

COLANTUONO
HIGHSMITH
WHATLEY, PC

**PROPOSAL TO
MORONGO VALLEY COMMUNITY SERVICES
DISTRICT & FIRE DEPARTMENT**

General Counsel Services

February 2, 2026

SUBMITTED BY:

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COLANTUONO
HIGHSMITH
WHATLEY, PC

ANDREW L. JARED | 213-542-5739 | AJARED@CHWLAW.US

Our File No. 99904.0222

February 2, 2026

VIA ELECTRONIC MAIL

Board of Directors
c/o Brittany Chavez
General Manager
b.chavez@morongovalleyfire.org

Re: **General Counsel Services for Morongo Valley Community Services District & Fire Department**

Dear Honorable President and Members of the Board:

On behalf of Colantuono, Highsmith & Whatley, PC (the "Firm"), I write to make a proposal to provide both General Counsel Legal Services for Morongo Valley Community Services District & Fire Department ("the District"). Colantuono, Highsmith & Whatley, PC, was founded in 2002 when several members of an established firm created the firm of Colantuono & Levin. The Firm has grown from its initial six members and one office, to where the firm now employs 39 attorneys, based out of seven offices: Pasadena, Grass Valley, Sonoma, Orange County, San Diego, Sacramento, and Carlsbad. The most recent addition to our firm are the members of the Telecom Law Firm -- Dr. Jonathan L. Kramer, Robert "Tripp" May, III, and David Nagele -- into the Firm's legal team. The attorneys proposed to primarily service the District operate out of the Pasadena office.

I am currently the General Counsel for the Goleta Water District, and familiar with the needs of special districts and cities alike. I am also currently serving as City Attorney for the small towns of Yreka, Montague, Etna, and Fort Jones. The Firm also currently serves as City Attorney of American Canyon, Auburn, Barstow, Colfax, Encinitas, Grass Valley, Lakeport, La Palma, Martinez, Novato, Ojai, Sierra Madre, Sonoma, Yountville, and Weed, and as general counsel to many special districts in various fields. Our firm currently provides general and special counsel services to many special districts, cities,

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GRASS VALLEY | ORANGE COUNTY | PASADENA | SACRAMENTO | SONOMA

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and counties throughout the state and is known for our depth of expertise in public revenues, land use and planning, elections, labor and employment, housing, public works contracting, utility services, CEQA, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and Local Agency Formation Commissions (LAFCos), special districts, conflicts of interests, the Political Reform Act, the Brown Act, and the Public Records Act, among others.

Enclosed with this letter is a formal proposal that addresses our qualifications for General Counsel services .

We propose that Andrew L. Jared (20 years experience) serve as the primary attorney for General Counsel Services, that Thais Alves provide Labor/Employment Counsel services as part of the General Counsel proposal, and that Julia Homaechevarria provide general support and handle Public Records Request. The remainder of the attorneys at the firm will be available to help as needed. This includes Holly Whatley, leading the litigation team within the firm, and the firm's founding partner, Michael G. Colantuono, who is perhaps the state's leading expert on local government revenues, such as rates, fees, assessments, and taxes, and Propositions 13, 62, 218, and 26.

Within such proposal we provide per your request, those areas we request to be considered for Special Counsel Services for the following areas: Complex land use and real property issues; Environmental laws and regulations (CEQA, NEPA, NPDES, air quality rules, and permits); Water rights; Third-party claims and liability (litigation or potential litigation); Infrastructure and contracting (construction claims, litigation); Alternative procurement methods; and Other special counsel areas: Telecommunication Law (siting and permitting on public property).

I have over 20 years of legal experience dedicated to public agencies and am experienced in the range of topics the District may face. I have attended over 700 public meetings as legal counsel. I have previously served as City Attorney of the cities of South Pasadena and Chico, and Assistant City Attorney for the City of Pomona. I have an M.Sc. in Environmental Management from Wye College, University of London, a B.A. in Geography from UCLA, and a J.D. from Pepperdine University School of Law. I am a creative problem solver with an interest in bridging cutting edge solutions that sometimes do not fit within the traditional public agency legal paradigm.

In order to keep the hourly rates as low as possible and provide the most accountable method of providing service to the client, we propose an hourly rate with a

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capped rate structure. We propose that General Counsel Services provided by Mr. Jared be billed at \$325 per hour, with all other attorneys providing General Counsel Services capped at \$325 per hour; rates for Human Resources and Labor/Employment law/labor be capped at \$375; and Litigation Services be capped at \$425 per hour. Our capped rates are different that the way most firms quote their rates. We set a maximum rate that all attorneys would charge, meaning less senior associates will be billed at a rate *lower* than more senior attorneys, but in either case the rates billed will not exceed the capped rate quoted to the client.

We propose that after the first anniversary of service, the rates stated above increase annually by the *lesser* of 4% or the CPI for Los Angeles-Anaheim-Riverside, California. A more thorough discussion of rates for the General Counsel services is found in the attached proposal.

The contact information for Mr. Jared is as follows:

Andrew L. Jared
Colantuono, Highsmith & Whatley, PC
790 East Colorado Blvd., Suite 850
Pasadena, CA 91101
(213) 542-5700
AJared@chwlaw.us

If we can provide any further information to assist your review of this proposal, please let us know.

Thank you for the opportunity to propose our services.

Very truly yours,



Andrew L. Jared

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SECTION A: FIRM INFORMATION

Firm name, address, and contact person

Andrew L. Jared
AJared@chwlaw.us
Colantuono, Highsmith & Whatley, PC
790 East Colorado Blvd., Suite 850
Pasadena, CA 91101
(213) 542-5700

Overview of the firm and areas of practice, and number of attorneys and Staff

Colantuono, Highsmith & Whatley, PC is unique for its approach in the delivery of legal services: Our core commitment is to provide advice our clients find helpful, understandable, and fairly priced.

Our firm was founded in 2002 and has served public agencies nearly exclusively for over 20 years. The firm has grown from its initial six members and one office, to now employing 39 attorneys, based out of seven offices in California: Sacramento, Grass Valley, Sonoma, Pasadena, Orange County, San Diego, and Carlsbad.

All CHW attorneys are licensed in California. Litigators are licensed to practice before all applicable courts to address issues the District may face.

Services will be provided primarily out of our Pasadena office by Andrew Jared, Thais Alves, and Julia Homaechearria. We propose the following staff to assist the District:

General Counsel	Andrew L. Jared
Labor & Employment, and Fire/EMS Counsel	Thais Alves
General Support and PRA Counsel	Julia Homaechearria
Paralegal	McCall Williams

Most work is handled directly by General Counsel. Mr. Jared's approach is to become involved in projects as much as possible rather than assigning matters to associates. To keep costs down we keep the team small, with the ability to reach out to the other thirty plus attorneys and professionals in the firm to assist if a specific specialty is triggered. We match the right person with the task at hand. If Mr. Jared recognizes that another

member of the firm would better represent the District, for instance if such member of the firm has recently researched the matter for another client, we do not let organizational silos prevent the client from taking advantage of that expertise. The firm is structured to allow for all members of the firm in any of our six offices statewide to be at the client's disposal.

As a team, Mr. Jared will address the vast majority of the assignments, and Ms. Homaechearria will provide support for regular assignment. The remainder of the CHW team is available to assist as needed. Ms. Alves will be primarily assigned to labor and employment issues.

Our administrative assistants (9) and paralegals (3) are valued members of the team. We have a talented team of administrative assistants and paralegals to provide secretarial, administrative, and clerical support that is crucial for our litigation and transactional practices.

We are adept at addressing the needs of special districts . Our firm is comprised of two practice groups:

- **Transactional/Advisory:** Our attorneys cover all Board Meetings. We conduct annual trainings on the Brown Act, Public Records Act, conflict of interest laws, sexual harassment prevention, and recent changes in land use law. We regularly review and draft simple and complex agreements including but not limited to agreements pertaining to real property (whether for acquisition or regulation), construction and subdivision agreements, professional services agreements, employment agreements, memoranda of understanding with bargaining units, and public works project bidding documents.
- **Litigation Practice:** Our firm represents public entities in matters from simple contractual disputes and tort claims, to workplace restraining orders, to complex matters of first impression impacting cities on a statewide basis. A list of some of the significant appellate representations is included in the Backup Materials section of the proposal as Attachment B.

