

LOS OSOS GROUNDWATER BASIN, BASIN MANAGEMENT COMMITTEE

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Los Osos Groundwater Basin, Basin Management Committee Board of Directors will hold a **Regular Board Meeting at 1:30 P.M. on Wednesday, September 21, 2022** at the **Los Osos Community Services District Boardroom**, located at 2122 9th Street Suite 106, Los Osos, CA 93402 Members of the public may participate in this meeting in person or via teleconference and/or electronically.

For quick access, go to <https://us04web.zoom.us/j/778762508>

(This link will help connect both your browser and telephone to the call)

If not using a computer, dial 1 (669) 900-6833 or 1 (346) 248-779 and enter **778 762 508**

All persons desiring to speak during any Public Comment can submit a comment by:

- Email at danheimel@ConfluenceES.com by 5:00 PM on the day prior to the Committee meeting.
- Teleconference by phone at 1 (669) 900-6833 and enter **778 762 508**
- Teleconference by phone at 1 (346) 248-7799 and enter **778 762 508**
- Teleconference meeting at <https://us04web.zoom.us/j/778762508>
- Mail by 5:00 PM on the day prior to the Committee meeting to:
Attn: Dan HeimeI (Basin Management Committee)
2122 9th St.
Suite 110
Los Osos, CA 93402

Directors: Agenda items are numbered for identification purposes only and may not necessarily be considered in numerical order.

NOTE: The Basin Management Committee reserves the right to limit each speaker to three (3) minutes per subject or topic. In compliance with the Americans with Disabilities Act, all possible accommodations will be made for individuals with disabilities, so they may participate in the meeting. Persons who require accommodation for any audio, visual or other disability in order to participate in the meeting of the BMC are encouraged to request such accommodation 48 hours in advance of the meeting from Dan HeimeI at danheimel@ConfluenceES.com.

BASIN MANAGEMENT COMMITTEE BOARD OF DIRECTORS AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. BOARD MEMBER COMMENTS

Board members may make brief comments, provide project status updates, or communicate with other directors, staff, or the public regarding non-agenda topics.

5. SPECIAL PRESENTATION

None

6. CONSENT AGENDA

The following routine items listed below are scheduled for consideration as a group. Each item is recommended for approval unless noted and may be approved in their entirety by one motion. Any member of the public who wishes to comment on any Consent Agenda item may do so at this time. Consent items generally require no discussion. However, any Director may request that any item be withdrawn from the Consent Agenda and moved to the "Action Items" portion of the Agenda to permit discussion or to change the recommended course of action. The Board may approve the remainder of the Consent Agenda on one motion.

- a. 2022 Budget Update and Invoice Register**
- b. Approval of Minutes from July 28, 2022 BMC Meeting**

7. PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

The Basin Management Committee will consider public comments on items not appearing on the agenda and within the subject matter jurisdiction of the Basin Management Committee. The Basin Management Committee cannot enter into a detailed discussion or take any action on any items presented during public comments at this time. Such items may only be referred to the Executive Director or other staff for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on specific agenda items should do so at the time specified for those items. The presiding Chair shall limit public comments to three minutes.

8. EXECUTIVE DIRECTOR'S REPORT

9. ACTION ITEMS

- a. S&T Mutual Water Company BMC Director Change**

Recommendation: Receive letter from S&T Mutual Water Company regarding change in BMC Director and Alternate Director positions.

- b. Recommendation for selection of RWG Law to provide Contract Legal Counsel Services for the BMC**

Recommendation: Receive recommendation and approve the selection of RWG Law to provide Contract Legal Counsel Services for the BMC or provide alternate direction to staff.

- c. BMC CY 2022 Budget Re-Allocation Recommendations**

Recommendation: Receive recommendations to modify current budget allocations and contingencies to alternate tasks to leverage ability to utilize anticipated unused CY 2022 BMC Budget funds or provide alternate direction to staff.

10. ADJOURNMENT

TO: Los Osos Basin Management Committee

FROM: Daniel Heimel, Executive Director

DATE: September 21, 2022

SUBJECT: Item 6a & b – Approval of Budget Update/Invoice Register and Meeting Minutes

Recommendations

Staff recommends that the BMC review and consider approval of Budget/Invoice Register and Meetings Minutes or provide alternate direction to Staff.

Discussion

BMC Staff has prepared a summary of costs incurred as compared to the adopted budget and a running invoice register for Calendar Year 2022 and Meeting Minutes from previous BMC Meetings (see Attachments).

Attachment 2: Invoice Register for Los Osos BMC for Calendar Year 2022

Vendor	Invoice No.	Amount	Month of Service	Description	Budget Item	Date Executive Director Approved	Date BMC Chairperson Approved	Date BMC Approved
CHG	20211203	\$6,490.00	Dec-21	Annual Report Preparations	6	Jan-22		
CHG	20211204	\$2,534.40	Dec-21	Groundwater Monitoring	5	Jan-22		
CHG	20211205	\$5,076.40	Dec-21	Rating Curve Development	11	Jan-22		
ConfluenceES	1011	\$5,100.00	Jan-22	BMC Executive Director Services	1		Feb-22	
CHG	20220103	\$20,495.00	Jan-22	Annual Report Preparations	6	Mar-22		
CHG	20220104	\$1,319.40	Jan-22	Groundwater Monitoring	5	Mar-22		
CHG	20220105	\$2,327.00	Jan-22	Rating Curve Development	11	Mar-22		
CHG	20220204	\$15,400.00	Feb-22	Annual Report Preparations	6	Mar-22		
CHG	20220205	\$320.00	Feb-22	Technical Support - Data Request Response	4			Apr-22
ConfluenceES	1018	\$5,700.00	Feb-22	BMC Executive Director Services	1		Mar-22	
CHG	20220303	\$10,740.00	Mar-22	Annual Report Preparations	6	Apr-22		
CHG	20220304	\$1,740.00	Mar-22	Groundwater Monitoring	5	Apr-22		
CHG	20220305	\$1,440.00	Mar-22	Technical Support - Monitoring Well Invest.	4			May-22
ConfluenceES	1026	\$4,050.00	Mar-22	BMC Executive Director Services	1		Apr-22	
CHG	20220405	\$2,545.00	Apr-22	Annual Report Preparations	6	May-22		
CHG	20220406	\$11,370.00	Apr-22	Groundwater Monitoring	5	May-22		
ConfluenceES	1031	\$7,450.00	Apr-22	BMC Executive Director Services	1		May-22	
CHG	20220501	\$3,200.00	May-22	Technical Support - Program C Evaluation	4	Jun-22		
CHG	20220503	\$2,772.00	May-22	Groundwater Monitoring	5	Jun-22		
CHG	20220502	\$1,600.00	May-22	Annual Report Preparations	6			Jun-22
ConfluenceES	1037	\$8,493.75	May-22	BMC Executive Director Services	1		Jun-22	
CHG	20220610	\$1,280.00	Jun-22	Technical Support - Monitoring Well Invest.	4			Jul-22
CHG	20220611	\$640.00	Jun-22	Annual Report Preparations	6			Jul-22
ConfluenceES	1043	\$5,837.50	Jun-22	BMC Executive Director Services	1		Jul-22	
CHG	2022075	\$1,510.00	Jul-22	Technical Support - Monitoring Well Invest.	4			
ConfluenceES	1046	\$6,250.00	Jul-22	BMC Executive Director Services	1		Aug-22	
CHG	20220805	\$1,597.50	Aug-22	Technical Support - ITRC Coordination, LA6	4			
ConfluenceES	1050	\$3,900.00	Aug-22	BMC Executive Director Services	1		Sep-22	
	2022 Total	\$141,177.95						To be approved

