on compliance with the Brown Act, Public Records Act, Public Contract Code, as well as various other laws impacting public agencies.

Significant Projects and Representations:

- Lead counsel for an irrigation district through the federal and state entitlements for the development of a water banking project, including state and federal endangered species consultation
- Assisting a biomass project through the land use permit approval process involving CEQA compliance and air permitting including subsequent legal challenges to the favorable permits obtained
- Represented a private enterprise in the development of a unique water project in Northern California involving a number of regulatory agencies, permits, administrative hearings, and litigation (CalFed In-Delta Storage Project)
- Represented City in its damage claim resulting from California Department of Fish and Game's pike eradication program at Lake Davis
- Special Counsel to City for conjunctive use program
- Lead endangered species counsel for a variety of solar and wind projects

Professional Honors and Activities:

- Member, American Bar Association, Natural Resources, Environmental and Litigation Sections, 1984-Present
- Member, Agribusiness Subcommittee Business Law Section, State Bar of California, 2011-Present
- Member, Referendum Review Committee, California Women Lawyers
- Member, Legal Committee, Association of California Water Agencies, 2010-2012
- Member, Federal Committee, Association of California Water Agencies, 2007-2009
- Member, California Building Industry Association
- Member, American Council of Engineers of California, Water Resources and Land Use Planning Committees

- Board Member, Placer Land Trust
- Selected by her peers for inclusion in *The Best Lawyers™ in America* 2018-2021 Editions, Environmental Law and Natural Resources Law
- Northern California Super Lawyer
- Martindale-Hubbell® DistinguishedSM Rated
- Top Lawyers, *Sacramento Magazine*



Randy Pollack

Partner

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EDUCATION

J.D., University of the Pacific,
McGeorge School of Law

B.A., State University of
New York, Buffalo

MEMBERSHIPS

State Bar of California, 1987

New York State Bar, 1988

Randy Pollack specializes in developing and directing government and regulatory affairs strategies through lobbying, political grassroots, public relations efforts and organizing industry coalitions. He regularly represents businesses and trade associations before the California Legislature, the executive branch and state agencies.

Randy has served as the lead lobbyist on issues involving chemical policy, dietary supplements, consumer packaging, cosmetics, privacy, financial, education and agricultural issues. Additionally, he has extensive knowledge in working with the California Department of Food & Agriculture, Cal-EPA, Department of Health Services, Consumer Services Agency and various other agencies to resolve issues on behalf of his clients. In a November 2009 survey, California Legislators voted Randy as the “Most Underrated Lobbyist” working at the Capitol—a testament to the effective and pragmatic approach he employs on behalf of his clients.

Before joining White Brenner LLP, Randy established his own company focusing on legislative and regulatory affairs. Prior to that, Randy was a shareholder of a national law firm where he directed legislative and regulatory strategies for Fortune 500 companies and trade associations. Randy’s 25 years of government experience include serving as Chief Deputy Legal Affairs Secretary to former Governor George Deukmejian, where he counseled the Governor and senior staff on a variety of legal, public policy and legislative issues. As chief consultant to the Assembly of Agriculture Committee, he oversaw issues affecting California’s \$20 billion agricultural industry. In addition, Randy served as legal advisor to the California Public Employment Relations Board.

Significant Projects and Representations:

- Represented dietary supplement companies in defeating legislation that would have placed onerous requirements on dietary supplement manufacturers to place on the label the country of origin of every ingredient.
- Represented a trade association in passing legislation that will make it easier for self-storage facility operators to run their businesses more effectively and efficiently by streamlining procedures in the operation of their businesses.

- Represented a California direct seller in passing legislation that makes it easier for companies who are exporting products to other countries to obtain approval by the California Department of Public Health in an expedited manner.
- Represented a data management company in defeating legislation that would have made it difficult for businesses to market consumers through online ads.