SECTION B: EXPERIENCE AND QUALIFICATIONS

Description of experience representing special districts or public agencies

Mr. Jared has over 20 years of experience representing public agencies in all facets of local government. He routinely provides legal advice via phone, email, and in person consultations with board members, councilmembers, city managers, general managers, and staff or all his client agencies. He has prepared well over a hundred of ordinances and resolutions. He reviews public works contracts and agreements of a wide variety on a daily basis. He has prepared and overseen the preparation of form agreements and revision of form agreement for new and current clients. These form agreements are regularly updated to reflect changes in the law.

Mr. Jared has attended over 700 public meetings as legal counsel. He has served as chief legal counsel to open session and closed session meetings of city councils and boards of directors of special districts. He has served as legal counsel to planning commissions, airport commissions, historic resource commissions, and arts commissions. He has attended study sessions, and has provided trainings for councils regarding the Brown Act, meeting decorum, and ethics/AB1234 training.

He currently serves as General Counsel to the Goleta Water District, and to four small cities in Siskiyou County where he attends most meetings remotely. He has no obligations on third Wednesdays of the month that would conflict with regular District board meetings.

In addition to his current cities of Etna, Montague, Yreka, and Fort Jones, he has previously served as City Attorney to the cities of South Pasadena, Chico, Pomona (Assistant City Attorney), and Red Bluff (Interim). His schedule and the schedule of other attorney listed in the proposal would not be an impediment to meeting attendance for the District. He regularly has attended meetings of other government agencies to represent clients in various capacities.

The Firm prepares legal opinions and advisory memoranda in two primary ways. First, prospective advisories typically in regard to newly passed legislation or new case law. Additionally, we prepare opinions and memoranda on topics when asked by staff or boards to address specific issues. We often provide shared cost memoranda on pending and current state and federal legislation and court decisions. When preparing shared

cost memoranda we ensure that the agency desires to be included in the shared costs of preparation prior to being included in the pool of agencies receiving that memo.

We serve as city prosecutor and provide code enforcement services for a number of our clients on a wide range of topic. These take the form of seeking administrative relief, misdemeanor/citation actions, as well as receivership and civil enforcement.

We are often assigned to monitor other outside legal counsel regarding their handling of cases and assignments. This often entails relaying reports regarding ongoing litigation or projects in closed session or to executives in the agency.

We keep costs down regarding review and response to public records requests by utilizing paralegal staff to draft responses and review responsive records under the guidance of appropriate legal counsel.

Mr. Jared has presented training at the Annual Meeting of the League of California Cities covering the topics of ethics, conflicts of interest, and the Brown Act. We routinely provide these trainings for agency staff, appointed and elected officials, including trainings on harassment and parliamentary procedure.

CHW is a recognized leader in California municipal law. We represent local government agencies, including cities, special districts, and local agency formation commissions, nearly exclusively. Our attorneys are well versed in every aspect of transactional, advisory, and litigation practice for municipalities in California. We serve over 160 agencies statewide. Our firm has experience in representing cities in every aspect municipal law. We can meet all the legal needs of the District, whether litigation or transactional/advisory, through high-quality, cost-effective direct legal support.

Working almost exclusively with public agencies and drawing on our deep well of public law experience, we handle the full range of legal issues confronting California's cities, counties, and other public agencies. We are recognized as one of the foremost experts in California law pertaining to Prop. 218, fees, and ratemaking.

A list of current and former public agency clients are listed in Attachment A. The firm presently serves as General Counsel to the following Districts:

Community Service Districts/Fire Protection Districts:

- Pine Grove Community Services District (2018 – Present)
- Olympic Valley Public Service District (2024 – Present)
- Livermore Area Recreation and Park District (2023 – Present)
- Garden Valley Fire Protection District (2015 – Present)

Utility Districts:

- Goleta Water District (2020 – Present)
- Montecito Sanitary District (2022 – Present)
- Pioneer Community Energy (2024 – Present)
- River Pines Public Utility District (2020 – Present)
- Upper Valley Waste Management Agency (2020 – Present)
- Marin Clean Energy (2020 – Present)

Other Special Districts:

- Downtown Burbank Partnership
- Burbank Hospitality Association
- Tahoe Forest Hospital District
- Camarillo Health Care District
- Grossmont Healthcare District
- Fallbrook Regional Health District
- First Five Yuba
- Humboldt County Association of Governments

Local Agency Formation Commissions (LAFCOs)

- Alameda County LAFCO
- San Diego County LAFCO
- San Luis Obispo County LAFCO
- Yuba County LAFCO

The firm also presently serves as City Attorney/Town Attorney to the following cities:

- City of American Canyon (2025 – Present)
- City of Auburn (2015 – Present)
- City of Barstow (2002 – Present)
- City of Colfax (2022 – Present)
- City of El Monte (2023 – Present)
- City of Encinitas (2025 – Present)
- City of Etna (2023 – Present)
- Town of Fort Jones (2024 – Present)
- City of Grass Valley (2011 – Present)
- City of Lakeport (2013 – Present)
- City of La Palma (2024 – Present)
- City of Martinez (2020 – Present)
- City of Montague (2023 - Present)
- City of Novato (2020 – Present)
- City of Ojai (2015 – Present)
- City of Sierra Madre (2003 – Present)
- City of Sonoma (2020 – Present)
- City of Weed (2021-Present)
- Town of Yountville (2015 – Present)
- City of Yreka (2023 - Present)

A list of some of the significant appellate representations of the firm are listed in Attachment B.

Experience working with fire departments, emergency services, or public safety agencies

Mr. Jared is the primary legal counsel to the Yreka Police Department, the Etna Police Department, and the Etna Ambulance Service. The firm provides legal advice to the City of Barstow relating to its Police and Fire Departments. Mr. Jared has counseled numerous clients regarding volunteer fire departments, transitions from volunteer to paid fire departments, ambulance service compliance (EMSA and LEMSA issues), and FFBRA and POBRA issues.

As noted above, Colantuono, Highsmith & Whatley, PC is known throughout the state for its expertise in complex areas that are increasingly resulting in claims against public agencies. Often times these relate to police and fire department activities.

Our experienced general litigators distinguish our firm's law enforcement defense practice group. We commonly handle trial and appellate matters for California cities, counties, and special districts in the pre-litigation stage and at mediations, administrative hearings, arbitrations, trial, and through all stages of an appeal, including 16 arguments in the California Supreme Court since 2004 and several Ninth Circuit arguments as well. We have deep knowledge of such case-dispositive issues as removal to federal court, pre-lawsuit claims requirements, statutes of limitations, immunities, discovery, and pre-trial motions — critical tools to efficiently and successfully resolve law enforcement defense matters.

We also regularly advise police and fire departments on law enforcement matters. We have extensive experience representing our public agency clients at *Pitchess* hearings and in arbitrations of employee discipline determinations. We frequently advise them on disclosure of police records, disciplinary matters, civil service rules, training issues, and POBRA compliance. Some of our attorneys also have criminal experience, including in Penal Code § 1538.5 hearings defending officers accused of illegal searches and seizures. CHW has successfully defended its public agency clients through motion practice, administrative law hearings, settlement, trial, and appeal in cases involving 42 U.S.C. § 1983 claims, defenses of qualified immunity, and broad allegations of *Monell* liability

Few other firms have the same depth of experience that merges complex litigation and deep appellate experience, with the laws and needs unique to public agencies.

Resumes of attorneys who will be assigned to the District

I. Proposed General Counsel – Andrew L. Jared

(213) 542-5700

AJared@chwlaw.us

Andrew Jared is Senior Counsel in Colantuono, Highsmith & Whatley's Pasadena office. He has specialized in representing cities and other public agencies in every aspect of public and municipal law since 2006. Mr. Jared joined the firm in January 2020. He is active in representing clients throughout the state, having provided legal services in 24 counties statewide.