BASIN MANAGEMENT COMMITTEE BOARD OF DIRECTORS

Agenda Item 6b: Minutes of the Meeting of July 28, 2022

The following is a summary of the actions taken at the Basin Management Committee Board of Directors Meeting.
The official record for the meeting is the recording that can be found at:

<https://slo-span.org/static/meetings-LOBMC.php>

Agenda Item	Discussion or Action
1. Call to Order	Chair Ochylski called the meeting to order at approximately 1:30 PM.
2. Roll Call	Daniel Heimel, Executive Director, called roll to begin the meeting. Director Cote, Director Gibson, Director Zimmer, Chair Ochylski
3. Pledge of Allegiance	
4. Board Member Comments	Director Cote requested that future BMC Meetings have smaller agendas and occur more frequently to allow additional time to review agenda packet materials.
5. Special Presentation	None
6. Consent Agenda 6a. 2022 Budget Update and Invoice Register 6b. Approval of Minutes from May 18, 2022 BMC Meeting 6c. Approval of Minutes from June 15, 2022 BMC Meeting	Public Comment (3:30) Linde Owen Board Action (4:30) Approve Consent Agenda Motion: Director Gibson Second: Director Cote Ayes: Director Cote, Director Gibson, Director Zimmer, Chair Ochylski Nays: None Abstain: None Absent: None
7. Public Comments on Items Not Appearing on the Agenda	Public Comment (5:10) Jeff Edwards Linde Owen Becky McFarland Patrick McGibney
8. Executive Director's Report	Public Comment (30:30) Linde Owen Becky McFarland Larry Raio Patrick McGibney
9. Action Items	

<p>9a. Presentation of the Draft Well Modification and the New Monitoring Well Location TM</p>	<p>Recommendation: Receive the Draft Well Modification and New Monitoring Well Location Technical Memorandum and authorize BMC Staff to move forward with modifications to LA 14 and LA 16 or provide alternate direction.</p> <p>Public Comment (48:00) Jeff Edwards Becky McFarland Patrick McGibney</p> <p>Board Action (1:03:45) Direct Staff to utilize anticipated unused CY 2022 BMC Budget funds in the following priorities: 1) construction of a new nested monitoring well; 2) perform well modifications to LA 16 and LA 14; or 3) provide the BMC with additional recommendations for how to leverage anticipated unused funds to improve Basin monitoring and management.</p> <p>Motion: Director Gibson Second: Vice Chair Zimmer Ayes: Director Gibson, Director Zimmer, Chair Ochylski, Director Cote Nays: None Abstain: None Absent: None</p>
<p>9b. Presentation of Draft Funding Options TM</p>	<p>Recommendation: Receive a presentation on the Draft Funding Options Technical Memorandum and provide direction to staff.</p> <p>Public Comment (1:38:55) Jeff Edwards Linde Owen</p> <p>Board Direction (1:52:30) Direct Staff to develop Work Plan and Budget to assist the BMC in understanding the key decision points, timeline and costs for establishing a more formal organizational and funding structure.</p>
<p>9c. Draft Spring 2022 Lower Aquifer Groundwater Basin Monitoring Results</p>	<p>Recommendation: Receive an update on early findings for the Spring 2022 Lower Aquifer Groundwater Monitoring results.</p> <p>Public Comment: (2:03:40) Linde Owen Becky McFarland Emily Megans Patrick McGibney</p>
<p>10. Adjournment</p>	<p>Meeting adjourned at approximately 3:45 pm. The next regularly scheduled meeting is Wednesday, August 17th 2022 at 1:30 PM.</p>

TO: Los Osos Basin Management Committee

FROM: Dan Heibel, Executive Director

DATE: September 21, 2022

SUBJECT: Item 8 – Executive Director’s Report

Recommendations

Staff recommends that the Committee receive and file the report and provide staff with any direction for future discussions. Sections of the Executive Director’s Report that have been updated or significantly changed from the previous meeting’s version are underlined.

Discussion

This report was prepared to summarize administrative matters not covered in other agenda items and to provide a general update on staff activities.

Funding and Financing Programs to Support Basin Plan Implementation

SGM Implementation Grant: Applications for Round 2 of the Sustainable Groundwater Management (SGM) Implementation Grant are anticipated to be due in October 2022. This grant program is administered by the California Department of Water Resources (DWR) to provide funding for projects that encourage sustainable management of groundwater resources that support Sustainable Groundwater Management Act (SGMA) and/or invest in groundwater recharge projects for surface water, stormwater, recycled water, and other conjunctive use projects. Round 1 funding was provided to Critically Overdrafted (COD) Basins and final awards were recently announced. Round 2 solicitation is anticipated in September 2022. Eligible applicants for this funding include Groundwater Sustainability Agencies or agencies within adjudicated basins that were adjudicated after January 1, 2015. However, applicants must also be located in Medium, High and COD basins. The Los Osos Basin is currently prioritized as Very Low priority as a result of conditions being met under sub-component C of the Draft SGMA 2019 Basin Prioritizations (i.e. non-adjudicated pumping is less than 9,500 acre-feet per year).

Prop 1 GWGP: The Prop 1 GWGP Round 3 solicitation was released on July 6th, 2021 with Concept Proposals due September 7th, 2021. However, as indicated in the January 2018 BMC meeting, the State Board confirmed that seawater intrusion mitigation projects under Program C are eligible for low interest loans but are not currently eligible for grants under the Proposition 1 Groundwater Grant Program (GWGP). New wells in the upper and lower aquifer are viewed as aquifer management, not aquifer clean-up as defined by the State, therefore we will need to look for future funding rounds and other opportunities. Aquifer clean-up projects (e.g. Community Nitrate Facility, Upper Aquifer Capture and Treatment) could be considered for pursuing grant funding through this program. Unfortunately,

this is the 3rd and last round for this Program and they are only looking to fund implementation projects (i.e. projects that have design, CEQA and other planning components completed and are ready for construction), not planning projects.

IRWM: The Program A upper aquifer well at 8th Street was submitted by Los Osos CSD to the local IRWM process in 2019 as part of the Round 1, Prop 1 Implementation Grant cycle and was subsequently selected to be a part of the application for the current funding opportunity. The application for this grant was submitted in December 2019 and the Project was included in the Department of Water Resource's July 2020 Final Funding Award List for the full grant request (\$238,000). Prop 1, Round 2 Implementation grant cycle has been initiated and the Call for Projects opened on April 7th, 2022 and closed April 28th, 2022. The BMC did not submit any projects as it was determined that there were not projects that were sufficiently far enough along to be competitive for this grant opportunity.

