

**RIO LINDA / ELVERTA COMMUNITY WATER DISTRICT  
SPECIAL MEETING OF THE  
BOARD OF DIRECTORS**

Visitors / Depot Center  
6730 Front St. Rio Linda, CA  
June 2, 2025 (6:00 p.m.)

THIS MEETING WILL BE PHYSICALLY OPEN TO THE PUBLIC WITH SOME REASONABLE  
LIMITATIONS PURSUANT TO CURRENT STATE AND COUNTY HEALTH & SAFETY  
GUIDELINES.

*Our Mission is to provide a safe and reliable water supply in a cost-effective manner.*

**AGENDA**

The Board may discuss and take action on any item listed on this agenda. The Board may address any item(s) in any order as approved by the Board.

The public will be given the opportunity to directly address the Board on each listed agenda item during the Board's consideration of that item. Public comment on items appearing on this agenda are welcomed, subject to reasonable time limitations for each speaker. Public documents relating to any open session item listed on this agenda that are distributed to all or any majority of the members of the Board of Directors less than 24 hours before the meeting are available for public inspection at the District office at 730 L Street, Rio Linda, CA 95673. In compliance with the Americans with Disabilities Act, if you have a disability and need a disability-related modification or accommodation to participate in this meeting, please contact the District office at (916) 991-1000. Requests must be made as early as possible, and at least one full business day before the start of the meeting.

**1. CALL TO ORDER, ROLL CALL,**

**2. PUBLIC COMMENT**

*2.1. Members of the public are invited to speak to the Board regarding items that are on the agenda. Each speaker may address the Board once under Public Comment for a limit of 2 minutes. (Policy Manual § 2.01.160).*

**3. REGULAR CALENDAR**

**ITEMS FOR DISCUSSION AND ACTION**

**3.1. Consider Authorizing a Means of Engagement for Legal Services Consequent to Existing Services Provider Terminating the Engagement with RLECWD.**

**4. PUBLIC COMMENT PRIOR TO CLOSED SESSION**

**5. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL -EXISTING LITIGATION AND ONGOING LABOR NEGOTIATIONS:**

**5.1. Conference with Legal Counsel – Exiting Litigation**

*Name of Case: Unfair Labor Practice Charge filed with the Public Employee Relations Board by Teamsters Local 150 on behalf of Rio Linda Elverta Community Water District Staff on May 22, 2025*

**5.2. Conference with Labor Negotiators**

*Agency's Designated Representative: Tim Shaw  
Employee Organization: Teamsters Local 150*

**6. RETURN TO OPEN SESSION, REPORT OF ACTIONS TAKEN IN CLOSED SESSION**

**7. ADJOURNMENT –**



**Items for Discussion and Action  
Agenda Item: 3.1**

**Date:** June 2, 2025

**Subject:** Engagement of New Legal Service Provider

**Staff Contact:** Timothy R. Shaw, General Manager

**Recommended Committee Action:**

N/A- This item was not discussed at Committee.

**Current Background and Justification:**

The District received a formal notice from BBK Law on May 14<sup>th</sup>. The notice informed the District that BBK was exercising the termination clause in the engagement agreement. Effective on June 15, 2025, BBK will no longer represent RLECWD.

The General Manager has reached out to the lone remaining respondent to its legal services Request for Proposals process, AALRR Law. A copy of the AALRR response is included as associated with this item.

Engaging ALLRR Law is not in-lieu of initiating another RFP process for legal services. However, the RFP process will consume a minimum of 3 months. RLECWD has obvious need for legal representation now. The existing litigation will not wait.

**Conclusion:**

Sample Motion – Direct staff to coordinate with AALRR to prepare an engagement agreement for legal services for Board consideration.

**Board Action / Motion**

Motioned by: Director \_\_\_\_\_ Seconded by Director \_\_\_\_\_

Cline \_\_\_\_\_ Gifford \_\_\_\_\_ Green \_\_\_\_\_ Liverett \_\_\_\_\_ Young \_\_\_\_\_

(A) Yea (N) Nay (Ab) Abstain (Abs) Absent

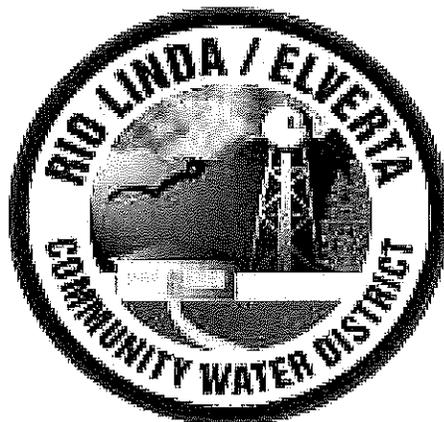
**aalrr** Atkinson, Andelson  
Loya, Ruud & Romo  
A Professional Law Corporation

2151 River Plaza Drive  
Suite 300  
Sacramento, CA 95833  
Tel: 916-923-1200



Proposal to Provide  
**General Counsel Legal Services**

Submitted to  
**Rio Linda Elverta Community Water District**  
Rio Linda, California



May 2, 2022

Your challenges are unique. Our *solutions* are too.

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ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL LAW CORPORATION

ATTORNEYS AT LAW

2151 RIVER PLAZA DRIVE, SUITE 300  
SACRAMENTO, CALIFORNIA 95833-4130  
(916) 923-1200

FAX (916) 923-1222  
WWW.AALRR.COM

CERRITOS  
(562) 653-3200

FRESNO  
(559) 225-6700

IRVINE  
(949) 453-4260

MARIN  
(628) 234-6200

PASADENA  
(626) 583-8600

PLEASANTON  
(925) 227-9200

RIVERSIDE  
(951) 683-1122

SAN DIEGO  
(858) 485-9526

OUR FILE NUMBER:

**B. LETTER OF TRANSMITTAL**

May 2, 2022

Rio Linda Elverta Community Water District  
Timothy R. Shaw, General Manager

Via email to [GM@RLECWD.COM](mailto:GM@RLECWD.COM)

**Re: Rio Linda Elverta Community Water District Request for Proposals for  
General Counsel Legal Services**

Atkinson, Andelson, Loya, Ruud & Romo (AALRR or "the firm"), a California corporation, is pleased to respond to the Request for Proposals (RFP) for General Counsel Legal Services from Rio Linda Elverta Community Water District (RLECWD or "the District"). Our firm is very interested in serving as legal counsel for the District in all areas outlined in the RFP.

AALRR has represented California governmental entities for more than four decades, and our team has served as general counsel to water district clients throughout the state. We are fully equipped to provide general counsel, water, environmental, construction, real property, labor and employment, bond and any other type of legal services the District may need. Additionally, our attorneys regularly attend board meetings and advise clients on matters of general governance, including the Ralph M. Brown Act, Public Records Act, Fair Political Practices Commission requirements, ethics, and more.

**Proven track record** – We have successfully represented California governmental agencies for more than 40 years. AALRR is intimately familiar with the unique legal needs of water agencies and adept at serving them in multiple capacities. We understand your business and your challenges, and our experienced attorneys deliver prompt, practical advice to meet those challenges.