His extensive experience includes serving as City Attorney for the cities of Chico, Red Bluff (Interim), South Pasadena, and Pomona (Acting). He currently serves as City Attorney for the cities of Yreka, Montague, Fort Jones, and Etna, and General Counsel for the Goleta Water District.

He has attended over seven hundred public meetings.

His practice covers the full range of public law issues, including land use, elections, conflicts of interest, open meetings law, CEQA, public works and public contracting compliance, labor and employment, cannabis regulation and enforcement, telecommunications regulation, and litigation. He has prepared hundreds of ordinances and resolutions.

His practice has traditionally focused on land use issues including CEQA, General Plan approval, and adaptive reuse of sites. He was actively involved in advising on the approval and certification of the 6th Cycle Housing Element for several cities. He has counseled clients on water contamination issues, and overseen outside counsel litigating MTBE, perchlorate, and TCP 1,2,3 cases.

He handled the permitting for two transfer stations within the City of Pomona, one going through CEQA litigation and ultimately resolved through mediation. He also handled the complex contracting issues associated with solid waste franchising in both exclusive and non-exclusive franchising of solid waste contracts for cities.

He has negotiated design build contracts for the Goleta Water District for water resource projects, and alternative procurement under Government Code 4217 (sole source) for energy savings projects.



He has counseled clients on labor law issues, employment law, employee relations, and reprimands and terminations. He began his career as a litigator in complex litigation matters. He continues to be involved in litigation matters to this day but primarily is focused on transactional and advisory work, while overseeing litigation counsel.

Drafting and interpreting contracts is a daily activity for Mr. Jared. He is the primary reviewer of contracts and staff reports related to contracts for his general counsel clients. He has negotiated and interpreted franchise agreements for refuse, telecommunications, and public utility services.

He has dealt with prevailing wage compliance issues, and public works delay claim cases. He has a construction background, having worked in the electrical contracting industry prior to going to law school, and put that knowledge of how construction sites actually work while representing subcontractors and developers in construction defect suits prior to dedicating his practice to government agency representation.

His strongest suit is negotiating resolution to complex legal disputes and conflict resolution.

He currently is service as the editor of the Municipal Law Handbook chapter on Public Contracting and Public Works (Chapter 7), and preparing a major revision of this chapter for the 2026 edition. He has previously served as editor of the following other chapters of the Handbook: Chapter 2, Conflicts of Interest, Political Reform Act, Government Code section 1090, Public Records Act, and the Brown Act; Chapter 7, Public Contracting and Public Works; Chapter 10, Land Use and Planning; and Chapter 14, Housing.

He has also taught courses in Planning Law and Environmental Analysis at California State University Northridge (CSUN) at the undergraduate and graduate levels.

Education:

- J.D., Law, 2001, Pepperdine University, Malibu, CA
- M.Sc., Environmental Management, 1999, Wye College, University of London (Imperial College), Kent, UK
- B.A., Geography, 1993, University of California, Los Angeles, Los Angeles, CA

Bar Number: State Bar Number 216935

Admission Date: December 7, 2001

Admissions:

Supreme Court of the State of California

Ninth Circuit Court of Appeal

United States District Court, Central District of California

United States District Court, Eastern District of California

Length of Employment with Firm: since 2020

Years of Public Law Experience: since 2006

PROFESSIONAL BACKGROUND:

City Attorney/General Counsel Positions Held:

- **Goleta Water District**
General Counsel, July 2022 to Present
- **City of Yreka**
 - City Attorney, April 2023 to Present
- **City of Montague**
 - City Attorney, August 2023 to Present
- **City of Etna**
 - City Attorney, January 2024 to Present
- **Town of Fort Jones**
 - Town Attorney, November 2024 to Present
- **City of South Pasadena**
 - City Attorney, September 2021 to June 2023
 - Assistant City Attorney, February 2019 to August 2021
- **City of Red Bluff**
 - Interim City Attorney, February 2022 to April 2022
- **City of Chico**
 - Outside Special Counsel, March 2021 to April 2024
 - City Attorney, December 2019 to March 2021
 - Acting City Attorney, December 2018 to December 2019
 - Assistant City Attorney, April 2014 to December 2018
- **Banning Library District**
 - General Counsel, 2015 to 2019
- **City of Pomona**
 - Acting City Attorney and Planning Commission Counsel, 2016 to 2018
 - Assistant City Attorney and Planning Commission Counsel, 2008 to 2016
 - Deputy City Attorney and Planning Commission Counsel, 2006 to 2008
- **City of El Monte**
 - Intern, El Monte Redevelopment Agency, June 1999-May 2000

Publications

- **“Ballot Measures and Public Agencies”,**
Institute for Local Government (ILG) -- Annual update (2022)

- **“Ethics Law Principles for Public Servants: Key Things to Know”**, Institute for Local Government (ILG) -- Annual update (2022)
- ***Municipal Law Handbook, CEB/League of California Cities***
 Chair, Chapter 7, Public Contracting, 2025 – Present
 Chair, Chapter 10, Planning , 2024 – 2025
 Chair, Chapter 14, Housing , 2023 – 2024
 Chair, Chapter 10, Land Use and Housing, 2023 – 2024
 Chair, Chapter 2, Open Government & Ethics, 2021 – 2023
 Chair, Chapter 7, Public Contracting, 2020 & 2021
 Chair, Chapter 2, Open Government & Ethics, 2013 - 2015
 Reviewer, Chapter 10, Land Use, 2007

Speaking Engagements

- “Homelessness Issues”, Concurrent Discussion Group, League of California Cities City Attorneys Spring Conference, Burlingame (May 2025)
- “Deciphering the 1090 Conundrum in the Wake of California’s AB334 Legislation”, California Association of Sanitation Agencies (CASA), Annual Conference (July 2024)
- “Homelessness Issues”, Concurrent Discussion Group, League of California Cities City Attorneys Spring Conference, Indian Wells (May 2024)
- “Homelessness Issues”, Concurrent Discussion Group, League of California Cities City Attorneys Spring Conference, Monterey (May 2023)
- “Public Records, Ethics, and Open Government (AB 1234 Training)”, League of California Cities Annual Conference, Long Beach (*September 8, 2022*)
- “Public Contracting: Purchasing Requirements and Renewable Energy/Energy Efficient Projects”, League of California Cities City Attorneys Spring Conference, Carlsbad (May 2022)
- “Homelessness Issues”, Concurrent Discussion Group, League of California Cities City Attorneys Spring Conference, Carlsbad (May 2022)
- “Social and Environmental Justice Through the General Plan”, Argent California Land Use Conference (November 2021)
- “Update on Emergency Preparedness Ad Hoc Committee”, League of California Cities Annual Conference, Sacramento (September 2021)
- “Public Records, Ethics, and Open Government (AB 1234 Training)”, League of California Cities Annual Conference, Sacramento(September 2021)
- “Is Big Brother Watching? The California Public Records Act and Privacy Issues Update”, California Lawyers Association Annual Meeting (September 2020)
- “Emergency Orders/Declarations: How and Why”, Covid-19 Webinar Series, League of California Cities (April 2020)

- “Law Enforcement Agencies and the Public Records Act”, California Law Enforcement Association of Records Supervisors, Inland Chapter (April 2008)

League of California Cities:

- **Municipal Law Handbook Editorial Board**
2013 – 2015, 2019-Present
- **Committee on Community Development**
City Attorneys Department Appointee, 2016-18
- **Ad Hoc Committee on Disaster Response**
Member, 2019-2022
- **Committee on Transportation, Communications, and Public Works**
City Attorneys Department Appointee, 2016-18

Teaching and Public Service:

- Adjunct Professor
 - Department of Urban Studies and Planning, California State University, Northridge, (2016 – 2020)
 - Sustainability, Land Use, and Planning Law
- Community Service
 - Pomona Rotary Club, Rotary International, Member (2011 - 2015)
 - Rotary District 5300, Rotary Youth Leadership Awards (RYLA) (2013)
 - Pomona Valley Habitat for Humanity, Board of Directors (2014 -2015)
- Boards and Commissions
 - Mt. San Antonio College Citizens' Oversight Committee, (2014 - 2016)
 - Planning Commission, City of Glendora
 - Chair (2013 -2014, 2017 – 2018)
 - Commissioner (2011 - 2018)
 - Trails Committee, City of Glendora
 - Member (2003-2011)
 - Glendora Executive Selection Committees, Chief of Police (2011, 2017)

Specific Areas of Expertise and Training:

- | | |
|---------------------------------|-------------------------|
| • Municipal Advisory | • Election Law |
| • California Public Records Act | • Historic Preservation |
| • Brown Act | • Public Contracting |
| • Land Use/CEQA | • Public Works |

2. Proposed Labor & Employment Counsel (Fire/EMS) – Thais Alves

(626) 219-0481

TAlves@chwlaw.us

Thais is an associate with Colantuono, Highsmith & Whatley’s municipal advisory practice group and resident in our Pasadena office. She provides a wide range of support for our municipal clients in such topics as employment and labor, open meetings and records, conflicts of interest, and land use. Adept at public meeting management, she regularly attends public agency board meetings, including previously serving as Planning Commission Counsel for the City of Sierra Madre and as Assistant General Counsel for Eco-Rapid Transit.



