

Special Meeting
August 21, 2020
6:00 p.m.



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NOTICE OF SPECIAL MEETING OF BOARD OF DIRECTORS

August 21, 2020

Right to be heard: Members of the public have a right to address the Board directly on any item of interest to the public that is within the subject matter jurisdiction of the Board, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2.

Please Note: If you have comments on a specific agenda item(s), please fill out a comment card and return it to the Board Secretary. The Board President will call on you for your comments at the appropriate time, either before or during the Board's consideration of that item.

If you require special accommodations for attendance at or participation in this meeting, please notify our office 24 hours in advance at (805) 646-2114 (Govt. Code Section 94594.1 and 94594.2 (a))

In accordance with California Executive Order N-29-20, Section 3: A local legislative body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. A physical location accessible for the public to participate in the teleconference is not required.

**CLOSED SESSION SPECIAL MEETING VIA TELECONFERENCE - JOIN
INFORMATION PROVIDED TO DIRECTORS ONLY.**

Meeting Link: <https://global.gotomeeting.com/join/489125893>

United States (Toll Free): [1 866 899 4679](tel:18668994679)

Access Code: 489-125-893

The meeting will be called to order at 6:00 p.m.

1. Roll Call

2. Approval of Minutes – No minutes to approve.

3. Public Comments

The Board will receive comments from the public at this time on any item of interest to the public that is not on the agenda that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. Matters raised by public comment requiring Board action will be referred to staff or placed on a subsequent agenda where appropriate.

When addressing the Board, please state your name and address and limit your comments to three (3) minutes.

Please Note: If you have comments on specific agenda items, please fill out a comment card and return it to the Board Secretary. The Board President will call on you for your comments at the appropriate time, either before or during the Board's consideration of that item.

4. Potential General Attorney Interviews

- Robert Long (6:05 pm)
- Stuart Nielson (6:35 pm)

CLOSED SESSION AGENDA - Adjourn to Closed Session (7:15 pm): *It is the intention of the Board of Directors to meet in Closed Session to consider the following items:*

5. Closed Session: The Board of Directors will hold a closed session to discuss personnel matters or litigation, pursuant to attorney/client privilege, as authorized by Government Code Section 54957, 54956.8, & 54956.9 and 54957.

- Conference with Legal Counsel – Personnel 54957 (b)(4)

REGULAR AGENDA (Reconvene Regular Meeting**)**

6. Meeting Adjournment.



MEINERS OAKS WATER DISTRICT

REQUEST FOR PROPOSALS (RFP) FOR LEGAL SERVICES

INTRODUCTION

The Meiners Oaks Water District (District) is seeking proposals from attorneys or firms with experience representing public agencies to provide General Counsel legal services to the District.

General Counsel needs are focused on general public agency governance, public meetings and public records issues, intergovernmental agreements with other public agencies, revenue options, and public contracting issues.

The selected firm(s) or attorney(s) will serve at the pleasure of the Board of Directors of the District. If the District decides to award a contract for legal services as a result of this RFP, it will enter into a contract(s) establishing the terms and compensation for the subject services. All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Offeror and will not be reimbursed by the District. The District reserves the right to contract with any firm or firms responding to this RFP.

BACKGROUND INFORMATION

Meiners Oaks Water District has served its community and properties of the unincorporated portion of Ventura County called Meiners Oaks for over the past 70 years. Appropriately named after John Meiners encompassing some 1300 acres, formally known as “Suhren Ranch” latterly as “Meiners Place.” This tract was included in the Rancho Ojai area which was originally granted by the Mexican Government to Fernando Tico in 1837. Later in 1870-76 transferred by Mesne and conveyed to and vested in John Meiners officially deeded from Geo H. Suhren to John Meiners in April, 1876.

Since our formation in 1949 Meiners Oaks Water District has gone through some significant changes in demographics, population, housing and system demand. Meiners Oaks Water District currently serves approximately 4,200 people through 1,280 connections and 19 miles pipelines, including domestic, commercial, and agricultural customers. We achieve this with 4 active wells, just over 1 million gallons of storage, and 2 booster stations to supply water to customers at higher elevations.