**Specialization** – Many of our attorneys specialize in water and environmental law and are thought-leaders on some of the most hot-button issues of the day. We assist with drafting of federal and state legislation, advocate before federal and state

regulatory agencies, and effectively negotiate to achieve desired results. Based on our depth of experience, we will be able to efficiently and effectively address the District's water-related concerns and issues.

**Preventive and budget-minded approach** – We get ahead of problems by anticipating them and work to resolve issues as quickly as possible, which helps keep legal costs down. We are very mindful of the budgetary constraints on public agencies, and you'll find that our rates are competitive. We deliver outstanding service in the most cost-effective way possible.

**Responsiveness** – Our clients consistently attest to our responsiveness to their inquiries. Our priority is to ensure that we are always accessible to you in order to provide timely and effective counsel.

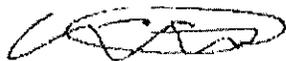
**Diversity** – Our employees represent a rich mix of races, ethnicities, religions, sexual orientations, cultures, and languages. The wide cultural lens through which we view the world helps us to facilitate deeper communication in litigation, counseling, and business planning. Understanding the perspectives of the clients we serve, as well as the perspectives of those served by our clients, is crucial to the work we do.

As a partner of AALRR, I am authorized to contractually bind the organization and negotiate a contract on behalf of the firm. I will serve as your primary contact and can be reached at 916-923-1200, or on my cell at 949-232-9731, or via email at [wes.miliband@aalrr.com](mailto:wes.miliband@aalrr.com). Please do not hesitate to contact me should the District have any questions or need clarification regarding our proposal or the firm's qualifications.

This proposal will remain valid for at least 120 calendar days from the date of submission. To the best of our knowledge, there are no potential conflicts of interest that could limit our ability to provide the requested services, and our attorney team is in good standing with the California State Bar

On behalf of the proposed team of attorneys and everyone at AALRR, we look forward to this opportunity with the hope to provide our exceptional legal advice and professional services to Rio Linda Elverta Community Water District.

Sincerely,



Wes Miliband  
Partner  
Atkinson, Andelson, Loya, Ruud & Romo

#### **D. SUMMARY**

**Introduce the proposal and summarize the key provisions of the proposal. Based on your firm's expertise and qualifications, explain why your firm is best suited to provide the services described herein.**

AALRR excels at handling the wide variety of General Counsel and Special Counsel matters that arise with water districts. We partner with clients and their technical consultants (e.g., hydrogeologists and engineers) to navigate the complexities associated with operating a water district in today's increasingly trying times.

The firm is an active affiliated member of the Association of California Water Agencies (ACWA), the California Special Districts Association (CSDA), and the California Groundwater Resources Association (GRA). Our attorneys, including those proposed as part of the attorney team for the District, are also involved with various committees and subcommittees in each of these organizations and frequently present at their various conferences on topics that include water resources law and trends, construction, rates and fees, taxation and bond issues, labor and employment, governance, technology, and more.

<b>Areas of Expertise</b>	
<b>Governance</b>	Board Policy Development, Parliamentary Procedures, Resolutions, Ordinances, Brown Act, Board Relations, Public Records Act Requests, Fair Political Practices Act, FPPC Regulations, Conflicts of Interest, Elections Code Requirements, LAFCO Procedures, Training on New Laws and Regulations, Public Contract Law, Memorandums of Understanding, Joint Powers Agreements, Federal and State Grant Processing, Management, and Compliance, Assessments and Fees (Propositions 218 & 26)
<b>Water</b>	Water Rights, Groundwater Law, SGMA, Water Transfer and Storage Agreements, State Water Contracts, CEQA, NEPA, Federal and State Endangered Species Acts, Environmental Regulation, Public Agency Assessment and Fee Setting, Interagency Agreements, JPAs, State and Federal Project Operations, Warren Act, Groundwater Banking, Use of Reclaimed and Recycled Water
<b>Labor Relations and Personnel Management</b>	Collective Bargaining, Grievance Processing, Arbitrations, Mediation, Fact-finding, Litigation, Layoffs, Contract Administration, Employment Contracts, Wage and Hour, Leaves, Workers' Compensation, Unemployment Insurance, Employment Discrimination, Dismissals, Employee Discipline, and Discrimination Complaints, PEPR, OSHA, Workplace Training, Meyers-Milias-Brown Act

<b>Areas of Expertise</b>	
<b>Construction/ Public Works Contracting</b>	Contracts and Bids - Contract Preparation, Bid Specification, Breach of Contract, Bid Protests  Construction Claims - Construction Defects, Builder Liability, Engineering and Design Failures, Soil Erosion, Stop Notices, Bond Claims, Delay Claims
<b>Real Property</b>	Real Property - Developer Fees, CEQA, NEPA, Eminent Domain, Joint Use Facility Agreements, Leases, Sales & Exchanges, Contracts, Easements, Property Acquisition and Disposition
<b>Litigation</b>	Administrative Hearings, Federal and State Court Proceedings, Trials, Appeals, Torts, Land Use, CEQA, Ordinance Enforcement, Contract Disputes, Employee Discharge and Discrimination, Construction Contract Disputes, Eminent Domain and Inverse Condemnation, Water Quality and Rights
<b>Taxation and Bond Issues</b>	Retirement Plan Review, Employment Tax Issues, Payroll Tax Audits, Employee Benefits Plan Review, General Obligation Bond Counsel, Special Tax Bond Counsel, Lease/General Fund Secured Financings

**SCOPE OF SERVICES**

The anticipated services will include, but are not limited to, the following:

- (a) Represent and advise the Board of Directors as the governing body and all District Officers in all matters of law pertaining to their offices.
- (b) Represent and appear for any District Officer and/or employee or any former District Officer and/or employee in legal proceedings in which any such officer or employer is entitled by law to representation furnished by the District.
- (c) Attend regular meetings of the Board of Directors and special meetings when called and provide legal advice and opinions as requested by the Board of Directors, General Manager or staff.
- (d) To be promptly available for telephone consultation and to render written opinions on given issues related to District business in a timely manner.
- (e) Approve the form and content of Board of Directors policies, District contracts and all performance bonds, certificates of insurance and like documents tendered to the District on a requested basis.

- (f) Prepare or review all Ordinances, Resolutions, Contracts, Deeds, Leases, title reports, collective bargaining agreements and all other legal documents as requested by the General Manager or designee.
- (g) Provide recommendation and advice when requested by the Board of Directors pertaining to the retention of and employment of outside law specialists in complex and important matters in which the District may be involved.
- (h) Investigate all claims and complaints by or against the District and prepare civil cases and act as trial counsel as required and requested by the Board of Directors or District Manager.
- (i) Review citations for violations of District ordinances in accordance with criminal/civil law and procedures; prepare and try infractions, misdemeanors, and ordinance violations as required and requested by the General Manager.
- (j) Prepare extended legal opinions of a complex nature as requested by the Board of Directors, General Manager, or the District Manager's designee.
- (k) Oversee and manage the legal affairs of the District and ensure that the policies, programs, and activities of the District and its employees and agents are carried out in compliance with all applicable law and that the best interests of the District are otherwise protected to the fullest extent possible.