Thais advises clients on a daily basis regarding contract drafting, interpretation, and amendment, the Brown Act, the Public Records Act, and conflicts of interest laws.

Thais is also part of CHW’s employment law practice and provides significant labor and employment support for her clients, including advice regarding employee discipline matters, public employee retirement systems, personnel policies drafting and interpretation, union agreements drafting and interpretation, and compliance advice regarding the myriad of federal and state employment and labor laws. Thais is experienced in the public employee disciplinary appeal process, and has successfully defended her clients’ discipline decisions in disciplinary appeal hearings. She also maintains and delivers an extensive library of training presentations for public agencies, including AB 1825 sexual harassment prevention training, best practices on employee evaluations, employee leave rights and disability accommodations, civil service rules, and employee discipline. Thais’ focus is not only on helping her clients avoid legal liability, but also in creating a work environment where both management and non-supervisory staff feel supported, respected, and empowered to serve the public to the best of their ability.

Before joining the Firm, Thais was a fellow and then a staff attorney at California Women’s Law Center. There, she engaged in impact litigation and policy advocacy on behalf of women.

Thais obtained her JD from UCLA Law and graduated summa cum laude from University of California, Irvine, with a BA in History.

In law school, Thais interned at the Los Angeles City Attorney's Office and at the Public Law Center. She also externed at the California Office of the Attorney General and the UC Immigrant Legal Services Center at UCLA, gaining exposure to a variety of public law topics.

Practice Areas:

- Municipal Advisory
- Employment Law
- Brown Act
- Public Records Act
- Land Use Regulations
- Conflicts of Interest, Political Reform Act, Government Code § 1090, Common Law
- California Environmental Quality Act

3. Proposed General Support and PRA Counsel – Julia A. Homaechearria

(213) 542-5706

JHomaechearria@chwlaw.us

Julia is an associate with Colantuono, Highsmith & Whatley and resident in our Pasadena office. She is part of both the firm’s municipal advisory practice group as well as the firm’s litigation practice group representing public agency clients from around the state.

As part of the firm’s litigation practice group, Julia litigates a range of issues including eminent domain and inverse condemnation, constitutional issues, municipal liability, and CEQA. She also supports the firm’s municipal advisory team, representing clients from around the state. Julia advises cities and other municipal clients on best practices for compliance with public contracting requirements, the Brown Act, conflicts of interest laws, and the Public Records Act.

Prior to joining CHW, Julia served as a judicial clerk for the Honorable Judge Josie Garton in the Superior Court of Alaska.

Julia earned her J.D. from the University of California, Davis, School of Law with a Certificate in Environmental Law. She graduated magna cum laude from Colorado State University, with a B.S. in Ecosystem Science and Sustainability.

At UC Davis, School of Law, Julia was a Senior Articles Editor and Executive Editor for the *Environs* Journal. She served on the Moot Court Honors Board as Judge Recruitment Chair. She competed in the Jeffrey G. Miller National Environmental Law Moot Court Competition. She was also part of the Environmental Law Society, serving as the Environmental Justice Chair.

During law school, Julia externed for the State Water Resources Control Board, Office of Chief Counsel. She was also a teaching assistant for UC Davis’s Department of Environmental Science & Policy.



Practice Areas:

- Municipal Advisory – the Brown Act, conflicts of interest, contract disputes, public records laws, local emergencies, land use and planning
- Eminent Domain and Inverse Condemnation
- CEQA
- Public Utilities

SECTION C: APPROACH TO SERVICE

How the firm will provide day-to-day legal support to the District

We see our role as part of the district's team. In short, we work with the General Manager and staff to carry out the direction of the Board of Directors.

We understand that the General Counsel is not a policy maker or a manager but rather assists those in these positions with accurate, timely, and helpful legal advice. We see our relationship within the overall organization as legal advisor to facilitate the Board's policy decisions.

Mr. Jared works to establish relationships with each Board Member, Department Head, and most importantly the General Manager. He provides each with his cell phone number to ensure the most direct and expedient method of communication.

In order to work closely with all parties in the organization, Mr. Jared will need to spend time meeting with each Board Member and Department Head individually and provide time regularly to work with the General Manager to develop the working relationship appropriate for the District's needs.

As most issues are transmitted through email or phone call, initial responses are typically same day/next day, with follow-up provided according to client-set deadlines. We find that emailing assignments to General Counsel and their support staff allows for the work to be completed in the most expedient manner. As our relationship becomes established, additional methods of transmission can be created.

It is recommended that Mr. Jared and the General Manager have weekly meetings to set priorities and check-in on the status of assignments and follow-up by staff. Attendance at weekly staff status meetings is a common part of our practice. Most often this is via zoom or phone, and typically consists of a regularly scheduled meeting with the admin team or city manager/general manager, as well as agenda preparation and debrief sessions.

General Manager is the primary contact to the organization and we adjust our schedules and priorities to meet their needs. This is ideally done in a beginning of the week one-on-one phone call to briefly establish what needs to be accomplished in the week. We keep the CM and department staff informed of our progress and status of assignments typically through email. We are available to discuss assignments with the CM and the Council, being sensitive to serial meetings when discussing matters with the Council.

The relationship between the General Manager, Board members, General Counsel, and Department Heads works best when there is open communication, an understanding of each other's duties, and respect for each other's roles. Our firm is here to provide legal advice that other municipal professionals can rely upon to complete their jobs. Keeping each other apprised of progress and changes in project status is critical to successful communication.

We are typically in touch with key members of the organization several times a day, most often via email, but as well by phone, in person meetings, and video conference.

Availability for urgent or after-hours matters & Approach to board meeting attendance and staff support

Mr. Jared is available 24/7. He provides each Board Member and the General Manager with his cell phone number to ensure the most direct and expedient method of communication as well as in any case of urgent or after-hours matters.

Mr. Jared is prepared to attend Board meetings in person, but clients are increasingly choosing to have counsel attend by Zoom, or only as necessary. We are open to meeting your goals in that regard.

None of the Firm's commitments will present a conflict with representing with the District.

SECTION D: FEE SCHEDULE

Within this Cost Proposal we are providing hourly rates for General Counsel services while serving as your primary general counsel attorney, and also provide quotes for those areas we respond to for Special Counsel work to be provided while not serving as General Counsel. The following are what we consider Special Counsel Services areas: Complex land use and real property issues.; Environmental laws and regulations (CEQA, NEPA, NPDES, hazardous substances law, air quality rules, and permits); Water rights; Third-party claims and liability (litigation or potential litigation); Infrastructure and contracting (construction claims, litigation); Alternative procurement methods; and Other special counsel areas: Telecommunication Law (siting and permitting on public property).