Meiners Oaks Water District
Request for Proposal and Qualifications – Legal Services

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The District delivers an average of 2.64 acre feet of water per day to its customers which is equal to 862,005 gallons or 205.2 gallons per customer. In the summer months, that number can reach up to 5.56 acre feet per day or 1,812,002 gallons.

The mission of Meiners Oaks Water District and its staff is to produce and deliver a reliable and sustainable supply of water to meet the needs of the residents and properties and the community within its boundaries.

SCHEDULE

To the extent achievable, the following schedule shall govern the RFP. The District reserves the right to modify the dates below.

- Availability of the Request for Proposals and Qualifications: June 19, 2020
- Deadline for Submission of Questions: July 8, 2020

Questions should be submitted to the Board Secretary, Summer Ward:

summer@meinersoakswater.com

- Closing Date for the receipt of proposals: July 13, 2020 by 5:00 pm.

QUALIFICATIONS

1. Firm or individual attorney must have at least 10 years of public law experience representing public agencies, special districts, municipal governments, or joint powers authorities in California.
2. All attorneys performing services must be admitted to practice in the State of California and be members in good standing with the State Bar of California.
3. The attorney with primary responsibility for the services provided to the District ("Lead Counsel") must have at least ten (10) years of experience providing general counsel legal services for local public agencies, special districts, or municipalities.
4. Demonstrated legal expertise in the following practice areas as they relate to public agencies, special districts, municipal governments, and joint powers authorities in California:
 - a. General Counsel - Laws and regulations that pertain to the governance of public entities including, but not limited to, California joint powers authorities, special districts, water districts, irrigation districts and municipalities. The relevant laws and regulations include, but are not limited to, the Ralph M. Brown Act; Public Records Act; Political Reform Act; conflicts of interest laws; general public entity and municipal law; the California Government Code and California Water Code; public agency bylaws and policies; public contracting and procurement processes and operating procedures; and rules of order relative to the conduct of joint powers authorities, special districts, water districts, irrigation districts and municipalities.

The types of services may include some or all of the following:

- Review, draft, and negotiate contracts.
- Advise on District legal matters

- Advise on labor and employment matters
 - Review personnel, fiscal, and other policies
 - Maintain District bylaws
 - Attend District Board of Director meetings and other meeting as directed by the Board of Directors
 - Advise on government grant and contract issues
 - Advise on responses to subpoenas, court orders, and requests for information from third parties
 - Defend lawsuits, administrative claims, or other legal claims
 - Conduct litigation as necessary
 - Other legal services as deemed necessary by the Agency
 - Sustainable Groundwater Management Act.
 - Public financing and revenue mechanisms, including experience with Propositions 26 and 218. Environmental law, including: California Environmental Quality Act (CEQA); National Environmental Policy Act (NEPA); California and federal Endangered Species Acts; federal Clean Water Act and the California Porter-Cologne Water Quality Act.
 - Governance of public agencies, special districts, municipalities, and joint powers authorities, including amendments and bylaws, and experience interfacing with counsel for joint powers member agencies.
 - Other relevant areas pertaining to special district and public entity law.
5. Lead Counsel shall be available to attend District Board meetings as requested, and the attorney must be accessible to provide legal assistance to the District on an urgent basis, from time to time.

SUBMISSION REQUIREMENTS

Submission Materials and any questions should be sent to Summer Ward, Board Secretary at summer@meinersoakswater.com

- **Cover letter** (no longer than 2 pages) - The cover letter should convey a clear understanding of the requirements and objectives, and why the Respondent is qualified to be awarded a contract.
- **Respondent's Qualifications** - Summary of overall qualifications and experience of the Respondent. It is expected that the firm(s) will describe its organization, size, structure, areas of practice, and office locations.
- **Proposed Respondent Team** - The Proposal shall identify the Lead Counsel who will be primarily responsible for providing legal services to the District, and other attorneys and staff to be assigned to the District's legal matters. Please include the qualifications, training, and certifications of Lead Counsel, and all other

attorneys and staff who will perform the services outlined herein. Particular emphasis should be placed on those attorneys likely to be assigned to the representation.