The selected law firm shall provide the full normal range of services of the General Counsel as described above. Among other things, the General Counsel shall have expertise on California and Federal water law, the Ralph M. Brown Act (California Government Code section 54952 et seq.), the Meyers-Milias-Brown Act (California Government Code section 3500 et seq.), the California Public Records Act (Govt. Code section 6200 et seq.), California conflict of interest law (Govt. Code section 1090), the Political Reform Act of 1974 (Govt. Code section 81000 et seq.), the California Tort Claims Act (Govt. Code section 815 et seq.), the California Environmental Quality Act (California Public Resources Code section 21000 et seq.), public works construction, and the federal Americans with Disabilities Act.

Please see below for more information about our expertise as General Counsel and in these specific areas.

The selected law firm shall establish and maintain services to the District in case of the unavoidable absence of the lead attorney through temporary or backup legal services satisfactory to the District.

We take pride in our demonstrated commitment to respond promptly to all client inquiries, and have a firm-wide policy that our attorneys respond to communications from our clients within 24 hours, which is often done much sooner. Our attorneys will be available at any time to field questions, including on the weekends and evenings. Our team's priority is to ensure that they are always accessible to you.

**The General Counsel will provide the District with education and in-service seminars as mutually agreed to maintain a level of education among the Board of Directors, staff and management, to the fullest extent possible, to increase the knowledge of District staff and Board Members, and to reduce liability.**

Ideas, education, and innovation are hallmarks of AALRR—and we effectively translate our depth of knowledge of legal issues into valuable, usable information for our clients. Recognized for our expertise in legal issues affecting a broad range of industries, public agencies, and educational institutions, the firm annually holds hundreds of conferences, webinars, and in-house trainings for public agencies of all types, business owners, managers, and administrators. The AALRR Employment Law Conference draws over 1,000 participants each year, and our education law conferences are among the most prestigious in the state. Our attorneys are recognized experts in their fields, and their frequent articles, Alerts, and blog posts make AALRR a go-to firm for guidance on the latest court decisions and legislative changes affecting our clients across myriad of subject matter, including those pertinent to water districts. The firm's FRISK® Documentation Model has become a statewide benchmark for measuring employee performance—just one example of the firm's long-lasting impact.

**The Board of Directors holds its Regular Meeting on the third Monday of each calendar month. Special Meetings may be held on a date determined by the Board of Directors. Closed Sessions may be held prior to or after open sessions. Workshops are held during the open session at a time determined by the Board of Directors. The General Counsel may be asked to attend Special Meetings, Closed Sessions and workshops. The District does not require the General Counsel to hold regular office hours, but expects the selected law firm to be available to attend meetings in person or remotely (via video, web-streaming, or teleconference) if needed. The General Counsel does not usually attend the District's committee meetings.**

Mr. Miliband and all of our attorneys regularly attend board meetings and advise clients on matters of general governance, including the Ralph M. Brown Act, Public Records Act, Fair Political Practices Commission requirements, ethics, public contracting and construction, personnel matters, water and environmental issues, and more. At present, Mr. Miliband does not have a scheduling conflict with the District's Board of Director's Regular Meeting and makes every effort to accommodate a client's scheduling of a special meeting or workshop.

**Prior to initiation of any work on a given matter, the District may request a written statement of the estimated cost of such work. The District requests proposals covering the full scope of requested legal services, including water, and general government services.**

We will be happy to provide cost estimates of specific matters so the District can make informed decisions about its options.

**The District reasonably expects the primary attorney to coordinate with the General Manager prior to delegating legal services work to other associates within the firm. If consultation between attorneys in the firm is anticipated, the primary attorney should**

**notify the General Manager prior to consultation to determine if the scope of work needs to be modified or authorization to continue should be rescinded.**

Our attorneys take a collaborative approach to provide value to our clients with prompt, high-quality legal services at a reasonable cost. Our attorneys take a team approach with all of our clients, promoting project completion that is both timely and cost-effective. One of our key objectives is concise communication with the client so as best to ensure that we perform authorized services in a timely, effective manner.

## **E. STATEMENT OF UNDERSTANDING**

**Include a detailed statement of understanding of the legal services to be provided. If there are services listed in this RFP that the firm will not be able to provide, please be certain to address that in your response.**

### **Governance of Public Entities**

AALRR offers a broad range of services to public agency and special district clients. We provide General Counsel services, as well as assist districts in their planning, project development, and operational activities and associated litigation. We focus on achieving our clients' overall policies and goals, and work closely with agency boards, staff, and consultants to manage our legal work efficiently and cost-effectively. We strive to anticipate and resolve legal issues before they become problematic and expensive.

Currently, we serve as general counsel for Diablo Water District, East Orange County Water District, Joshua Basin Water District, Mesa Water District, Modesto Irrigation District, North Kings Groundwater Sustainability Agency, and United Water Conservation District. Specifically, Mr. Miliband is General Counsel for Modesto Irrigation District and Diablo Water District. We advise all of these agencies on legal issues ranging from the Brown Act to Endangered Species Act compliance. We represent these agencies in all aspects of water law, labor, public construction, and rates and charges, among other areas of expertise.

AALRR provides broad governance representation. We render advice and consultation on notice and agenda requirements; regular, special, and emergency meeting legal requirements; assistance in preparation for board and committee meetings; and address issues arising during meetings, including questions regarding rules of Parliamentary Procedure, conflicts of interest, closed sessions, quorum and voting requirements, and related meeting matters.

We assist in identifying and resolving potential conflicts of interest for board members and staff under state laws such as the Brown Act, California Political Reform Act, California Government Code Section 1090 *et seq.*, common law conflict and bias issues, gift, travel, and loan restrictions, incompatible offices and activities proscriptions, and ethics training. When needed, we represent our clients in litigating complex provisions of the California Fair Political Practices Act and similar state regulations.

AALRR provides on-going assistance in complying with public records requirements, including the California Public Records Act and similar laws in other states, and the federal Freedom of Information Act. Our services include advice regarding responses to requests made pursuant to such statutes, providing tutorials on complying with laws regarding maintenance of electronic records and documents, and advising our clients with respect to preparing and maintaining records retention policies consistent with the Act and good public agency practice. We also assist with code enforcement matters, including compliance with administrative procedures and the filing of actions to carry out administrative rules and regulations.

### **Administrative Law**

AALRR's practice of administrative law encompasses state and local licensing and permitting and the ongoing development of our clients' ability to operate in compliance with all state and local laws and regulations.

Members of the firm have appeared regularly before the State and Regional Water Boards and have worked with a variety of state and federal administrative agencies on issues involving endangered species, clean water, and environmental remediation.