Prop 1 SWGP: The concept of urban storm water recovery at 8th and El Moro was ranked in the County Stormwater Resource Plan. The Project is labeled as "Capture and Reuse of Storm Water" and listed as a Los Osos Community Services District project. The Stormwater Resource Plan can be found here: <https://www.slocounty.ca.gov/Departments/Public-Works/Committees-Programs/Stormwater-Resource-Plan.aspx>. The Project is additionally described in the following locations:

- It is **described** here in our SWRP Appendix 4B under "Capture and Reuse of Storm Water" at 9th and El Morro: <https://www.slocounty.ca.gov/Departments/Public-Works/Forms-Documents/Committees-Programs/Stormwater-Resource-Plan/Documents/SWRP-Appendix-4-B-Identified-Project-and-Program-D.pdf>
- It is **ranked** here on our SWRP website on the **SWRP Project List** link under "Capture and Reuse of Storm Water": <https://www.slocounty.ca.gov/Departments/Public-Works/Forms-Documents/Committees-Programs/Stormwater-Resource-Plan/Documents/SWRP-Program-Master-Project-Info-2020-04-16.pdf>
- It is also on the **IRWM Project list** under "Capture and Reuse of Storm Water": [https://www.slocounty.ca.gov/Departments/Public-Works/Forms-Documents/Committees-Programs/Integrated-Regional-Water-Management-\(IRWM\)/Current-IRWM-Full-Project-List_20220322.pdf](https://www.slocounty.ca.gov/Departments/Public-Works/Forms-Documents/Committees-Programs/Integrated-Regional-Water-Management-(IRWM)/Current-IRWM-Full-Project-List_20220322.pdf)

Grant funding may be available through the Prop 1 Storm Water Grant Program (SWGP). However, the application period for Round 2 of SWGP funding has closed. Information about the Storm Water Grant Program can be found here:

https://www.waterboards.ca.gov/water_issues/programs/grants_loans/swgp/prop1/

WRFP: The State Water Resource Control Board (SWRCB) increased the amount for Water Recycled Program Planning (WRFP) grants from \$75k to \$150k. This could provide a grant funding opportunity to

advance Basin Plan initiatives, with a reduced cost to the community of Los Osos, through preparation of a Recycled Water Facilities Planning Study (RWFPS). Potential scope items for the RWFPS could include:

- Transient Groundwater Model Development
- Soil Aquifer Treatment (SAT) Assessment
- Broderson/Creek Discharge Scenario Analysis
- Stormwater and Perched Water Recovery Project – Feasibility Study
- Adaptive Management Groundwater Modeling
- RWFPS Report Development

Recent communication with the SWRCB Representatives confirmed that this funding program is still fully funded and WRFPS grants are available. On 2/11/2022 the Los Osos Community Services District (Los Osos CSD) submitted an application for a WRFPS grant to develop a transient model and analyze recycled water and supplemental water projects to improve the sustainability of the Los Osos Basin (WRFPS Study) and is still waiting for notification. At its May 5th, 2022 Meeting the Los Osos CSD approved the RFP for the WRFPS Study and is waiting on approval of the grant before releasing it. The LOCSO was recently contacted by the SWRCB representatives asking if they would like to resubmit their application for a larger grant amount. The SWRCB is increasing the grant award amount from \$150k to \$250k. Accessing this additional grant funding would provide the BMC with an opportunity to improve the quality of the model and further analyze recycled water and other supplemental water supply opportunities. LOCSO and BMC Staff are initiating conversations with the SWRCB to better understand what the impact to the grant award timeline would be and what activities would qualify for match funding. Additional information will be brought to the BMC on this at a subsequent meeting.

Status of BMC Initiatives

Sustainable Yield: At its October 27th, 2021 Meeting, the BMC unanimously approved a Sustainable Yield estimate of 2,380 AFY for Calendar Year 2022 and these actions will be documented in the 2021 Annual Report. Prior to the beginning of Calendar Year 2023, the BMC is tasked with establishing a Sustainable Yield estimate for 2023. On October 27th, 2021 the BMC established a Sustainable Yield Estimate for CY 2022 of 2,380 AFY for the Los Osos Basin. At this point, BMC Staff is recommending that the BMC retain the current Sustainable Yield estimate of 2,380 AFY for CY 2023 for the following reasons: 1) No new infrastructure, not already considered in the 2022 Sustainable Yield Estimate, has been constructed; 2) estimates for the development of the Broderson Mound and long-term average rainfall were updated and incorporated into the CY 2022 Sustainable Yield Estimate and are not anticipated to change significantly on a year-over-year basis; 3) no significant hydrogeologic investigations have been conducted that would warrant an update to the steady-state groundwater model utilized to develop the Sustainable Yield Estimate. Additional information on the methodology and assumptions utilized to calculate the CY 2022 Sustainable Yield Estimate can be found in the October 27th, 2021 BMC Meeting Agenda Packet. The CY 2023 Sustainable Yield Estimate will be brought to the BMC as a separate formal agenda item before the end of 2022.

Lower Aquifer Transducer Installation: In March, Cleath-Harris Geologists (CHG) initiated requests for permission to access and install transducers in several County monitoring wells, a private well, and a

purveyor well. The purveyor well (LA 9) was equipped with a transducer. Due to the uncertainty in accessing County wells, two additional purveyor monitoring wells (LA 40 and LA41) were equipped with transducers. Permission was subsequently received to access County wells, and four County monitoring wells have been equipped with transducers (LA11, LA14, LA16, and LA19). This completes the planned transducer expansion program, with 7 added units.

Basin Metric Evaluation: Analysis of potential modifications to the Basin Metric's is currently on hold. Proposed modifications to the metrics were provided to BMC Party Staff for review. However, BMC Party Staff requested that potential improvements to the existing BMC Monitoring Program (i.e. modifications to an existing wells or a new monitoring well) be evaluated prior to modifying the Basin Metrics. Recommendations regarding potential improvements to the Basin Monitoring Network will be brought to the BMC at a future meeting, followed by potential modifications to the Basin Metrics.

Transient Groundwater Model: At its October 27th, 2021 Meeting, the BMC authorized the preparation of a Water Recycling Funding Program Grant Application and to request access to the \$150,000 of funding that the County budgeted for a transient groundwater model for Los Osos. The Los Osos CSD will be the lead agency for the grant on behalf of the BMC. The grant application was submitted to the SWRCB by Los Osos CSD on 2/11/2022 for \$150k in grant funds and the County approved providing \$150k to the Los Osos CSD for a Transient Model for the Los Osos Basin. After receiving approval from the SWRCB, the Los Osos CSD will solicit proposals from consulting firms through an RFP process to procure the necessary services to develop the model and complete the WRF Study. See update under WRF Grant above.

Wellhead Survey: At its October 27th, 2021 Meeting, the BMC authorized Twin Cities Surveying to survey additional wells in Los Osos Basin and for BMC Staff to request that the County survey the wells in their monitoring program. Both Twin Cities Surveying and the County completed their wellhead surveys in November and December. BMC monitoring network wellhead elevations are now up to date.