Hourly rates for attorneys and support staff

We propose the following rates:

Type of Service	Description	Rate (per hour)
General Services	See below	\$325/hr All attorneys (capped)
Special Counsel Services	See below	\$355/hr All attorneys (capped)
	Public Records Requests	\$275/hr All attorneys (capped)
	HR/Labor	\$375/hr All attorneys (capped)
	Telecommunications	\$425/hr All attorneys (capped)
	Litigation	\$425/hr All attorneys (capped)
Reimbursable Services (third parties)	Fees paid by developers and others	\$395/hr.
Paralegal		\$225/hr
Other Costs		Photocopies: \$0.15/page over 25 pages Mileage: IRS rate
Travel		Travel time portal-to-portal hourly rate Basic Services; litigation / extraordinary services portal-to-portal hourly rate. Travel costs at cost for transportation and lodging; mileage at IRS rate

“General” Services include the following:

- Advice to the Board of Directors, General Manager, and staff on legal matters affecting District operations
- Brown Act and Public Records Act compliance
- Contract review, drafting, and negotiation
- Policy, ordinance, and resolution drafting
- Government code and special district compliance
- Support related to fire, EMS, and emergency services operations

“Special” Counsel Services include the following:

- Coordination with the District’s insurance and risk pool (SDRMA, Cal Choice, etc.)
- Real property, leases, and facility related matters
- Risk management and liability exposure; Claims review
- Land use and real property issues.; Environmental laws and regulations (CEQA, NEPA, NPDES, hazardous substances law, air quality rules, and permits);
- Water rights;
- Third-party claims and liability (litigation or potential litigation);
- Infrastructure and contracting (construction claims, litigation);
- Alternative procurement methods; and
- Other matters not identified in General Service

“Telecommunications” Counsel Services include the following:

- Telecommunication Law (siting and permitting on public property)

Any proposed alternative fee arrangements

We are open to reviewing the District’s needs and applicability of a fixed-fee retainer arrangement.

Billing policies and practices

Staying in budget

The firm is sensitive to the need to control costs, recognizing that public money and public trust are at stake. We develop cost management strategies in cooperation with our public clients to ensure the most effective and efficient use of our services. We have identified opportunities and strategies to contain costs, such as by providing a template for staff to use in completing routine contracts, rather than drafting a custom contract each time.

In our periodic conferences with the management team, track progress of all projects and prioritize assignments. Managing the cost of legal services requires a team approach and we will make every effort to provide the District with the information needed to control the cost of legal services, whether provided by Colantuono, Highsmith & Whatley, PC or other counsel.

The Firm also frequently shares costs among our many municipal clients throughout the state of California. For example, we provide annual and periodic legislative updates, as well as important and relevant case law updates and direction to our public agency clients, with each agency paying a proportionate fraction of the total cost of research and preparation of the memoranda.

Method of payment

We provide monthly invoices billed in one-tenth increments with descriptions of each activity engaged in by each attorney. Invoices are issued on each account or billing category identified by the District for ease of accounting. We will work with the Finance Department to establish such billing categories as makes sense with the budget and the district's accounting procedures. We prefer electronic payment, but also accept payment by check.

Cost of living adjustment

We do request that any rates agreed to be subject to an annual adjustment to be made on the first anniversary of the agreement. We propose that after the first anniversary of service, the rates stated above increase annually by the lesser of 4% or the CPI for Los Angeles-Anaheim-Riverside, California, as specified in the RFP and approved through the legal services agreement. This provision would be agreed upon within the executed legal services agreement and be maintained through the term of the contract. Rates of associates are adjusted annually to adjust for inflation but do not affect the capped rates stated and agreed upon.

Maximum legal expenditure

We are open to discussions and negotiation on this topic. We are not in a position to provide a proposal as we do not have sufficient information at this time about the non-publicly identified issues you are facing.

SECTION E: REFERENCES (at least 3 references)

Although our firm is well known in local government throughout California, the following contacts are especially familiar with the work of Mr. Jared's work as General Counsel/City Attorney.

City of Chico:

Mr. Jared formerly served as City Attorney for Chico, and remained as Special Counsel on two matters, including one matter with the Court of Appeal. From 2014 to 2021, he worked directly with each of the references providing general legal services, including advice to the City Council and City staff on numerous items; preparing opinions, ordinances, resolutions, agreements, and related documents for the City; attending all meetings of the City Council, and Commissions; and litigation and other special counsel services. He was Acting City Attorney from December 2018 and City Attorney from December 2019 through March 2021. Significant issues he personally dealt with included serving as counsel to the Airport Commission and Planning Commission from 2014 through 2021. He also performed extensive work related to the Housing Accountability Act, establishing Council districts, cannabis regulation, and homelessness issues.

Both references can attest to the work performed for the Airport Commission as well as the extra mile he goes to in delivering customer service to his clients.

Chris Constantin
Former Assistant City Manager
(408) 354-6832

Brendan Vieg
Community Development Director
(530) 879-6806
Brendan.Vieg@chicoca.gov

Goleta Water District:

Colantuono, Highsmith & Whatley has serves as General Counsel to the Goleta Water District since 2020. Mr. Jared has served as General Counsel since June 2022. Mr. Jared has been instrumental in reducing costs associated with services provided. We have attend board of director meetings remotely to reduce costs, and have extensive use of standardized form agreements. Colantuono, Highsmith & Whatley has provided services as General Counsel since 2020, including preparing legal opinions, ordinances, resolutions, water code amendments, and related documents for the District.

He has been involved in a number of non-conventional projects for delivery of solar power, cogeneration, and project delivery.

We also serve as ratemaking counsel, advising on Prop 218 hearings and proceedings, and cost of service study (COSS) analyses related to rate adjustments. Michael Colantuono is one of the top ratemaking litigators and experts in the state. Michael takes a personal interest in assisting with all ratemaking actions for the District.

We have litigated several water claim matters involving private property owners claiming water rights in dispute with the District. We are also actively involved in jointly prosecuting a claim with other members of a JPA against the County of Santa Barbara for violation of a decades old operating agreement.

General Manager David Matson can speak to the legal services provided by both Mr. Jared and the Firm, and the value and cost savings that we bring to the District.

David Matson
General Manager
(805) 879-4621
dmatson@goletawater.com

City of South Pasadena (pop. 26,314):

Colantuono, Highsmith & Whatley served as City Attorney to the City of South Pasadena since 2014. Mr. Jared served as Assistant City Attorney from February 2020 to September 2021. In September 2021, Mr. Jared was appointed as City Attorney after having been the primary on site presence for the firm throughout the COVID-19 pandemic. He served through June 2023. He was the primary attorney handling all day to day matters of this full service city. He worked with public works staff on several water related issues, including water pollution cases, capital improvement procurement issues, and personnel issues.

Armine Chaparyan
Former City Manager, City of South Pasadena;
Currently Assistant City Manager at City of Carson
(626) 375-6175
arminec@yahoo.com

Attachment A - List of Client Agencies

The Firm is general counsel to those agencies marked with an asterisk(*).

1. Alameda County Local Agency Formation Commission (LAFCo)
2. Allan Hancock Community College District
3. *American Canyon, City of
4. Anaheim, City of
5. Antioch, City of
6. Arroyo Grande, City of
7. *Auburn Urban Development Authority
8. *Auburn, City of
9. *Barstow Redevelopment Agency/Successor Agency
10. *Barstow, City of
11. Basin Water Conservation District
12. Belmont, City of
13. Benicia, City of
14. Bighorn Desert View Water Agency
15. Brentwood, City of
16. Broad Beach Geologic Hazard Abatement District
17. Burbank, City of
18. Burbank Hospitality Association
19. *Camarillo Health Care District
20. Calabasas, City of
21. Calaveras County Local Agency Formation Commission (LAFCo)
22. Calexico, City of
23. *Camarillo Health Care District
24. Calleguas Municipal Water District
25. Central Coast Water Authority
26. Cerritos, City of
27. ChangeLab Solutions (formerly Public Health Institute)
28. Chico, City of
29. Chula Vista, City of
30. *Colfax, City of
31. Cupertino, City of
32. *Downtown Burbank Partnership
33. East Palo Alto, City of
34. El Cajon, City of
35. *El Monte, City of
36. *Encinitas, City of
37. Escondido, City of
96. Orange County Local Agency Formation Commission (LAFCo)
97. Orangeline Development Authority (also known as Eco-Rapid Transit)
98. Oxnard, City of
99. Pacific Grove, City of
100. Pajaro Valley Water Management Agency
101. Palm Springs, City of
102. Palo Alto, City of
103. Paramount, City of
104. Pasadena, City of
105. Pico Rivera, City of
106. *Pine Grove Community Services District
107. *Pioneer Community Energy
108. Pomona Oversight Board
109. Poway, City of
110. Redding, City of
111. Redlands, City of
112. Rialto, City of
113. Rialto Oversight Board
114. Richmond, City of
115. *River Pines Public Utility District
116. Riverside, City of
117. Riverside County
118. Rough & Ready Fire District
119. San Benito, County of
120. San Bernardino Local Agency Formation Commission (LAFCo)
121. San Bernardino Oversight Board
122. San Diego, City of
123. *San Diego County Local Agency Formation Commission (LAFCo)
124. San Diego County Water Authority
125. San Diego Unified Port District
126. San Gabriel Oversight Board
127. San Juan Capistrano, City of
128. San Jose Water Company
129. San Luis Obispo, City of
130. *San Luis Obispo County Local Agency Formation Commission (LAFCo)
131. San Marcos, City of
132. Santa Ana, City of
133. Santa Barbara, City of