- Fee Schedule - This section should identify the billing rates for listed personnel, as well as other costs or expenses that would be charged in conjunction with the work. The Offeror is free to propose alternative billing structures (e.g., monthly flat fee for attending District Board of Director meetings and advising on routine matters that do not require extensive research or other legal work) for consideration by the District. The District reserves the right to negotiate with the Offeror on the billing structure.
- Conflicts - This section should identify whether Respondent anticipates it would need to obtain conflict waivers from any existing clients and how Respondent anticipates addressing any potential conflicts.
- References - The names, addresses, and telephone numbers of three (3) public agency clients who have contracted with the Respondent for services similar to those described in this RFP within the last five years.

SUBMITTALS

The Proposal should be e-mailed to Summer Ward, Board Secretary at summer@meinersoakswater.com.

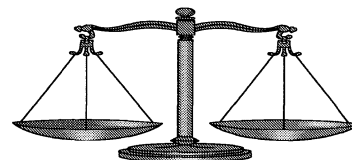
EVALUATION CRITERIA

The District Board of Directors will review the proposals and make recommendations for final approval. The District Board of Directors may request an interview meeting and/or responses to written questions with some qualified Offerors prior to final selection. The proposals will be reviewed with the following general criteria:

- Level of experience and competence of the individual proposed as Lead Counsel with respect to the key areas of service identified in the Qualifications.
- Level of experience and competence of the individual/firm proposed for each of the major issue categories.
- Proposed approach to the scope of work.
- Offerors experience with similar clients and legal matters.
- Reference recommendations.
- Potential conflict of interest issues with Offeror's other clients.
- Labor rates
- Approach to controlling overall costs for providing the requested services.
- Interviews/responses to written questions (if conducted)

LAW OFFICE OF ROBERT I. LONG

Professional Building
Ventura County Courts Complex
674 County Square Drive, Suite 305
Ventura, California 93003-5454



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July 15, 2020

Meiners Oaks Water District
202 West El Roblar Drive
Ojai, CA 93023

Re: RFP for Legal Services

Dear Board of Directors,

Thank you for considering my application to serve as Legal Counsel to Meiners Oaks Water District which, because it entails contract, personnel and employment, is a proper topic for discussion in executive session, though any vote and decision should be rendered in the public forum.

For the past 36 years I have been a resident of the Ojai Valley and a private practice attorney in the County of Ventura. For the 10 years that I lived in Meiners Oaks, I was a customer of MOWD.

Prior to my legal education, I was the principal of LoPerk Construction Company, in which I designed and installed septic systems for residential properties in Northern Kentucky. In the process, I necessarily became aware of sanitation district guidelines and regulations. I also worked for approximately two years as a quality control chemist, first with Schenley Distillers in Cincinnati, Ohio and later with a pharmaceutical manufacturer in Norwood, Ohio.

My legal career commenced in 1984 as an Associate Attorney with Hathaway, Perrett, Webster & Powers in Ventura, California. At that time, the firm served as counsel to the Calleguas Municipal Water District, and I was assigned certain, discrete research projects involving that agency. I also worked closely with one of the principals, Paul D. Powers, who represented members of the California Teachers Association and through assignments I became familiar with some of the regulatory scheme of public employment and collective bargaining arrangements.

Beginning in 1988 I joined the Ventura law firm of Myers, Widders and Gibson, in which I was later a name partner; Myers, Widders, Gibson & Long, LLP. My partner, Monte L. Widders, was City Attorney for the City of Ojai from 1980 to 2011, and my partner J. Roger Myers was City Attorney for the City of Fillmore from 1992 through 2007. To be fair I have never served as General Counsel to a municipality or public agency. However, on several occasions, I was asked to sit in as City Attorney for both the cities of Ojai and Fillmore when my partners were absent. The firm also provided special counsel services to over 30 cities in California as well as innumerable special districts including Casitas Municipal Water District, Ojai Valley Water Conservation District, and the Ventura Regional Housing Authority. Again, while I was neither General Counsel nor Special Counsel to any of the municipalities or agencies, I was routinely assigned discrete projects for them. The projects required me to become generally familiar with the Brown Act, portions of the

Government and Water Codes, and general familiarity with the ordinances and other structural framework of the government entity.