Lower Aquifer Monitoring Evaluation: At its October 27th, 2021 Meeting, the BMC authorized CHG to evaluate the feasibility and cost of modifying existing wells or construction a new monitoring well(s) to improve monitoring of Zone E water quality. BMC Party Staff evaluated the potential to fund a new monitoring well in 2022, but there is not sufficient budget. BMC Party Staff will target including a new monitoring well in the Calendar Year 2023 Budget. Recommendations regarding Monitoring Well Modifications and New Monitoring Well Locations are included in Agenda Item 9c of this Agenda Packet.

Program C Adaptive Management: At its April 20th, 2022 Meeting, the BMC approved CHG to evaluate the re-inclusion of the 3rd Well into Program C. Additional detail regarding the history of the 3rd Program C Well is available in the April 20th, 2022 BMC Agenda Packet. CHG is currently evaluating the anticipated increase in the Sustainable Yield that the 2nd and 3rd Program C Wells would provide utilizing the criteria for calculating the Sustainable Yield approved by the BMC at their October 27th, 2021 Meeting. Results from this evaluation will be presented to BMC Party Staff and then to the BMC at a future meeting.

Status of Basin Plan Implementation and Funding Plans

The BMC has requested an integrated funding plan for project implementation and BMC monitoring and administration. BMC Staff and BMC Party Staff have formed a Funding and Organizational Working Group to identify and evaluate potential future funding and organization structures for the BMC and implementation of the Basin Plan. Consistent with the Basin Plan, the Working Group is identifying and evaluating funding and organizational structures that will provide a long-term mechanism for funding BMC Administration and Basin Plan Implementation costs and that allocate costs equitably amongst all who benefit from the Basin’s water resources.

The Working Group reviewed previously completed analysis on BMC funding and organization structures, documenting the different alternatives and identifying data/information gaps that may require outside technical support. At its October 27th, 2021 Meeting, the BMC approved a proposal from SCI Consulting Group to provide an updated funding options analysis and assessment evaluation. SCI has prepared a draft report, that includes their evaluation of funding alternatives and findings from the funding model, that has been reviewed by BMC Party Staff. BMC Staff is working with SCI to develop a Work Plan and Budget to assist the BMC in understanding the key decision points, timeline and costs for establishing a more formal organizational and funding structure.

JPA Formation: Staff level discussions continue to focus on the need for, and benefits of, forming a JPA, see table below, to assist with implementation of the Basin Plan.

Table 1. JPA Formation Considerations

Pros	Cons
• Common ownership of basin assets	• Complexity and community perception
• Ability to contract for services as an entity	• Potential for difficulty in formal proceedings - less nimble
• GSWC can participate as a director	• More difficult to exit/change if needed
• Could cover entire limits of basin for funding	
• If carefully done, incremental costs could be limited to insurance and up-front legal expenses	
• Ability to carry-over funds from one budget year to another	

As indicated in previous meetings, it was determined that GSWC could serve as an appointed JPA director without forming a separate Mutual Water Company entity, which would simplify the process.

Discussions with BMC Party Staff indicate that the BMC Parties would like to execute the Implementation Plan initiative to first develop a roadmap for the BMC and then evaluate the potential formation of a JPA or other governance structure once there is a more defined plan for future BMC initiatives.

BMC Legal Counsel – At the December 15, 2021 BMC Meeting, the BMC included in the authorization of the Calendar Year 2022 Budget \$20,000 for Legal Counsel Contingency to be included in Executive Director’s Budget. The BMC additionally authorized the Executive Director to utilize up to \$5,000 before requiring BMC approval and for the Executive Director to provide updates on legal counsel spending in the Executive Director’s Report. A Request for Qualifications (RFQ) was approved by the BMC at its April 20th, 2022 Meeting and subsequently released to solicit legal counsel representation for the BMC. BMC Staff received seven Statements of Qualifications (SOQs) and BMC Party Staff interviewed four legal firms. A recommendation for selection of BMC Legal Counsel is included in Agenda Item 9b of this Agenda Packet.

Program B Implementation Process and Funding: The existing nitrate removal facility owned by GSWC is intended to serve existing development, so it is likely that a Program B facility intended for future development would be jointly owned by either a JPA or by one of the public agencies.

- Likely next steps for the implementation of Program B projects include:
 - Technical Studies to validate and update cost estimates
 - Siting Studies to identify project locations
 - AB 1600 analysis to evaluate funding options relative to future development in coordination with the Los Osos Community Plan
 - Environmental Review (CEQA)
 - Land Use Permitting (e.g. Coastal Development Permits, etc.)

Land Use Planning Process Update

Guide to Planning Information for Development in Los Osos:

This website is intended to provide planning information outlining what type of development is currently allowed within <https://www.slocounty.ca.gov/Departments/Planning-Building/Grid-Items/Community-Engagement/Communities-Villages/Los-Osos.aspx>.

Topics covered include but are not limited to:

- Which types of permit applications are currently being accepted for processing
- Status of the building moratorium and waitlist for undeveloped parcels in the sewer service area (still in place)
- Status of the Communitywide Habitat Conservation Plan

Los Osos Retrofit-to-Build Program (Title 19 Water Offset Requirement) Update:

Maddaus Water Management Inc. is preparing a study to update water usage estimates for urban and rural residences sourcing water from the Los Osos Groundwater Basin, propose new water conservation measures for the retrofit-to-build program, and estimate remaining water savings potential for the community. They are currently processing data and working with County Planning staff on the first deliverable. Scheduling updates will be posted at:

<https://www.slocounty.ca.gov/Departments/Planning-Building/Grid-Items/Community->

[Engagement/Active-Planning-Projects/Los-Osos-Water-Offset-Study.aspx#:~:text=Los%20Osos%20Water%20Offset%20Study%20The%20County%20has,is%20anticipated%20to%20be%20completed%20in%20March%202022.](#)

Los Osos Community Plan:

The Los Osos Community Plan is being reviewed by the California Coastal Commission and a hearing date has not yet been scheduled. In the meantime, the County is meeting with BMC staff to discuss potential policy changes considering ongoing basin monitoring and Basin Plan program implementation efforts. On December 15, 2020, the County Board of Supervisors adopted the Los Osos Community Plan ("LOCP") update and Final Environmental Impact Report ("FEIR"). The LOCP policies are still subject to change based on California Coastal Commission review. The LOCP and FEIR considered by the Board on December 15 are available at: <https://www.slocounty.ca.gov/LosOsosPlan-1.aspx>.

Background

The Board authorized preparation of this update on December 11, 2012. A series of community outreach meetings to unveil the Community Plan were conducted in the Spring of 2015. The plan was prepared to be consistent and coordinated with the draft groundwater basin management plan and the draft Habitat Conservation Plan ("HCP"). The draft Environmental Impact Report was released on September 12, 2019; comments were due December 11, 2019. A Community Meeting on the Draft Environmental Impact Report for the LOCP, HCP, and associated Environmental Documents was held on October 28, 2019. The Final Environmental Impact Report and Public Hearing Draft were released on June 8, 2020. The Planning Commission held hearings on July 9, 2020, August 13, 2020, and October 8, 2020. At the October 8, 2020 hearing, the Planning Commission recommended approval of the Plan to the Board of Supervisors.