38. *Etna, City of
39. *Fallbrook Regional Health District
40. *First Five Yuba
41. *Fort Jones, Town of
42. Fresno, City of
43. *Garden Valley Fire Protection District
44. Glendale, City of
45. Glendora, City of
46. Gold Coast Health Plan
47. Goleta, City of
48. *Goleta Water District
49. Goleta West Sanitary District
50. *Grass Valley, City of
51. *Grossmont Healthcare District
52. Higgins Fire District
53. Humboldt, City of
54. *Humboldt County Association of Governments
55. Huntington Beach, City of
56. Huntington Park Oversight Board
57. Imperial Irrigation District
58. Incorporate Olympic Valley
59. *Lakeport, City of
60. Lakewood, City of
61. Lathrop, City of
62. *La Palma, City of
63. Livermore, City of
64. *Livermore Area Recreation and Park District
65. Lodi, City of
66. Long Beach, City of
67. Los Angeles, City of
68. *Marin Clean Energy
69. Marin Municipal Water District
70. Marina, City of
71. Mariposa County
72. *Martinez, City of
73. Midpeninsula Regional Open Space District
74. MJM Management Group
75. Modesto Irrigation District
76. *Montague, City of
77. Montecito Water District
78. *Montecito Sanitary District
79. Monterey, City of
80. Monterey County Local Agency Formation Commission (LAFCo)
134. Santa Fe Springs, City of
135. Santa Maria, City of
136. Sausalito, City of
137. SELACO Workforce Investment Board, Inc.
138. Shasta County Local Agency Formation Commission (LAFCo)
139. *Sierra Madre, City of
140. SMUD
141. Solano County Local Agency Formation Commission (LAFCo)
142. Solvang, City of
143. *Sonoma, City of
144. South Gate, City of
145. South Pasadena, City of
146. *Tahoe Forest Hospital District
147. Temple City Oversight Board
148. Torrance, City of
149. Truckee Fire Protection District
150. Tulare, City of
151. Turlock Irrigation District
152. Ukiah Sanitation District
153. Union Sanitation District
154. *Upper Valley Waste Management Agency
155. Vallejo Sanitation and Flood Control District
156. Vallejo, City of
157. Ventura County
158. Ventura, City of
159. Vernon, City of
160. Vista, City of
161. Watsonville, City of
162. *Weed, City of
163. *Yountville, Town of
164. *Yreka, City of
165. Yuba City, City of
166. *Yuba County Local Agency Formation Commission (LAFCo)

81. Monterey Peninsula Water Management District
82. Mountain View, City of
83. Napa, City of
84. *Napa County Local Agency Formation Commission (LAFCo)
85. *North San Juan Fire Protection District
86. Nevada County
87. Newhall County Water District
88. Newport Beach, City of
89. North San Juan Fire District
90. *Novato, City of
91. Ocean Avenue Association
92. *Ojai, City of
93. *Olympic Valley Public Service District
94. Ophir Hill Fire Protection District
95. Orange County Mosquito and Vector Control District

Attachment B – Significant Appellate Representations

California Supreme Court

American Civil Liberties Union Foundation of Southern California v. Superior Court (City of Los Angeles) (2017) 3 Cal.5th 1032 (automated license plate reader data exempt from disclosure under Public Records Act unless anonymized) (counsel for amicus)

Ardon v. City of Los Angeles (2016) 62 Cal.4th 1176 (inadvertent release of attorney-client privileged documents on public records request did not waive privilege)

Ardon v. City of Los Angeles (2011) 52 Cal.4th 241 (class action challenge to local taxes, assessments and fees permitted by California Government Claims Act but may be barred by claiming ordinance)

Bighorn-Desert View Water Agency v. Verjil (2006) 39 Cal.4th 205 (Prop. 218 applies to metered water rates; initiative to reduce water rates prohibited to extent it would require voter approval of subsequent rate increases) (counsel for amici)

Bonander v. Town of Tiburon (2009) 46 Cal.4th 646 (general validation procedure for public agency action does not apply to actions to contest assessments under Municipal Improvement Act of 1915) (counsel for amici)

California Cannabis Coalition v. City of Upland (2017) 3 Cal.5th 924 (Prop. 218 requirement that general taxes appear on ballots with Council or Board seats does not apply to initiative tax proposal) (counsel for amici)

Citizens for Fair REU Rates, Feefighter, LLC v. City of Redding (to be argued mid-2018), Case No. S224799 (Is PILOT transfer from electric utility to City's general fund grandfathered by Proposition 26?)

City and County of San Francisco v. UC Regents (pending), Case No. S242835 (power of cities and counties to tax parking fees imposed by UC on campus visitors (counsel for local government amici)

City of Alhambra, et al. v. County of Los Angeles, et al. (2012) 55 Cal.4th 707 (counties misapplied property tax administration fees to taxes received in lieu of Vehicle License Fees and sales taxes under the VLF Swap and Triple Flip)

City of Fontana v. California Department of Tax & Fee Administration (review pending) Case No. S246278 (petition for review of decision affirming allocation of sales taxes among competing jurisdictions)

City of Grass Valley v. Cohen, et al., (review denied) Case No. S246191 (petition for review of post-RDA dispute over contract with County Transportation Commission to fund freeway interchange)

City of Hayward v. Board of Trustees of the California State, Case No. S203939 (reviewed granted, held for lead case, and vacated and remanded) (duty of CSU to seek funding to make feasible mitigation of impacts of expansion of CSU East Bay on fire services of City) (author of amicus support for review)

City of Oroville v. Superior Court (California Joint Powers Risk Management Authority), Case No. S243247 (fully briefed and awaiting argument) (inverse condemnation liability for sewer flooding cause by plaintiff's failure to install back water valve required by Uniform Plumbing Code)

City of Pasadena v. Superior Court (Mercury Casualty Co.) (2014) 228 Cal.App.4th 1228 (unsuccessful petition for review) (inverse condemnation liability for fallen tree)

City of San Buenaventura v. United Water Conservation District (2017) 3 Cal.5th 1191 (groundwater augmentation charge subject to Proposition 26, not 218)

Concerned Citizens for Responsible Government v. West Point Fire Protection District (Case No.195152) (dismissed as moot after briefing regarding application of Prop. 218's requirements of special benefit and proportionality to fire suppression benefit assessment) (counsel for amici; request for depublication, amicus brief on the merits, opposition to post-dismissal request for publication)

Great Oaks Water Co. v. Santa Clara Valley Water Dist. (pending), Case No. S231846 (request to re-publish Court of Appeal decision pending grant-and-hold review of Prop. 218 challenge to groundwater augmentation charges)

Greene v. Marin County Flood Control & Water Conservation District (2010) 49 Cal.4th 277 (property owner ballots on property related fees under Prop. 218 not subject to ballot secrecy)

Haas v. County of San Bernardino (2002) 27 Cal.4th 1017 (County counsel's unilateral selection of temporary administrative hearing officers on an ad hoc basis violates due process) (counsel for amici)