I have also served on Boards of Directors and am generally familiar with Roberts Rules of Order, bylaws, and constitutions. I served 10 years each on a church governing board, a Rotary Club board of directors, and the board for Channel Islands Chapter of Community Associations Institute (CAI-CIC), the latter being an educational forum for persons and entities involved with and governing homeowner associations (common interest developments). I am a past president of both the Rotary Club of Ojai West and CAI-CIC.

I also claim "in lieu" experience from my past 30 years of representing over 100 homeowner associations (HOAs), including condominium and planned development projects, timeshares and mobile home developments. My services have run the gamut from initial formation to general counsel and litigation, both prosecuting and defending. Over that time the laws governing HOAs have evolved such that the requirements for open meetings, production of records, notices and elections are substantially the same as for public entities.

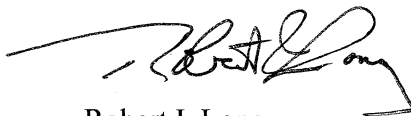
For the past twenty years I have been a solo practitioner operating as the Law Office of Robert I. Long in Ventura, California. I remain in good standing and licensed by the State Bar of California, and continue to reside in the Ojai Valley. Notwithstanding my long residency in the Valley, and my participation with numerous public entities, I am unaware of any conflict that would affect my ability to represent MOWD impartially and zealously.

In my solo practice I am supported by my office manager and paralegal, Laurel Williams, a former educator who has history as an editor of educational publishing materials, including legal materials, for publishers such as Thomson West and Sage. She has also served on various boards of charitable organizations, including Surfcats Rescue and Adoptions, World Dance for Humanity, and several parent-teacher organizations.

I propose that I be paid a monthly stipend of \$1,200 to cover my preparation for and attendance at a monthly Board meeting, and other miscellaneous services calculated not to exceed four hours per month. I further propose to charge additional legal services at \$350.00 per hour. I understand that the additional services will likely involve myriad services, including reviewing, drafting and negotiating contracts, advising as to personnel matters, reviewing fiscal and other policies, and advising regarding litigation matters, CEQA and EIR matters, and interfacing with counsel for other agencies including joint powers agencies. I feel that my past 36 years of experience as a balanced general counsel and litigation attorney qualify me for your consideration for the position as General Counsel.

Although I am unable to provide references from public agency clients, as set out in the RFP, I thank you in advance for your kind consideration of my application.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert I. Long", with a stylized flourish at the end.

Robert I. Long

Robert I. Long, Esq.

674 County Square Drive, Suite 305
Ventura, California 93003
Ph: (805) 642-0055 Cell: (805) 794-5678
E-mail: 4long@usa.net
www.robertlonglaw.com

I request your kind consideration for the position of general counsel to your board or agency. My experience in leadership roles combined with my experience in collaborative approaches to conflict resolution makes me uniquely qualified to both guide and respond to committee and board activities and decisions.

Experience

- Substitute City Attorney, Ojai and Fillmore
- Court appointed Receiver, Ventura
- Volunteer Judge Pro Tem, Ventura
- Court appointed Arbitrator, Ventura
- General Counsel to many small businesses and homeowner associations

Employment

01/01/2000 TO CURRENT

Principal / LAW OFFICE OF ROBERT I LONG

Solo general civil law practice, balanced between general counsel work and litigation

01/01/1995 TO 12/31/1999

Partner / MYERS, WIDDERS, GIBSON & LONG LLP

Ventura CA general civil practice law firm with an emphasis in municipal law and real property

ASSOCIATE ATTORNEY / MYERS, WIDDERS & GIBSON, 01/01/1988 TO 12/31/1994; THE HATHAWAY FIRM, VENTURA CA, 07/01/1984 TO 12/31/1987

Education

DECEMBER 1983

Juris Doctorate / Chase College of Law, No. Ky. Univ.