### **Ralph M. Brown Act and the Public Records Act**

AALRR attorneys are well versed in all aspects of the Brown Act, the Public Records Act, conflict of interest provisions, and other laws pertaining to board governance. We provide legal interpretations, advice, and training to boards, administrators, and board staff, working proactively to reduce exposure to challenges under these laws.

### **Labor & Employment**

We are frequently requested to provide advice on a wide range of issues relating to the Fair Labor Standards Act and California's Wage Orders and to represent our clients in state and federal litigation involving these issues. We also conduct preventative audits of employers' compliance with these laws as well as represent employers in investigations conducted by the United States Department of Labor's Wage and Hour Division and California's Division of Labor Standards Enforcement.

### **Sustainable Groundwater Management Act (SGMA)**

AALRR is actively representing SGMA and is currently serving as general counsel to multiple GSAs in various basins including those that are critically overdrafted, as well as several other basins subject to SGMA and others already adjudicated. Further, we are assisting numerous clients to comply with SGMA, most of which are clients serving as GSAs. Mr. Miliband has focused much of his career on groundwater for clients, speaking and writing, with one client being a federally-recognized Indian Tribe who entrusts us to protect their water rights. We are also actively monitoring the California Department of Water Resource's (DWR) evaluations of the Groundwater Sustainability Plans (GSPs). As an added benefit, Mr. Miliband knows the

DWR legal staff quite well, which adds value should a concern or dispute arise with DWR. Mr. Miliband successfully defended Sacramento Central Groundwater Authority (SCGA) in litigation involving SCGA's adoption of an Alternative, and he regularly advises clients on SGMA compliance and related strategies.

Thus, AALRR is providing legal assistance in the development of one of the first GSPs that will be submitted to the DWR for review. In addition, our firm is assisting the GSA with various public agency requirements including the Brown Act and conflict of interest laws. We are well versed in the requirements of SGMA, including the requirements involving the formation of a locally-controlled GSA and the development and implementation of a GSP, and our attorneys are frequently asked to speak on these issues.

### Water Rights

AALRR recognizes that the long-term supply of surface water, groundwater, reclaimed water, and desalinated water is critical as resources have been scarce throughout California. Our attorneys have represented wholesale and retail public water agencies in a wide range of environmental, financing, water law, and water utility issues, including related litigation. We represent agricultural, domestic and industrial water users across various industries. AALRR understands the California water institutional structure from every possible perspective, as well as the state and federal law and regulations that impact water. We have experience representing public agencies on drought legislation that has evolved into law and regulations, the Urban Water Management Planning Act, and on issues related to water rights and adjudications, supply and planning (SB 610 & 221), storage and transfers, and quality.

Attorneys at AALRR have successfully represented public agency water right holders in seven separate groundwater basin adjudications (pre-SGMA), and many more basins in post-Judgment adjudications requiring compliance and interaction with the Watermaster, as well as in legislative and regulatory proceedings and high-level negotiations. Regarding surface water rights, Mr. Miliband was part of a relatively small team convened by Governor Brown and facilitated by Secretary Bruce Babbitt to resolve disputes regarding the update to the Water Quality Control Plan.

We have in-depth transactional and regulatory experience in water law, and have been privileged over the years to represent, on a federal and state level, our numerous public agency clients in all aspects of the regulation of water. Our practice includes advising our clients on compliance with state and federal regulations and issues with state mandated programs, negotiating and drafting complex regulatory ordinances and agreements and defending complex litigation.

### Procurement and Contracts

Our attorneys are experienced in all aspects of competitive bidding for public works projects, including reviewing bid packages and proposals, handling bid protests, responsibility hearings, and debarment of contractors. We also regularly assist with affirmative action issues,

subcontractor listing law, contractor licensing, prequalification disputes, debarment and other administrative proceedings.

### Construction Contracts and Bonds

AALRR attorneys have authored complete sets of front-end documents for various forms of project delivery that our public owner clients routinely use to govern and administer multi-million dollar construction projects. Our attorneys have drafted comprehensive indemnity provisions to protect our public entity clients to the maximum extent against claims, injuries, and related issues that arise during the course of a project. Our attorneys have carefully devised claims and notice requirements in accordance with the most recent legal precedents. These provisions endeavor to protect our public owner clients from extra work charges not agreed to in writing before the work commences and time-related claims not revealed until well after the triggering event occurred.

Our attorneys are also adept in other major contractual provisions and how to exercise them, including the changes clause, ensuring the public owner's right to issue a directive and secure continuing performance during a dispute; scheduling provisions to keep the project on schedule with concomitant liquidated damages clauses; payment provisions; the right to withhold for back charges; the right to audit and demand assurances; and insurance provisions, among many others. AALRR also reviews construction-related contracts, including architectural and engineering services agreements; construction management agreements; inspector agreements; consultant agreements; and, construction contracts for all of the various delivery methods available, including traditional design-bid-build, design-build, construction manager agency, construction manager at risk, multi-prime contracts and continuously evolving alternative delivery systems embraced by the industry, such as Integrated Project Delivery. Finally, our attorneys have drafted payment and performance bonds in a superior manner protecting our public owners from a prime contractor's default and/or failure to pay its subcontractors.

### Administration of Construction Contracts

AALRR regularly provides project management assistance, including contract administration, contract interpretation, notice compliance, handling of change orders, differing site condition claims, schedule monitoring, and project close-out. Our attorneys routinely travel to project sites to proactively resolve issues, disputes, and change order requests before they develop into costly litigation. AALRR attorneys handle disputes related to prevailing wages, proprietary specifications and "or equal" substitutions, license issues, joint venture contractors, disputes with subcontractors and suppliers, stop payment notices, change orders, and the sufficiency of bonds.

Our attorneys assist public agencies, owners/developers, and employers comply with all aspects of labor laws including minimum wage, overtime, recordkeeping, apprenticeship, and classification requirements on public works projects subject to California Prevailing Wage Statute, Labor Code Sections 1720 *et seq.*, and the federal Davis-Bacon and Related Acts. We

also assist employers in audit and compliance with other wage and hour laws, including the federal Fair Labor Standards Act. We conduct preventative audits and render opinions to public agencies, owner/developers, and employers relating to compliance with these laws as well as represent employers in investigations conducted by the United States Department of Labor Wage and Hour Division, Housing and Urban Development and California's Division of Labor Standards Enforcement.

### **Construction Claims, Stop Payment Notices and Bonds**

Construction claims are costly in both time and money. AALRR assists with the preparation and/or evaluation of construction for completion issues including delay, disruption and acceleration claims, lost productivity, differing site conditions, and cost overruns. A significant amount of AALRR's construction legal services centers on representing more than 200 public owners against claims by prime contractors on public works. AALRR seeks to resolve claims but, if needed, will litigate such claims on behalf of public owners. The firm also guides clients through contract performance, defaults and terminations, enforcing performance bond obligations as obligee, and related surety takeover issues. We prosecute and defend federal and state False Claims Act violations and deal with latent construction defects, faulty workmanship, corrective work, design errors and omissions, and all aspects of insurance coverage issues.