Coastal Zone Accessory Dwelling Unit (ADU) Ordinance:

On May 17, 2022, the County Board of Supervisors continued to a date certain the hearing to consider accepting the California Coastal Commission's suggested modifications to the Coastal ADU Ordinance, including not allowing ADUs within the Los Osos Groundwater Basin boundary and/or within the Los Osos Groundwater Basin Plan Area. At the August 9, 2022 hearing date, County Staff requested that the hearing for the Ordinance be continued and that request was approved. Coastal Commission's suggested modifications approved at their February 11, 2022 meeting are available at: <https://www.coastal.ca.gov/meetings/agenda/#/2022/2> (Agenda Item # 16a).

Los Osos Vacation Rental Ordinance:

On June 7, 2022, the County Board of Supervisors held a hearing and adopted a resolution to accept the California Coastal Commission's suggested modifications to the Los Osos Vacation Rental Ordinance. On July 14, 2022 the Coastal Commission certified the Los Osos Vacation Rental Ordinance, as part of the Local Coastal Plan.

The Los Osos Vacation Rental Ordinance includes a standard to encourage reducing water usage: "A minimum of one water conservation sign shall be posted in each restroom and kitchen of the dwelling.

Water conservation signs shall encourage occupants to reduce water usage by stating (a) the importance of conserving water in Los Osos and (b) ways in which occupants can reduce the amount of water used during the stay. Water conservation signs shall be created and posted utilizing County approved language.” Coastal’s suggested modifications approved at their February 11, 2022 meeting are available at: <https://www.coastal.ca.gov/meetings/agenda/#/2022/2> (Agenda Item # 16b).

Los Osos Wastewater Project Flow and Connection Update

The following table summarizes flows from the LOWRF based on the available data. Past flows have been revised. The plant has a complicated method of calculating effluent flows, which has been confusing and they are in the process of correcting.

LOWRF Wastewater and Recycled Water Flows

Year	Month	Influent	Broderson	Bayridge	Sea Pines	Giacomazzi	Construction Water	Ag Users	Discharge/ Recycled Water Delivery Total (AF)
2022	Jan	45	46	1.2	1.3	0.0	0.0	0.0	48
2022	Feb	41	34	1.3	5.8	0.0	0.0	0.1	41
2022	Mar	45	32	1.5	4.0	0.0	0.0	0.2	38
2022	Apr	43	38	1.4	4.7	0.0	0.0	0.2	44
2022	May	45	29	1.7	9.1	0.0	0.0	0.3	40
2022	Jun	43	27	1.6	11	0.0	0.3	0.3	40
2022	Jul								
2022	Aug								
2022	Sept								
2022	Oct								
2022	Nov								
2022	Dec								
Total									

Enforcement: A list of properties that were not connected were transferred to County Code Enforcement and Notice of Violations were issued last year in Feb. 2019. That list was about 70 properties. As of 5/12/2021, the sewer service area has a 99.4% connection status with a total of 36 properties not yet connected. Of those, one is not required to connect because there is no structure (demolished), 18 have expired building permits, and the rest have an open Code Enforcement case.

The County has assigned staff in code enforcement to Los Osos. Expired permits did not receive a Code Enforcement case because those properties have their own noticing process through the Building Department which, if not corrected, could result in a Notice of Violation.

Recycled Water Connections: The County approved \$350,000 in funding from the American Rescue Plan Act of 2021 for connecting new users to the LOWRF Recycled Water System. Additional funding was approved for improvements at the LOWRF and the Broderson Leach field.

Water Conservation Update

Rebate Update: Average indoor water usage for 2019 was estimated to be 40 gpd per person and remains at that number currently.

The Sustainable Groundwater Management Act (SGMA)

SGMA Overview: SGMA took effect on January 1, 2015.¹ SGMA provides new authorities to local agencies with water supply, water management or land use responsibilities and requires various actions be taken in order to achieve sustainable groundwater management in high and medium priority groundwater basins. Los Osos Valley Groundwater Basin (Los Osos Basin) was subject to SGMA based on the 2014 Basin Prioritization by the California Department of Water Resources (DWR) that listed the Los Osos Basin as high priority and in critical conditions of overdraft.²

Basin Prioritization: On December 18, 2019, DWR released the SGMA 2019 Basin Prioritizations. Basins or subbasins reassess to low or very low priority basins or subbasins are not subject to SGMA regulations. A summary of DWR's Final SGMA Prioritizations for the Los Osos Area Subbasin and Warden Creek Subbasin are listed below:

- Los Osos Area Subbasin is listed as **very low** priority for SGMA³ and in critical conditions of overdraft⁴
- SGMA does not apply to the portions of Los Osos Basin that are adjudicated provided that certain requirements are met (Water Code §10720.8).
- Warden Creek Subbasin is listed as **very low** priority for SGMA³

For more information on DWR's basin boundary modification and prioritization process, please visit: <https://water.ca.gov/Programs/Groundwater-Management/Basin-Prioritization>

Additional Attachments:

1. Updated Status of Basin Plan Programs

¹ On September 16, 2014, Governor Jerry Brown signed into law a three-bill legislative package, composed of [AB 1739 \(Dickinson\)](#), [SB 1168 \(Pavley\)](#), and [SB 1319 \(Pavley\)](#), collectively known as SGMA

² SGMA mandates that all groundwater basins identified by DWR as high- or medium-priority by January 31, 2015, must have groundwater sustainability agencies established by June 30, 2017. The act also requires that all high- and medium-priority basins classified as being subject to critical conditions of overdraft in Bulletin 118, as of January 1, 2017, be covered by groundwater sustainability plans, or their equivalent, by January 31, 2020. Groundwater sustainability plans, or their equivalent, must be established for all other high- and medium-priority basins by January 31, 2022.

³ As noted by DWR, the priority for the subbasin has been set to very low (0 total priority points) as a result of conditions being met under sub-component C of the Draft SGMA 2019 Basin Prioritizations.

⁴ Critical conditions of overdraft have been identified in 21 groundwater basins as described in Bulletin 118 (Water Code Section 12924). Bulletin 118 (updates 2003) defines a groundwater basin subject to condition of critical overdraft as: "A basin is subject to critical conditions of overdraft when continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social, or economic impacts."