Law Review (published); Extern Clerkship, U.S. District Court, No. Dist. Ky.; Student Gov't rep

B.S., Biology / Hobart & Wm. Smith College, Geneva, N.Y.

Activities

Member of *Citations* editorial board (Ventura County Bar Association) 1988-2013; Member of Community Associations Institute 1988-2020 (1996 President of Channel Islands Chapter); Member of Rotary International 1988 to present (Past President, 2012-2013, Rotary Club of Ojai- West); 10 years on a church vestry (governing board)

STUART G. NIELSON

NELSON COMIS KETTLE & KINNEY LLP
300 E. ESPLANADE DR., SUITE 1170 • OXNARD, CA 93036
PHONE: (805) 604-4100
E-MAIL: SNIELSON@CALATTYS.COM

EDUCATION

University of California, Hastings College of the Law (San Francisco, CA)

Juris Doctor Degree, *Magna Cum Laude* (Top 5% of Class), May 2001

- Order of the Coif and Thurston Society Member
- Hastings Law Journal, Member 1999-2000
- West-Northwest Journal of Environmental Law and Policy, Notes Editor, 2000-2001

University of California at Berkeley (Berkeley, CA)

Bachelor of Arts, *with high distinction in general scholarship*, English, May 1997

PROFESSIONAL EXPERIENCE

Nelson Comis Kettle & Kinney LLP

Partner, September 2017 – Present

As a partner at Nelson Comis Kettle & Kinney, I have advised both private and public agency clients on a broad-range of real estate, land use, business, and legal compliance issues. I have represented clients in front of local governmental agencies and districts through project entitlement and other regulatory processes, and have also assisted and advised local public agencies on matters ranging from Brown Act and other statutory compliance, ordinance drafting and enforcement, and addressing matters presented to the agencies by customers and other members of the public.

Arnold LaRochelle Mathews VanConas & Zirbel LLP

Associate, March 2008 – September 2017

As an associate at “A to Z Law,” my practice focused on real estate and business transactional matters and public agency representation, including the Ventura Regional Sanitation District and other local special districts.

Law Offices of Lindsay F. Nielson (Ventura, CA)

Associate, August 2006 – March 2008

While working with my father, I assumed the lead role in handling numerous real estate matters involving both transactional and litigation practice. I undertook primary responsibility for conducting the pre-trial discovery, motion practice, and settlement negotiations in multiple litigation matters. I assisted clients in securing entitlements and other necessary approvals for subdivisions and other development projects. I also assisted in the representation of public agency clients, including attendance at public board meetings and advising the clients on Brown Act and Public Records Act compliance and other operational matters.

Hatch & Parent (Santa Barbara, CA)

Associate – Real Estate and Public Law Practice Groups, November 2004 – July 2006

As an associate in the firm’s Real Estate and Public Law practice groups, I represented both private and public clients in matters involving land use, environmental compliance, and project administration. I advised clients on a broad range of real estate matters, including acquisition and due diligence, development entitlements, easements, leasing, construction and architectural services, and upholding project approvals in the event of litigation. I also worked closely with a number of public agency clients, including acting as an Assistant City Attorney for the City of Carpinteria and as general counsel for various special districts, on matters related to open meeting and public records act compliance, drafting and enforcement of agency regulations, and regulatory compliance.

Latham & Watkins LLP (Los Angeles, CA)

Associate – Environment, Land & Resources Dept. / Litigation Dept., September 2001 – October 2004

While at Latham, I assumed a primary role in the strategic planning, briefing, negotiation, and client counseling in several high-profile land use and environmental litigation and regulatory enforcement matters involving wide-ranging and complex issues of local, state, and federal law. I also assisted in securing and upholding entitlements for numerous highly-contentious development projects.