### **Public Works Contracting / Construction Claims and Litigation**

AALRR handles all legal aspects of construction projects from conception to completion. We assist public agencies in proactively planning and managing their construction projects and capital improvement programs to ensure they are delivered both on time and within budget. Over the years the firm has represented and continues to represent more than 200 public agencies in public contracting, construction litigation, and facilities work.

AALRR provides a wide array of construction-related services to its public and private clients including:

- Drafting and negotiating contract documents involving a variety of contract delivery methods, including traditional design-bid-build, design-build, construction manager agency, construction manager at risk, multi-prime contracts, and continuously evolving alternative delivery systems embraced by the industry, such as Integrated Project Delivery.
- Competitive bidding requirements, bid protests, affirmative action issues, subcontractor listing laws, contractor licensing, prequalification disputes, debarment, and other administrative proceedings.
- Project management assistance including contract administration, contract interpretation, notice compliance, handling of change orders, differing site condition claims, schedule monitoring, and project close-out.

- Preparation and/or evaluation of construction for completion issues including delay, disruption and acceleration claims, loss of productivity and cost overruns.
- Contract payment and performance bonds, defaults and terminations, and related surety takeover issues.
- Provide counsel, analysis and advice regarding differing site conditions claims.
- Advise and assist to ensure compliance with minimum wage, overtime, recordkeeping, apprenticeship and classification requirements on public works.
- Provide counsel regarding compliance with statutory prevailing wage laws, The Davis-Bacon Act, and The Fair Labor Standards Act.
- Both prosecuting and defending federal and state False Claims Act violations.
- Dealing with latent construction defects, faulty workmanship, corrective work, design errors and omissions, and insurance coverage issues.

Our primary goal is to avoid costly and time-consuming legal proceedings through alternative forms of dispute resolution such as partnering, mediation, and dispute review boards. We work closely with clients to settle disputes through strategic solutions. However, when required, we are prepared to win legal battles. Our attorneys represent clients through all stages of litigation: drafting the initial complaint or responsive pleading, preparing and responding to discovery, conducting factual investigation, preparing witnesses and defending depositions, retaining and deposing expert witnesses, preparing summary judgment motions, preparing for trial, trying the cases, and dealing with appeals and other post-judgment issues. All litigators within the firm regularly handle arbitrations and traditional litigation before both federal and state courts and administrative agencies.

#### California Environmental Quality Act (CEQA) and Environmental Law

AALRR has experience in all facets of state and federal environmental and hazardous substances regulation. The firm has advised numerous public agencies on compliance measures for CEQA, including preparation, review, and certification/adoption of environmental impact reports, initial studies, and mitigated negative declarations. We counsel clients on effective use of CEQA exemption findings and mitigation measures and have helped several public entities to defuse potential challenges through public involvement and shrewd planning. Despite our proactive approach, CEQA challenges do occur from time to time. The firm has experience in defending and prosecuting CEQA challenges on behalf of public entities.

The firm also handles specific areas of environmental regulation, including hazardous substances, clean air and water, pipeline risk, natural resources, seismic studies, and CERCLA (Superfund) enforcement. We regularly work with agencies charged with environmental oversight and enforcement, including the United States Environmental Protection Agency (EPA), California Department of Toxic Substances Control, and various air quality management districts. The firm regularly interacts with various other federal and state government oversight

agencies, including the State and Regional Water Boards, Department of Water Resources, U.S. Fish and Wildlife Service, and the National Marine Fisheries Services.

### **Bond Counsel**

With broad-based public finance experience, AALRR's bond specialists have acted as bond counsel for more than 75 public agency financings throughout California, including the issuance of general obligation bonds, certificates of participation, lease-revenue financing transactions, and bond anticipation notes.

## **F. BACKGROUND AND EXPERIENCE**

**1. Official name and address and specify the type of entity (partnership, LLC, corporation, etc.).**

Atkinson, Andelson, Loya, Ruud & Romo is a California corporation, corporate ID# C0931382. The firm's main office is at 12800 Center Court Drive, Suite 300, Cerritos, CA 90703. The Sacramento office is at 2151 River Plaza Drive, Suite 300, Sacramento, CA 95833.

**2. Describe the firm's background and history, including the number of years in practice. Describe in detail the firm's water and public agency legal services expertise.**

AALRR was founded by education, employment, and labor law attorneys in 1979 and has represented a broad range of private and public sector clients for more than 40 years, with emphasis in the areas of employment, labor, construction, education, real estate, water, general business and business litigation, corporate and taxation.

The firm is widely recognized for its experience and success in handling public agency matters. Our attorneys serve clients in all areas of the state, and we have experience at every level of the California and federal courts systems and administrative agencies.

California water law can be a difficult field to navigate, but our attorneys have a broad depth of experience and subject-matter expertise that they bring to the table in every case.

Our attorneys represent both public and private clients in civil actions involving water rights and supply, state water contracts, and environmental natural resources. We help clients manage guidelines pertaining to Proposition 1 and the California Sustainable Groundwater Management Act, SB 610 and 221, contractual entitlements, reclamation law, and water transfers. In addition, we represent our clients before a number of state and federal regulatory agencies, including the Regional Water Quality Control Boards and the State Water Resources Control Board.

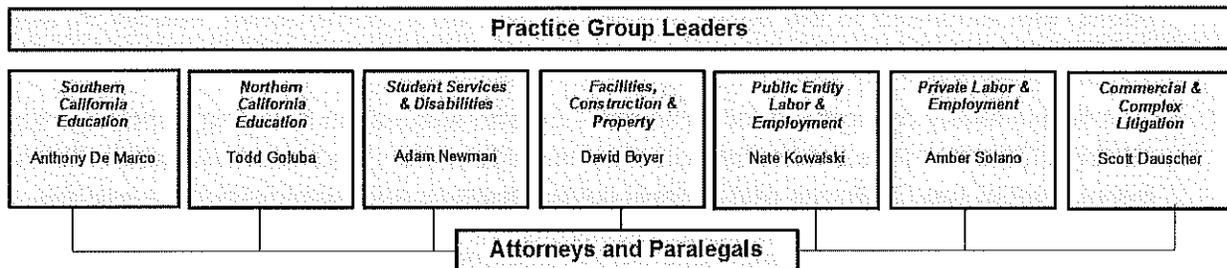
Ultimately, AALRR offers a unique blend of subject matter expertise spanning decades with a highly-talented team of attorneys and staff in all facets of service desired by the District, all the while with excellent customer service to best ensure the client's needs are effectively accomplished.

**3. List the location of office(s) that would serve the District.**

The firm is privately held with over 200 attorneys in nine offices throughout California: Cerritos, Fresno, Irvine, Marin, Pasadena, Pleasanton, Riverside, Sacramento, and San Diego. In order to be as cost-efficient as possible, we anticipate that our Sacramento office will provide the majority of services to the District. For attorneys located in other offices, we anticipate that telephone, email or a virtual meeting platform provide the necessary mode of communication and transmission of documents or information so as to provide effective, cost-efficient service.