Update on Status of Basin Plan Infrastructure Projects

Program Name	Project Name	Parties Involved	BMC Budgeted Amount	Funding Status	Anticipated Planning/Pre-Construction Cost	Anticipated Capital Cost	Status/Notes
Program A – Shift groundwater production from Lower Aquifer to Upper Aquifer	Water Systems Interconnection	LOCSD/GSWC	NA	NA	NA	NA	Completed
	Upper Aquifer Well (8 th Street)	LOCSD	NA	Fully Funded	NA	\$307,000	<u>The 8th St. Upper Aquifer Well equipping is complete, the well has received permit approval from the Division of Drinking Water and is waiting on final inspection approval by the electrical engineer. It is anticipated to be operational before the end of September 2022.</u>
	South Bay Well Nitrate Removal	LOCSD	NA	NA	NA	NA	Completed
	Palisades Well Modifications	LOCSD	NA	NA	NA	NA	Completed
	Blending Project (Skyline Well)	GSWC	NA	NA	NA	NA	Completed
	Water Meters	S&T	NA	NA	NA	NA	Completed
Program B - Shift groundwater production from Lower Aquifer to Upper Aquifer	LOCSD Wells (Upper Aquifer)	LOCSD		Not Funded	TBD	BMP: \$2.7 mil	Project not initiated
	GSWC Wells (Upper Aquifer)	GSWC		Not Funded	TBD	BMP: \$3.2 mil	Project not initiated
	Community Nitrate Removal Facility	LOCSD/GSWC/S&T	TBD	Partial, GSWC portion funded	TBD	GSWC: \$1.23 mil	GSWC’s Program A Blending Project might be capable of expanding to be the first phase of the Program B Community Nitrate Removal Facility.
Program C - Shift production within the Lower Aquifer from the Western Area to the Central Area of the Basin	Expansion Well No. 1 (Los Olivos)	GSWC	NA	NA	NA	NA	Completed
	Expansion Well No. 2 (Lower Aquifer)	LOCSD		LOCSD	TBD	BMP: \$2.5 mil	<u>The well casing and packing have been installed and well development is occurring over the next couple of weeks and construction activities are anticipated to be complete by the beginning of October. A contract for the pipeline design phase has been awarded and design is anticipated to be completed by December 2022. Completion of all phases of the project is estimated to be June 2024.</u>
	Expansion Well 3 (Lower Aquifer) and LOVR Water Main Upgrade	GSWC/LOCSD		Cooperative Funding	TBD	BMP: \$1.6 mil	This project has been deferred under Adaptive Management.
	LOVR Water Main Upgrade	GSWC		May be deferred	TBD	BMP: \$1.53 mil	Project may not be required, depending on the pumping capacity of the drilled Program C wells. It may be deferred to Program D.
	S&T/GSWC Interconnection	S&T/GSWC		Pending	TBD	BMP: \$30,000	Currently on hold, pending the completion of S&T’s water meter cellular updates.

Program Name	Project Name	Parties Involved	BMC Budgeted Amount	Funding Status	Anticipated Planning/Pre-Construction Cost	Anticipated Capital Cost	Status/Notes
Program D - Shift production within the Lower Aquifer from the Western Area to the Eastern Area of the Basin							Currently being considered for deferment through Adaptative Management. BMC to review on an annual or semi-annual basis.
Program M – Groundwater Monitoring Plan	New Zone D/E lower aquifer monitoring well in Cuesta by the Sea	All Parties	NA	NA	NA	NA	Completed
Program U - Urban Water Reinvestment Program	Creek Discharge Program	All Parties				TBD	These activities are currently on hold.
	8 th and El Moro Urban Storm Water Recovery Project	All Parties				TBD	These activities are currently on hold.

TO: Los Osos Basin Management Committee
FROM: Dan Heibel, Executive Director
DATE: September 21, 2022
SUBJECT: Item 9a – S&T Mutual Water Company BMC Director Change

Recommendations

Receive letter from S&T Mutual Water Company regarding change in BMC Director and Alternate Director positions.

Discussion

In accordance with Article 3.4 of the Los Osos Basin Management Committee, the S&T Mutual Water Company (S&T) provided the attached letter informing the BMC of changes to its BMC Representative Positions.

Attachments:

S&T 9/2/22 BMC Representation Change Letter



PO Box 6391
Los Osos, CA 93412
Voice mail: (805) 316-0640
Email: STMutualWater@gmail.com
Website: www.st-water.com

Date: 2 September 2022

To:
Basin Management Committee
Attention: Dan Heimeel – Executive Director
Email: danheimeel@confluencees.com

Basin Management Committee,

In accordance with Article 3.4 of the Rules and Regulations of the Los Osos Groundwater Basin Management Committee it is our duty to inform you of changes the S&T staffing for the Basin Management Committee (BMC).

At the request of Charlie Cote, who wishes to retire from his position as S&T Director to the BMC, we find it necessary for our company to appoint a new Director and Alternate Director for our positions on the BMC board. These positions will be filled as follows until changes are next announced by a similar message from our company Board of Directors:

BMC Director, representing S&T: Beth Reineke

- Email: breineke@mnsengineers.com
- Phone: (503) 410-1575

BMC Alternate Director, representing S&T: Chris Gardner

- Email: chrisg@wallacegroup.us
- Phone: (805) 458-2058

In addition to the S&T personnel described above, please copy BMC staff meeting invitations to the following S&T staff members:

S&T System Operator: Charlie Cote

- Email: Charlie@BarnCatServices.com
- Phone: (805) 994-8873

Respectfully,

- Julie McAdon
Director / President
S&T Mutual Water Co.
Los Osos, CA 93412

S&T Office: (805) 316-0640
S&T Office E-mail: STMutualWater@gmail.com

Cc: S&T Board of Directors

TO: Los Osos Basin Management Committee

FROM: Dan Heibel, Executive Director

DATE: September 21, 2022

SUBJECT: Item 9b – Recommendation for selection of RWG Law to provide Contract Legal Counsel Services for the BMC

Recommendations

Receive recommendation and approve the selection of RWG Law to provide Contract Legal Counsel Services for the BMC or provide alternate direction to staff.

Discussion

Historically, the Los Osos Basin Management Committee (BMC), including the Board of Directors and Executive Director, received legal input from legal counsel representing individual BMC Parties. However, given that the BMC is separate from the parties to the Stipulated Judgement and has its own independent authority and interests, if the BMC or its staff needs legal advice it would be beneficial to have access to dedicated legal counsel, working solely for the BMC and not the BMC Parties, to provide legal advice on an as-needed basis.

In the Calendar Year (CY) 2022 Budget, the BMC approved a \$20,000 Legal Counsel Contingency to be included in the Executive Director's Budget, authorized the Executive Director to utilize up to \$5,000 before requiring BMC approval and instructed the Executive Director to provide updates on legal counsel spending in the Executive Director's Report.

BMC Staff developed a Request for Qualifications (RFQ) that was approved by the BMC at its April 20th, 2022 Meeting and subsequently released to solicit legal counsel representation for the BMC. BMC Staff received seven Statements of Qualification (SOQ), which BMC Party Staff short-listed to four firms for conducting interviews.

Based upon review of the SOQs and interviews with select firms, BMC Party Staff is recommending the selection of Richards Watson Gershon (RWG Law) to provide legal counsel to the BMC. RWG Law is recommended based upon their combination of experience and approach to providing contract legal services for clients needing support with basin adjudication compliance, forming and managing JPAs, general municipal law and special taxes/other funding mechanism implementation. Additional information regarding RWG Law's experience providing legal counsel services can be found in the attached SOQ.

Fiscal Impact

RWG Law's proposed primary rate for providing BMC Contract Legal Counsel is \$350 per hour for attorneys and \$175 per hour for paralegals. In the CY 2022 Budget, the BMC approved a \$20,000 BMC Legal Counsel Contingency Budget to fund Contract Legal Counsel services and approved the Executive Director to utilize up to \$5,000 of these funds before requiring further BMC approval. It is anticipated that Contract Legal Counsel Services will be utilized on an as-needed basis to limit BMC legal costs and preserve budget for other initiatives.