Homebuilders Ass'n of Tulare / Kings Counties v. City of Lemoore (2010) 185 Cal.App.4th 544 (upholding development impact fees) (author of pro per opposition to request for depublication)

Howard Jarvis Taxpayers Ass'n v. City of La Habra (2001) 25 Cal.4th 809 (continued imposition and collection of a utility user's tax without voter approval was an ongoing or continuous violation of Proposition 62, with statute of limitations beginning anew with each collection) (counsel for amici)

In re Transient Occupancy Cases (2016) 2 Cal. 5th 151 (bed taxes do not apply to full priced charged by on-line resellers of hotel rooms) (counsel for local government amici)

Jacks v. City of Santa Barbara (2017) 3 Cal.5th 248 (supplemental franchise not a tax even though passed through to utility customers if reasonably related to value of right of way made available)

Kurwa v. Kislinger (2017) 4 Cal.5th 109 (application of final judgment rule to appeal from case in which some claims were voluntarily dismissed and subject to tolling agreement) (counsel for amicus California Academy of Appellate Lawyers)

Leider v. Lewis (2017) 2 Cal.5th 1121 (no taxpayer standing to enforce criminal laws in challenge to confinement of elephants in LA Zoo) (counsel for local government amici)

McWilliams v. City of Long Beach (2013) 56 Cal.4th 613 (Government Claims Act preempts local tax and fee claiming ordinances and allows class claims)

People ex rel. Lockyer v. R.J. Reynolds Tobacco Co. (2005) 37 Cal.4th 707 (tobacco company's distribution of free cigarettes violated statute regulating non-sale distribution of cigarettes) (counsel for amici)

Plantier v. Ramona Municipal Water District (pending) Case No. S243360 (exhaustion of administrative remedies defense to Prop. 218 challenge to sewer rates) (counsel for local government amici)

Richmond v. Shasta Community Services Dist. (2004) 32 Cal.4th 409 (increased capacity charge and fee for fire suppression imposed on applicants for new service connections was not an "assessment" subject to Proposition 218)

Court of Appeal for the First Appellate District

Brooktrails Township CSD v. Board of Supervisors (2013) 218 Cal.App.4th 195 (successfully requested publication on behalf of League of California Cities)

Building Industry Association v. City of San Ramon (2016) 4 Cal.5th 62 (citywide Mello-Roos District to fund supplemental municipal services to new development complied with statute) (counsel for amicus League of California Cities)

City of Scotts Valley v. County of Santa Cruz (2011) 200 Cal.App.4th 97 (calculation of no- and low-property tax city subvention) (counsel for amici)

City of Vallejo v. NCORP4, Inc. (2017) 15 Cal.App.5th 1078 (City properly limited marijuana dispensary licenses to those who complied with its earlier tax)

Green Valley Landowners Association v. City of Vallejo (2015) 241 Cal.App.4th 425 (effort to enjoin sale of part of City water utility subject to successful demurrer without leave to amend as seeking to enforce an implied contract and to compel subsidized water rates in violation of Prop. 218)

Kahan v. City of Richmond (pending) Case No. A150866 (class action challenge to collection of delinquent trash fees on tax roll did not violate assessment provisions of Proposition 218)

Paland v. Brooktrails Township CSD Bd. of Directors (2009) 179 Cal.App.4th 1358 (monthly minimum water service fee for account inactivated for non-payment not subject to assessment provisions of Prop. 218) (counsel for amici)

Walker v. Marin Municipal Water District (pending), Case No. A152048 (amicus brief for local government associations; case tests whether exhaustion of administrative remedies requires participation in protest hearing before challenging a property related fee under Prop. 218)

Court of Appeal for the Second Appellate District

AB Cellular LA, LLC v. City of Los Angeles (2007) 150 Cal.App.4th 747 (City's decision to implement federal law to expand cell tax to cover all airtime was a tax "increase" requiring voter approval under Proposition 218 but earlier instructions to carriers enforceable to require payment of tax)

Arcadia Redevelopment Agency v. Ikemoto (1991) 16 Cal.App.4th 444 (agency challenge to application of property tax administration fees to tax increment) (counsel for amici)

Birke v. Oakwood Worldwide (2009) 169 Cal.App.4th 1540 (pervasive outdoor secondhand smoke may form the basis for private nuisance claim) (counsel for amicus California Chapter of the American Lung Association) (filed amicus brief and argued)

City of Glendale v. Superior Court (Glendale Coalition for Better Government) (2016) Case Nos. B270135, B283819 (alternate writ issued to reverse order allowing discovery in

water rates case limited to administrative record; appeals from judgment and fee award pending)

City of Pasadena v. Medical Cannabis Caregivers (unpublished) Case Nos. B277868, B277827 (3/5/18) (won affirmance of preliminary injunctions against unpermitted marijuana dispensaries and related judgment upholding zoning ordinance)

Glendale Coalition for Better Government v. City of Glendale (pending) Case No. B281994; *Saavedra, IBEW v. City of Glendale* (pending) Case No. B281991 (Prop. 26 challenge to transfer from electric utility to general fund)

Glendale Coalition for Better Government v. City of Glendale (pending) Case No. B282410 (Prop. 218 challenge to tiered water rates)

Goleta Ag Preservation v. Goleta Water District (pending), Case No. B277227 (defense of Proposition 218 challenge to tiered water rates and notice to customers not property taxpayers)

Newhall County Water District v. Castaic Lake Water Agency (2016) 243 Cal.App.4th 1430 (successful challenge to wholesale water rates based on use of groundwater not managed by wholesaler)

Re-Open Rambla, Inc. v. Board of Supervisors (City of Malibu) (1995) 39 Cal.App.4th 1499 (county's title to closed road vested in city upon incorporation despite city's effort to avoid accepting the street)

Ruskey v. Goleta Water District (pending), Case No. B275856 (appellate defense of successful demurrer for lack of standing in Prop. 218 challenge to water rates)

San Luis Obispo Local Agency Formation Commission v/ Central Coast Development Co. (pending) Case No. B279000 (appeal from denial of attorneys' fees under developer's written indemnity agreement following successful defense of challenge to denial of annexation)

Schmeer v. County of Los Angeles (2013) 213 Cal.App.4th 1310 (plastic bag ban ordinance provision for \$0.10 fee on paper bags was not a tax under Prop. 26 because proceeds did not fund government) (counsel for local government amici)

Sipple v. City of Hayward (2014) 225 Cal.App.4th 349 (standing and claiming defenses to quasi-class refund claim for allegedly overpaid telephone taxes) (petition for review denied)

Court of Appeal for the Third Appellate District

City of Auburn v. Sierra Patient & Caregiver Exchange, Inc. (unpublished), Case No. C069622 (upholding preliminary injunction against medical marijuana dispensary opened in violation of zoning and business license ordinances)

Auburn Police Officers Association v. City of Auburn (unpublished), Case No. C067972 (stipulated reversal regarding availability under Meyers-Milias-Brown Act of writ review of City Council's denial of grievance from exercise of escape clause from salary increases pursuant to MOU)

City of Bellflower, et al. v. Cohen, et al. (2016) 245 Cal.App.4th 438 (self-help provisions of post-redevelopment legislation violate Prop. 22's protection for local government revenues)

City of Chula Vista, et al. v. Sandoval (pending), Case No. C080711 (defense of trial court victory in challenge to County's calculation of post-RDA RPPTF revenues)

City of Fountain Valley v. Cohen, et al. (pending) Case No. C081661 (representing taxing agency in Successor Agency's appeal of post-RDA dispute with Department of Finance over recognized obligations)

City of Grass Valley v. Cohen, et al. (2017) 17 Cal.App.5th 567 (contract with County Transportation Commission to fund freeway interchange likely a recognized obligation of former RDA)

City of Lakewood v. Cohen, et al. (pending) Case No. C078788 (appeal of post-RDA dispute with Department of Finance over recognized obligations)

City of Paramount v. Cohen, et al. (settled on appeal) Case No. C078968 (defense of trial court win in post-RDA dispute regarding enforceable obligation to maintain project funding to third party)