**4. Provide an organization chart and staffing plan identifying key personnel, related lines of authority and responsibility of those team members who will provide the services described in this RFP.**

AALRR is organized into seven practice groups that specialize in specific areas of law, with the Water Law practice a part of our Facilities, Construction & Property practice group. To meet the varied needs of our clients, we have attorneys who support multiple groups when there is an inter-disciplinary need, such as negotiations and general employment matters. Our attorneys have served the State of California, countless local public agencies, municipalities, and other governmental agencies in negotiations.



Your proposed team is organized as follows:

- **Wes Miliband** will serve as General Counsel and Primary Contact and provide expertise in Public Agency/Governance, Water & Environmental, and Litigation.
- **Kristopher Strouse** will serve as Assistant General Counsel and provide expertise in Public Agency/Governance, Water & Environmental, and Litigation.
- **Eddy Beltran** will provide expertise in CEQA.

- **Rob Anslow** will provide expertise in Prop 218 and Public Finance.
- **Laura Izon** will provide expertise in Labor & Employment.
- **Nicolle Falcis** will provide expertise in Facilities, Real Property, and Infrastructure.

Please refer to the full attorney biographies attached as Appendix 1.

## **G. APPROACH TO LEGAL SERVICES**

- 1. Describe your view of the role of the General Counsel, your interaction with the Board of Directors (both collectively and individually), the District Manager and staff.**

As the District's General Counsel, we view our role as being one of a collaborative, supportive, and protective team member with specific expertise. We will work closely with the Board of Directors, the District Manager, and everyone at the District on assigned issues. Over the course of his career, Mr. Miliband has served as General Counsel to various water districts. While he welcomes the client's preferences for delivering services, Mr. Miliband trusts his legal team and, for cost-efficiency, often welcomes direct contact between a team member and the client's staff.

We offer legal advice and recommendation; provide risk management services; offer assistance with internal matters; identify, manage, and monitor any potential legal issues facing the District; and offer legal guidance on how to stay in compliance with the law. We are available to offer our expertise in representing the District in all legal matters, including litigation, major transactions, and interagency matters.

- 2. Describe how the firm would keep the District informed about the status of litigation and other legal matters.**

AALRR handles all aspects of prosecuting and defending litigation, mediation, and arbitration cases. We are well versed in all aspects of litigation and discovery, including electronic discovery and trial presentation techniques. When such cases arise we provide clients with a litigation budget and timely updates to insure that the District is kept informed and can make strategic decisions as necessary. We are able to provide updates via a variety of communication channels and can use whatever method the District prefers.

- 3. Provide your best example of a written communication to a governing body about a legal issue, prepared within the past 5 years and not to exceed four pages, in which options are explained and a recommendation is given. (Redaction of privileged information is expected.)**

The firm considers its communications with clients to be privileged and confidential. As such, we cannot disclose communications for the purposes of this proposal, even in a redacted format. We do, however, encourage you to contact our provided references and inquire about the firm's strength of opinions, thoroughness, and application of the law.

- 4. Describe how you track and manage legal fees and costs.**

Our attorneys, paralegals, and support staff operate as a collaborative team to provide value to our clients with prompt, high quality legal services at a reasonable cost. Our firm is always mindful of the larger budgetary reality facing the public sector. AALRR encourages attorneys to work on projects with a team approach, promoting project completion that is both timely and cost-effective. We will provide cost estimates of specific matters so the District can make informed decisions about its options. We track those estimates or budgets by matching our work as being completed and/or monthly invoices with the estimate itself. If we notice an anomaly, we identify the cause and communicate with the client to identify a solution.

- 5. Describe how you would proactively advise the District about legal developments or issues of concern, without being asked. If you use newsletters or other published communications, please describe the general content and frequency of publication.**

AALRR attorneys frequently attend external workshops, keeping them abreast of the latest industry changes and legal updates. They monitor current legislation and important cases so they can write alerts, blogs and updates that are proactively sent to clients. The District should feel confident that any AALRR attorney serving the District will have and share the latest knowledge on the issues facing the District and water districts as a whole, with our speaking, writing and other professional ventures are done on a monthly if not even more frequent basis

Our attorneys, specifically including those proposed for the District's legal team, work very collaboratively and bring together all of the years of experience and great strategic thinking from every attorney at our firm to bear on any legal needs the District may have, no matter how complex. This deep well of knowledge—this braintrust of AALRR attorneys—is just one of the ways we ensure that all of the attorneys who interact with and represent the District are up-to-date on the issues that may affect the District, as

well as the most current legal thinking on how to work towards the most favorable outcomes.

**6. Please identify the most significant water policy, program or legal matter that the firm has handled within the past five years, explain in detail why the matter was significant, and indicate the outcome of the legal matter.**

AALRR's water attorneys have decades of experience handling water-related topics ranging from providing clients, when requested, with policy and legislative input; counseling and advice for transactional services; and advocacy in groundwater and surface water disputes over water rights, supplies, and quality.

Specific examples include:

- The most significant water-related project that we've worked on in the past five years is the State Water Resources Control Board's Water Quality Control Plan Update ("WQCP Update"), which seeks to improve habitat conditions in the Bay-Delta. We represent multiple clients regarding this project.
- We represent a public agency in the California WaterFix project in which California Department of Water Resources and United States Bureau of Reclamation sought to build two large tunnels in the Bay-Delta to transport water from northern California to south of the Delta including to southern California.
- We represent public agencies in multiple groundwater adjudications, including the following basins: Antelope Valley, Banning, Beaumont, Las Posas, Mojave, Rialto, and South American Sacramento.

Each of these matters are of wide, public interest—if not at the statewide level, such as with WaterFix or the WQCP Update, then at the regional level for public and private interests.

- The WQCP Update, according to the state's documentation, seeks to require more water remain in the rivers to benefit fisheries and habitat, which means supplies could become less reliable for water users.
- WaterFix, while seeking to enhance statewide reliability, would potentially impact area-of-origin and water quality interests of senior water rights holders north of the Delta.
- Similarly, groundwater adjudications bear the same significance and risks.

WaterFix was withdrawn, the WQCP Update remains in negotiations, and we have succeeded to establish or defend our clients' water rights in the groundwater adjudications; all of which establishes a record of success.

- 7. Please provide the most creative advice the firm has provided to a public agency client within the past 5 years, explain why the advice was creative, and describe the outcome of the matter upon which the advice was provided.**

As with the provision of client-based memorandum or communications, we are reluctant to jeopardize the confidentiality of client advice through a restated account here—a protection we would likewise provide the District as a client. But from a higher level perspective, in our view, creative advice is a regular occurrence, which happens anytime we are able to sit down with a client and determine precisely what their goals are. Often, a client will approach us with a plan to achieve an important objective of the agency that may run afoul of legal restrictions placed on the agency. We strive, in every instance, to seek to determine a permissible means to achieve that same objective within the operating parameters of the agency.