Attachments:

RWG Law BMC Contract Legal Counsel Services Statement of Qualifications

RICHARDS WATSON GERSHON

Los Osos Groundwater Basin Management Committee

Qualifications to Provide Contract Legal Services

June 3, 2022

Craig Steele

847 Monterey Street, Suite 206
San Luis Obispo, California 93401
Telephone: 805 439.3515
E-mail: csteele@rwglaw.com



In Your Community
At Your Side

June 3, 2022

VIA ELECTRONIC MAIL

Mr. Dan Heimel
Los Osos Groundwater Basin Management Committee
1055 Monterey Street
San Luis Obispo, California 93408

Reference: **Request for Qualifications for Contract Legal Services**

Dear Mr. Heimel:

Richards, Watson & Gershon (RWG) is pleased to respond to the Los Osos Groundwater Basin Management Committee's ("BMC") Request for Qualifications to Provide Legal Services. RWG is one of the pre-eminent public law firms in California, representing public agency clients throughout the state. RWG's strength is our ability to provide the resources of a major statewide public agency law firm, with expertise in the important areas of law that public agencies need, with primary service from a local office in San Luis Obispo County.

We have been an established public law presence in San Luis Obispo County and the Central Coast since 2001. Among other clients, we currently represent the Cities of Pismo Beach and Solvang as City Attorney, and the Nipomo Community Services District as General Counsel. RWG also regularly provides special counsel services to the City of San Luis Obispo on land use and other matters, and we represent the County of San Luis Obispo in a litigation matter unrelated to Los Osos. Other current or former special counsel clients in the Central Coast region include Travel Paso, the Cambria Community Services District, and the Cities of Lompoc and Morro Bay. We have been intensively involved with the Santa Maria Valley Groundwater Adjudication for many years.

Because we represent so many public agencies, our clients are served by subject matter experts rather than generalists, who often have to learn a specialized area of law at the client's expense. Public agencies face increasingly complex legal problems; we are able to solve those problems with high quality, cost-efficient legal services that small local law firms simply cannot match. Further, our statewide water law practice, managed by my partner Jim Markman, gives us a unique combination of broad public agency law experience along with water law expertise.

RWG is very excited by the opportunity to provide legal services to the BMC. Having represented public entities for most of its over 65-year history, including serving as General Counsel and special counsel to multiple agencies involved in the oversight and management of water resources, RWG understands the BMC's mission, guiding principles, and dedication to serving the public. We also understand the unique

characteristics of small public agencies, and are able to offer the experience and resources of a statewide law firm with local attention at cost-effective rates. We welcome the opportunity to assist the BMC in accomplishing its important functions.

Our proposal includes a team of well qualified attorneys who are poised to assist the Basin in each area in which the BMC needs legal services. I would be primarily responsible for the representation from our office in San Luis Obispo. My contact information is below:

**Richards, Watson & Gershon,
A Professional Corporation**
847 Monterey Street, Suite 206
San Luis Obispo, California 93401
Main: 805 439.3515
Fax: 800.552.0078

Craig Steele
Cell: 213.709.7880
Email: csteele@rwglaw.com

The highly qualified team we are proposing, backed by RWG's extensive resources, will provide exceptional and cost-effective representation to the Los Osos Groundwater Basin Management Committee. I look forward to discussing our proposal with you. If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'C. Steele', is written over a light blue horizontal line.

Craig A. Steele
President

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Exhibits/Attachments

Attachment A	Attorney Costs for Services Rendered
Exhibit 1	Attorney Resumes

Public Agency Experience

General Public Agency Law

RWG takes pride in being a full-service law firm with expertise in the wide variety of legal issues faced by public agencies, including governance and administrative procedure, elections, development, public infrastructure and contracting, environmental law, employment law, and litigation. RWG provides public entities a contract legal solution with access to experienced specialists and statewide experts and the flexibility to scale the volume of services required in an area to the BMC's specific needs. Our primary areas of specialization include:

- Public Agency Law
- Water Law
- Utility Rates and Charges
- Proposition 218 Issues
- Brown Act
- California Coastal Act
- CEQA
- Cannabis regulation
- Civil Rights
- Code Enforcement
- Community Choice Energy
- Conflicts of Interest
- Constitutional Law
- Elections
- Eminent Domain
- Hazardous Materials
- Historic Preservation
- Inverse Condemnation
- Labor and Employment
- Land Use
- Litigation
- NPDES
- Ordinances and Resolutions
- PERS
- Planning and Zoning
- Public Finance
- Public Records Act
- Public Works Projects
- Real Estate
- Subdivisions
- Telecommunications
- Tort Defense
- Utilities
- Writs and Appeals

Providing advice on the Brown Act, the Public Records Act, the Political Reform Act, and other laws that govern the operations of public entities and the conduct of government officials is a daily focus of our practice. We have developed an AB 1234 Ethics training program, with both in-person and online sessions available, that has been very well received by our clients, as well as trainings for records officials, and meeting management trainings. We prepare codes of conduct, rules of procedure, and other operational policies and ordinances for our clients, and we fully embrace the higher ethical standards and transparency that are expected of public officials. Again, public agency law is RWG's brand; we are proud to be public officials ourselves and have extensive experience with all areas of public agency law. Because of our firm's emphasis on public agency representation, we do not typically have the extensive conflicts of interest associated with firms that depend more on representation of private clients.

Most relevant to the BMC, we are proud to represent two water rights management agencies created by water adjudication judgments. Those agencies are the Borego Springs Watermaster and the Central and West Basin Water Rights Panel. Further, we are very familiar with the needs of relatively new public agencies as they stand-up their operations for long-term success. RWG also serves as general counsel to

22 Joint Powers Authorities (JPAs) and special counsel to numerous others. In addition, we represent many public agencies who are members of JPAs. We have established many of the JPAs we represent, and we are familiar with the legal issues associated with JPAs as well as the issues that tend to arise for the member agencies.

We understand the fiscal challenges faced by small public agencies in general, and even more so today given the economic impacts flowing from the COVID-19 pandemic. We regularly assist our public agency clients to establish and increase fees, rates, charges, taxes, and assessments in compliance with the strict limits on local governments' revenue powers, including Proposition 218 and the related initiatives, Propositions 26, 62, and 13. RWG is recognized as a statewide leader in the interpretation and implementation of the constitutional and statutory provisions enacted by these initiatives.

RWG attorneys regularly handle public works contracting matters, including construction contract and bid document review, bid disputes, stop notice and retention issues, construction claims, and litigation stemming from these matters. We also have negotiated numerous utility franchises and renewals of franchise agreements.

RWG has advised numerous public agencies on election and political law matters. We have extensive experience with initiatives, referenda, and recalls, and have drafted dozens of ballot measures, impartial analyses, initiative titles and summaries, and local campaign finance ordinances. On an annual basis, we advise district and city clerks on numerous election law matters such as calling elections, drafting ballot measures, qualifying initiative and referendum petitions, and addressing challenges to the election process. We also have successfully handled several important cases involving the application and interpretation of state election laws and have spoken to audiences across the state on various election law matters. In addition, we advise government agencies and public officials on Political Reform Act issues.