County of Nevada v. Superior Court (unpublished), Case Nos. C076851, C082927 (interlocutory writ review of trial court writ of mandamus overturning use permit conditions for ridge-top residence; appeal from judgment pending)

Davies v. Martinez (unpublished), Case No. C078986 (appeal dismissed as to our defense of summary judgment for attorney in breach of fiduciary duty claim by incarcerated former client suing in pro per)

Howard Jarvis Taxpayers Ass'n v. City of Roseville (2002) 97 Cal.App.4th 637 (in-lieu franchise fee charged to water and sewer utilities for benefit of general fund violated Prop. 218) (counsel for amici on request for rehearing)

Inyo County LAFCO v. Southern Mono Healthcare District (pending) Case No. C085138 (defense of trial court victory in dispute involving LAFCO power to regulate out-of-boundary service by healthcare district)

Lockyer et al. v. County of Nevada et al. (unpublished), Case No. C075249 (successful appellate defense of land use permits for cell tower)

Court of Appeal for the Fourth Appellate District, Division 1 (San Diego)

California Taxpayers Action Network v. City of San Diego (pending) Case No. D072987 (defense of dismissal on demurrer of challenge to business improvement district assessment)

Howard Jarvis Taxpayers Ass'n v. City of San Diego (1999) 72 Cal.App.4th 230 (BID assessment on businesses collected as surcharge on business license tax neither levy on real property nor special tax within meaning of Proposition 218) (counsel for amici)

Jentz v. City of Chula Vista (unpublished), Case No. D055401 (consistency of specific plan with slow-growth initiative)

Plantier v. Ramona Municipal Water District (2017) 12 Cal.App.5th 856 (rev. granted) (exhaustion of administrative remedies defense to Prop. 218 challenge to sewer rates) (counsel for local government amici)

Reid v. City of San Diego (San Diego Tourism Marketing District) (pending) Case No. D072493 (defense of dismissal on initial demurrer of class action challenge to business improvement district assessment)

San Diegans for Open Government v. City of San Diego (San Diego Tourism Marketing District) (pending) Case No. D072181 (appeal from award of attorney fees to unsuccessful challenger to tourism assessment on catalyst theory)

San Diegans for Open Government v. City of San Diego (San Diego Tourism Marketing District) Case Nos. D064817, D065171, D068022, D069965 (writ review of denial of demurrer to Prop. 26 challenge to renewal of tourism marketing district, re discovery of plaintiff association's members, discovery of computer of late founder of plaintiff association, and discovery of extra-record evidence for use on the merits)

San Diegans for Open Government v. City of San Diego (Downtown San Diego Partnership) (settled on appeal), Case No. D065940 (defense of trial court victory in taxpayer challenge to expenditures of PBID assessment on homeless programs)

San Diegans for Open Government v. City of San Diego (57 Municipal Assessment Districts) (unpublished), Case No. D065929 (successful defense of trial court dismissal of challenge to MADs for lack of standing; petition for review pending; successful defense of petition for review)

Webb v. City of Riverside (pending) Case No. D073449 (defense of trial court dismissal of challenge to general fund transfer from electric utility)

Court of Appeal for the Fourth Appellate District, Division 2 (Riverside)

Beutz v. County of Riverside (2010) 184 Cal.App.4th 1516 (Landscaping and Lighting Assessment engineer's report insufficient to satisfy standards of Prop. 218)

City of Barstow v. Fortunye (settled on appeal), Case No. E0355595 (implementation of decree adjudicating Mojave River)

City of Riverside v. Superior Court (Bailey) (pending) Case No. E070235 (writ to stay trial and obtain neutral venue in dispute between mayor and city over scope of veto power)

Crystaplex Plastics, Ltd. v. Redevelopment Agency (2000) 77 Cal.App.4th 990 (supplier may recover against agency for amount of check where subcontractor received and negotiated check without knowledge, consent, or endorsement of supplier even though Agency made check to both subcontractor and supplier)

Inland Oversight Committee v. City of Ontario (2015) 240 Cal.App.4th 1140 (sustaining dismissal of Prop. 26 challenge to Tourism Marketing District Assessment for lack of standing and due to untimely appeal) (counsel for amici)

Mission Springs Water District v. Verjil (2013) 218 Cal.App.4th 892 (suit to bar initiative repeal of water rates from ballot subject to SLAPP, but SLAPP motion properly denied because evidence showed initiative would violate District's statutory duty to fund adequate water supply) (counsel for amici)

San Bernardino Public Employees Association v. City of Barstow (settled on appeal), Case No. E032858 (City refusal to implement bargained for pension enhancement due to bargaining conduct of self-interested City negotiator)

Trask v. Riverside City Clerk (unpublished), Case No. E065817 (defense of election challenge to proposed charter amendment; remanded for dismissal as moot)

Court of Appeal for the Fourth Appellate District, Division 3 (Santa Ana)

Citizens Ass'n of Sunset Beach v. City of Huntington Beach (2012) 209 Cal.App.4th 1182 (Prop. 218 does not apply to extension of City taxes into annexation area)

City of El Cajon v. San Diego County LAFCO (unpublished), Case No. G041793 (DCA upheld challenge to denial of island annexation)

City of San Juan Capistrano v. Capistrano Taxpayers Association (2015) 235 Cal.App.4th 1493 (inclining block conservation rates failed under Prop. 218, but recovery of recycled water program costs from all customers permissible)

Wetlands Restoration v. City of Seal Beach, et al. (unpublished), Case No. G010231 (defense of City's housing element)

Court of Appeal for the Fifth Appellate District

Citizens for Constitutional Government v. Board of Supervisors of Mariposa County (pending), Case No. F074986 (defense of trial court victory in Prop. 218 challenge to fire suppression benefit assessment)

City of Clovis et al. v. County of Fresno (2014) 222 Cal.App.4th 1469 (interest rate applicable to repayment of PTAF following *Alhambra v. Los Angeles County*) (argued for amicus League of California Cities)

Foster Poultry Farms, Inc. v. City of Livingston, Case No. F059871 (appeal dismissed by City following recall of Council majority) (procedures for increase in water rates under Proposition 218) (co-author of amicus brief)

Howard Jarvis Taxpayers Ass'n v. City of Fresno (2005) 127 Cal.App.4th 914 (transfer from utility enterprise to general fund pursuant to voter-approved charter provision as payment in lieu of property taxes violated Proposition 218's restrictions on use of property related fees)

Neilson v. City of California City (2005) 133 Cal.App.4th 1296 (flat-rate parcel tax not an unconstitutional general tax, but rather a special tax dedicated to specific purposes; equal protection does not entitle absentee landowners to vote) (counsel for amici)

Vagim v. City of Fresno Case Nos. F068541, F068569, F069963 (2014) (defense of writ seeking to compel provision of title and summary of initiative to lower water rates, defense contends resulting rates would be illegally low, appeal and writ petition from denial of declaratory relief in same dispute, writ regarding stay on appeal)

Court of Appeal for the Sixth Appellate District

Award Homes v. County of San Benito Case No. H044894 (pending)(defense of trial court victory and new trial motion in dispute as to development fees)

Citizens for Responsible Open Space v. San Mateo County LAFCO (2008) 159 Cal.App.4th 717 (rejecting procedural challenges to annexation to open space district) (ghost-writer of amicus brief)

Eiskamp v. Pajaro Valley Water Management Agency (2012) 203 Cal.Ap.4th 97 (challenge to groundwater charge barred by res judicata effect of earlier settlement) (successfully opposed review and depublication)

Griffith v. Pajaro Valley Water Management Agency (2013) 220 Cal.App.4th 856 (successful defense of Proposition 218 challenge to groundwater augmentation charges)

Holloway v. Vierra, San Lorenzo Valley Water District (argued 3/6/18) Case Nos. H044492, H044505, H044704, H044800 (taxpayer's Government Code § 1090 and Political Reform Act enforcement action against Water District and former director; appeals from judgments and attorney fee award)

Monterey Peninsula Taxpayers Assn v. Monterey Peninsula Water Management District (argued 2/27/18), Case No. H042484 (appeal from successful defense of District's refusal to place referendum on ballot to repeal water supply charge)