In more instances than not, we are able to work together with our clients to achieve their desired goals. And, in some instances, when the desired ends are not possible given the legal constraints imposed on an agency, we have been able to work with those same clients to seek a legislative solution—to achieve changes to make those goals possible. Our creative solutions are simple—to understand a client's needs and work together to achieve those goals.

- 8. Please identify whether the firm has had an agreement with a public agency terminated within the past five years, and provide contact information for persons knowledgeable regarding the contract's termination.**

The firm has not had an agreement with a public agency terminated within the past five years.

#### **H. PROPOSED ATTORNEY(S)**

- 1. Name the person whom you propose to designate as the General Counsel and Assistant General Counsel. Provide the following resumé information for each designee:**
- 2. Certificates or licenses, including the date of admission to the State Bar of California;**
- 3. Description of education, including names of educational institutions and degrees conferred;**
- 4. Professional background and professional associations;**

5. Experience with and knowledge of the law relating to public agencies (particularly public water agencies and/or local government agencies);
6. Specific areas of expertise and training; and
7. Provide names and detailed qualifications for all other attorneys in your firm who are proposed to provide supporting legal services in support of the primary attorney(s).

Please see the information below, as well as the detailed attorney biographies attached in Appendix 1.

#### **Wes Miliband, General Counsel and Primary Client Contact**

AALRR is proposing Wes Miliband to serve as General Counsel to the District. Mr. Miliband has an exceptional understanding of water law and has also served as General Counsel to water agencies for many years. He is currently General Counsel to the Modesto Irrigation District and Diablo Water District. Mr. Miliband's legal background provides a broad array of legal expertise, including governance, water law, CEQA, and advisory and litigation services.

Mr. Miliband is an environmental lawyer focused on water resources with a proven track record of success and creativity on behalf of private and public interests throughout California. With a passion for the subject matter, Wes focuses on securing and protecting water rights and water supplies including assistance with water transfers, as well as the infrastructure necessary to treat, store, and deliver water.

Clients often seek Wes's input about legislative and policy matters, in addition to his legal and regulatory expertise. His practice lends itself to related environmental issues involving water quality impacts to surface water and groundwater supplies, regulatory permitting, and environmental compliance with federal and state requirements including CEQA. With unique cross training as advisory, transactional, and trial counsel, and having represented individuals, as well as public and private entities, Wes provides clients with highly-sophisticated strategic approaches for effectively resolving challenging circumstances and disputes that result in environmental litigation.

#### **Kristopher Strouse, Assistant General Counsel**

AALRR is proposing Kristopher Strouse to serve as Assistant General Counsel. Mr. Strouse focuses his practice on assisting clients with their legal needs in the areas of water and the environment. He has regulatory and transactional experience in matters regarding water rights, water supplies, the California Environmental Quality Act and other related areas. His practice includes advising water districts, utilities agencies, municipalities and other special districts and public agencies regarding the regulatory and environmental challenges they face.

The proposed team is as follows:

<b>Attorney</b>	<b>Title</b>	<b>Years in Practice</b>	<b>Areas of Practice</b>
Wesley A. Miliband, Proposed Lead Agency General Counsel	Partner	16	General Counsel (public agency law); CEQA; Environmental; Propositions 218 & 26; Sustainable Groundwater Management Act; Water Law; Water Rights; Litigation
Kristopher T. Strouse	Associate	2	Assistant General Counsel; CEQA; Environmental; Propositions 218 & 26; Sustainable Groundwater Management Act; Water Law; Water Rights; Litigation
Eddy R. Beltran	Of Counsel	23	CEQA
Robert E. Anslow	Partner	33	Bond Counsel; Environmental, Land Use & Zoning; Facilities, Construction, Real Estate & Business; Propositions 218 & 26; Real Property; Water Law; Water Rights; Public Finance
Laura A. Izon	Partner	26	Labor & Employment
Nicolle A. Falcis	Senior Associate	4	Support for Land Use and Contracts; Facilities, Real Property, and Infrastructure

## **I. REFERENCES AND POTENTIAL CONFLICTS OF INTEREST**

- 1. Provide contact information for three public agency clients for which services have been provided by the proposed General Counsel and Assistant General Counsel in the last five years, so reference checks can be conducted. Please include the contact person's name, agency, phone and email address.**

**Ed Franciosa, General Manager**

**Modesto Irrigation District**

1231 11th Street, Modesto, CA 95354

[ed.franciosa@mid.org](mailto:ed.franciosa@mid.org) (209) 526-7465

Mr. Miliband serves as General Counsel for MID. He and our team provide a wide array of services including public agency law, water law, and labor and employment law, among others.

**Don Bartz, General Manager**

**Phelan Piñon Hills Community Services District**

4176 Warbler Road, Phelan, CA 92371

[dbartz@pphcsd.org](mailto:dbartz@pphcsd.org), (760) 868-1212

Mr. Miliband served as trial counsel in the Antelope Valley Groundwater Cases involving securing water rights and has since served to represent the district in multiple matters involving two adjudication basins (Antelope Valley and Mojave Basins).

**Dan Muelrath, General Manager**

**Diablo Water District**

87 Carol Lane, Oakley, CA 94561

[dmuelrath@diablowater.org](mailto:dmuelrath@diablowater.org), (925) 625-6159

Mr. Miliband serves as General Counsel to the District.

- 2. List all public clients within the Sacramento Region for whom your firm currently provides services under a fee for services basis or on a retainer basis and indicate the services provided. Identify any foreseeable or potential conflicts of interest that could result from such representation and the manner in which you would propose to resolve such conflicts.**

AALRR is one of the largest public sector law firms in California, and an exhaustive list of Sacramento area clients would be prohibitively long. Below is a representative list.

- Modesto Irrigation District
- Diablo Water District
- Morongo Band of Mission Indians
- Phelan Pinon Hills Community Services District
- Helendale Community Services District Yucaipa Valley Water District

- Contra Costa Community College District
- Woodland Joint Unified School District
- West Contra Costa Unified School District
- San Francisco Community College District
- State of California
- Center Unified School District
- Gustine Unified School District
- Davis Joint Unified School District
- City of Sacramento
- San Rafael City Schools
- Hollister Elementary School District
- California State University Stanislaus
- Antioch Unified School District
- Dixon Unified School District
- San Mateo-Foster City School District
- Los Rios Community College

To the best of our knowledge, we do not foresee any potential conflicts of interest that could result from our representation of the District.

**3. For the person proposed as General Counsel, list all public clients that person presently represents as General Counsel, Deputy General Counsel, or Assistant General Counsel, along with the meeting dates and times for each governing body.**

Mr. Miliband serves as General Counsel at:

- Modesto Irrigation District, which holds its Board of Directors meetings on the Second and Fourth Tuesdays of the month at 9:00 AM.
- Diablo Water District, which holds its Board of Directors meetings on the Fourth Wednesday of the month at 6:30 PM.

Mr. Miliband does not have any conflicts with Rio Linda Elverta CWD's Board meetings as currently scheduled. In sum, Mr. Miliband holds 15 years of experience representing public agencies as General Counsel (formerly Laguna Beach County Water District, formerly San Luis Rey Municipal Water District (both based in southern California), and currently serves as GC for Modesto Irrigation District and Diablo Water District, the latter of which is organized under the California Water Code as a County Water District) making him very experienced. AALRR provides the added benefit of having a broad and deep bench of colleagues to assist with specialized or novel issues as may occur. Mr. Miliband is an experienced General Counsel who plans to practice law for several more

decades, thereby enhancing the District's investment for a long, effective attorney-client relationship.

- 4. List all private clients of your firm such as water contractors, construction contractors, land developers, or other contractors that could potentially pose a conflict of interest while representing the District.**

To the best of our knowledge, none of our clients pose a conflict of interest should we represent the District.

- 5. Identify all situations in the last five years in which your firm represented a public entity in a litigated or administrative proceeding and the decision or outcome was adverse to that public entity, Similarly, please identify all situations within the last five years in which your firm represented a public entity in a litigated or administrative proceeding and the decision or outcome was beneficial to the public entity.**

Due to client confidentiality, we do not disclose specific matters where we have represented clients.

- 6. If, within the past five years the firm, or any of the attorneys employed by the firm has been sued by a public agency for legal malpractice, been the subject of a legal malpractice claim, been the subject of a complaint filed with the State Bar, or received discipline imposed by the State Bar, please describe in detail the circumstances of said suit, claim, complaint or discipline.**

This item is not applicable to AALRR or any of its attorneys.

#### **J. COMPENSATION AND REIMBURSEMENT**

(in a separate, sealed envelope or by a separate attachment if submitting via email)

Please see our Fee Proposal document provided under separate cover.

#### **K. AGREEMENT**

**At the conclusion of the RFP process, negotiations for an agreement between the District and the selected firm will proceed. If the District engages a firm in negotiations and satisfactory agreement provisions cannot be reached, then negotiations may be terminated and the District may elect to contact another firm. This sequence may continue until an agreement is reached.**

The District contemplates entering into a legal services agreement containing its standard terms and conditions which will include specific standards for the firm's billing of costs and services. The agreement will also set forth requirements for the exercise of efficient billing judgment, billing documentation, and insurance requirements. The contract will contain an express provision that in the event of any dispute concerning any matter regarding the agreement, each party agrees to bear its own attorney's fees. In addition, the agreement will require that it be governed by California law, without regard to conflict of laws principles, and that venue for any dispute be in Sacramento County.

We find the contract provisions stated above to be reasonable and standard and do not foresee any reason why satisfactory agreement provisions could not be reached.

# BOARD REQUEST HANDOUT

**Subject:** Pre-Contract Renewal Accountability Process – Request for Position Reviews, Fitness Evaluations, and PIP Implementation

**Requested By:** Maria Liverett

**Date:** 6/2/2025

## Purpose of Request

This request seeks Board direction and approval to implement a district-wide **pre-renewal review and accountability process** for all classified and union-represented positions. This process responds to serious incidents of personnel misconduct, abuse of paid leave, unsubstantiated claims of workplace fear, and a failure to assess whether certain positions remain necessary or appropriate.

The goal is to ensure that any future contract renewals, extensions, or MOU agreements are based on **performance, need, and safety — not routine continuation.**

## Requested Actions

### 1. Mandatory Position Necessity Review Prior to Contract Renewal

- Conduct an operational review of each classified position to assess:
  - Job redundancy
  - Whether duties have been absorbed by others
  - Cost-effectiveness and staffing coverage
- Submit findings for Board review before any contract or MOU renewals are approved.

### 2. Performance Improvement Plan (PIP) for Flagged Employees

- Require any employee with a documented history of:
  - Extended inactivity
  - Insubordination
  - Hostile conduct
  - Misuse of leaveto be placed on a formal PIP prior to any renewal or promotion consideration.

### 3. Fitness-for-Duty Evaluation Where Safety or Psychological Claims Are Made

- Require third-party, job-related fitness-for-duty evaluations for any employee claiming fear or emotional inability to return to the workplace.

- Ensure evaluations are compliant with ADA and labor code and used to assess readiness to work or grounds for reassignment/separation.

#### **4. Legal Review and Investigation into Abusive Leave or Threatening Conduct**

- Request immediate legal review and administrative investigation into cases where paid leave has been granted based on unverified claims of fear — particularly when the subject of that fear is an elected Director, not a co-worker.
- Specifically, in the case of **Employee [Name Redacted]**, a history of **stalking a Director**, intimidating former leadership, and manipulating paid leave status has been documented and requires action.

#### **5. Temporary Freeze on Position Reinstatements**

- Until the reviews above are complete, freeze any reinstatement of employees on leave due to alleged fear or psychological stress.
- Require Board review prior to re-entry, especially in cases involving Director safety concerns.

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### **Rationale**

- **A specific employee has falsely claimed fear of a seated Director while drawing paid leave, despite a documented history of stalking, intimidation, and prior targeting of another Director and former GM.**
- **The current system is being manipulated** to avoid work while maintaining full compensation.
- **Positions unfilled for over 6 months have had no operational impact**, showing potential redundancy.
- **Allowing these behaviors without review creates fiscal risk, legal exposure, and public mistrust.**



## **Agenda Item: 4**

**Date:** June 2, 2025

**Subject:** Public Comment for Closed Session

**Staff Contact:** Timothy R. Shaw, General Manager

### **4. PUBLIC COMMENT FOR CLOSED SESSION**

Public comment for closed session items only. The public is invited to comment on any item listed on the closed session agenda. Each speaker is limited to 2 minutes.



## **Closed Session Agenda Item: 5**

**Date:** June 2, 2025

**Subject:** Closed Session

**Staff Contact:** Timothy R. Shaw, General Manager

**5 CLOSED SESSION** - The Board of Directors will convene to Closed Session to discuss the following items.

**5.1 – Conference with Legal Counsel – Existing Litigation**

*Name of Case: Unfair Labor Practice Charge filed with the Public Employee Relations Board by Teamsters Local 150 on behalf of Rio Linda Elverta Community Water District Staff on May 22, 2025*

**5.2 -Conference with Labor Negotiators**

Agency's Designated Representative: Tim Shaw  
Employee Organization: Teamsters Local 150



## Reconvene Open Session Agenda Item: 6

**Date:** June 2, 2025

**Subject:** Report of Action Taken in Closed Session

**Staff Contact:** Timothy R. Shaw, General Manager

### 6. Return to Open Session and Report of Action Taken in Closed Session

Announce any reportable actions authorized in closed session.

#### Board Action / Motion

Motioned by: Director \_\_\_\_\_ Seconded by Director \_\_\_\_\_

Cline: \_\_\_\_\_ Gifford: \_\_\_\_\_ Green \_\_\_\_\_ Liverett \_\_\_\_\_ Young \_\_\_\_\_.

(A) Yea (N) Nay (Ab) Abstain (Abs) Absent