RWG's attorneys have been advising public entities concerning CEQA compliance since the statute was enacted in 1970. The proposed team of attorneys is well-versed in the details of CEQA, including the use of subsequent and supplemental environmental documents, addenda, and the ever-changing criteria for the study of various environmental topics such as traffic, air quality, climate change, historical resources, public services, cumulative impacts, and tribal cultural resources. We often work closely with lead agencies' CEQA consultants and planners to ensure that the EIR or mitigated negative declaration for a project will withstand legal scrutiny. We have a long history of successfully creating records that withstand CEQA challenges.

The more specific descriptions of our practice groups below provide further detail on our experience in the various substantive areas of law that may be relevant to the BMC.

Water Law

We regularly assist water districts, municipalities, industry, and others requiring water rights advice in all aspects of water law, including the enforcement and implementation of water adjudication judgments. Other common areas of our water law practice include:

- California Environmental Quality Act
- Groundwater Adjudications
- Groundwater Contamination
- Kuehl-Costa Water Supply Certifications
- Project Construction
- Reclaimed and Recycled Water
- Urban Water Management Plans
- Water Transfers
- Sustainable Groundwater Management Act

The Water Rights and Water Law Practice Group has extensive civil trial and appellate experience, which encompasses litigation in the state and federal courts, including the California Supreme Court.

Litigation Experience

RWG's experienced Litigation Department handles a broad variety of cases. Litigators provide expertise in defeating all manner of tort claims -- ranging from an alleged dangerous condition of public property to wrongful death claims arising from fatal accidents on public property, catastrophic landslides, law enforcement shootings, and other events. Litigators collaborate extensively with public safety staff outside of the courtroom, meeting regularly with staff on best practices to minimize risk of liability. RWG's litigators try cases to verdict before juries and judges in both state and federal courts. In high stakes cases and with client approval, RWG's appellate team will work directly with trial counsel to set the stage in the event of an appeal.

As noted above, RWG litigators have extensive experience with many of the water adjudication matters that are in progress or being enforced across the State. We also bring significant experience in defending against claims brought against public agencies by current or former employees. Lawsuits in this area range from alleged discriminatory disciplinary action based on protected status to constructive or wrongful termination. RWG attorneys have defended public agencies throughout California in numerous administrative hearings and arbitrations involving alleged employment discrimination.

RWG litigators excel in representing public agencies in disputes involving public works projects, including construction defect cases, prevailing wage disputes, stop notice matters, and breach of contract causes of action, such as delay claims, adequacy of construction specifications, liquidated damages, and unforeseen changed conditions. Recently, we achieved a favorable ruling in federal court that led a surety to pay the full amount of a performance bond -- \$4.9 million -- after a developer defaulted on its obligation. The bond guaranteed public infrastructure involving two master-planned communities. We also recently

successfully settled a construction defect case against a general contractor, architect, and construction manager for \$3.4 million arising from massive leaks and other building defects.

We have successfully defended hundreds of petitions for writs of mandate under Code of Civil Procedure Section 1085 (traditional mandate) and Code of Civil Procedure Section 1094.5 (administrative mandamus). The subject areas involved in these lawsuits are too numerous for a comprehensive listing here, but land use and CEQA cases comprise a significant part of our writ defense work. We have successfully defended against numerous land use and CEQA lawsuits brought by neighborhood groups opposed to an approved project, as well as cases brought by a developer challenging the denial of a project. Our writ cases frequently involve challenges to the validity of various ordinances, including zoning ordinances. Elections law cases comprise a perennial part of our practice. We have challenged, and also defended challenges, to the constitutional validity of ballot measures and the validity of ballot titles, ballot summaries, ballot questions, and ballot arguments.

Whatever the subject matter, our approach ensures that a public agency's final decisions are supported by a well-developed and thoughtfully constructed record. This includes marshalling substantial evidence to support written findings, followed by carefully drafting findings to support the decision. In many cases, our development of a strong record has deterred parties from challenging clients' decisions, including decisions that have been politically unpopular. While we most often defend our clients in writ proceedings, we are also experienced in filing writ actions to protect our clients' interests when necessary.

In addition to the areas of law mentioned above, we have defended cases involving federal and state anti-discrimination laws in the areas of housing, public access, and disability; inverse condemnation; annexation; public financing; municipal solid waste disposal; daytime juvenile curfews; view preservation; firearms regulation; preferential parking; legislative term limits; mobile home rent control; and numerous other areas.

Our litigators have defended many challenges brought under the United States and California Constitutions, including First Amendment free speech, free assembly, free exercise of religion, and establishment clause cases. The Fourth Amendment's prohibition against unlawful searches and seizures figures prominently in many of our cases representing public safety officers. The ban in the Fifth Amendment against takings without just compensation arises with some regularity in cases challenging the denial of land use permits. Equal protection and due process claims frequently accompany other challenges to legislative and quasi-adjudicative land use decisions. In addition to the Federal Constitution, we have successfully defended legal challenges pursued under counterpart provisions in the California Constitution.

As diverse as the cases we handle might be, there is one common guiding principle: our job as litigators is to fully understand and appreciate the demands that confront busy staff members, and the multi-faceted challenges that board members and other appointed officials regularly face.

Eminent Domain and Inverse Condemnation

RWG's Eminent Domain Department represents clients in all aspects of the condemnation process from the pre-acquisition phase, through trial and post-judgment proceedings. The law governing property acquisition by public entities, including relocation, property negotiations and CEQA, is a complex specialty area. In our experience, many issues that arise after an eminent domain proceeding is filed are directly related to problems that were not fully addressed in the pre-acquisition phase. Accordingly, our attorneys take a team approach and typically work closely with staff to address everything from the design and appraisal process to the Resolution of Necessity.

RWG's eminent domain attorneys regularly assist our public entity clients on acquisition of property for public uses, including public facilities, parks, parking lots and for public works projects, including light rail expansion projects, road widening projects and realignment projects, freeway interchange projects, storm drain easements, grade separation, flood control easements, water transmission lines, and sewer lines. We advise our public entity clients regarding applicable state and federal regulations on projects involving federal funds, projects with Caltrans oversight, and on Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) requirements. We also assist our public entity clients with legal issues pertaining to relocation assistance on local, state, and federally funded projects.

Our eminent domain attorneys have significant experience in litigating eminent domain proceedings. We have successfully litigated a wide range of issues, including challenges to a public entity's right to take property, loss of goodwill issues, severance damage issues, pre-condemnation damages issues, relocation assistance issues, and other more general valuation issues.

Labor and Employment

The Firm's Labor and Employment Department represents public entity employers in all aspects of the employment relationship. We offer a full range of labor and employment legal services in human resources administration, legal compliance, employer-employee relations, and employment litigation, including the following:

- Employment related issues associated with the COVID-19 pandemic, including vaccine and testing requirements, return to work issues, and compliance with ever-changing regulations.
- Human resources administration, including work involving the application, interpretation, and updating of personnel systems, personnel rules, classification plans, compensation plans, and city

policies. We assist with benefits administration, including issues involving Public Employees' Retirement System (PERS). We also provide advice and representation in discipline matters and arbitration. We have conducted training programs covering performance evaluations, workplace investigations, family and medical leave programs, and harassment prevention. Recently our Labor and Employment Department has provided training programs on AB 5, the Crown Act, and Policy and Procedure Writing.

- Compliance with employment laws such as those governing wages and hours (FLSA, California Labor Code), equal employment (Title VII, FEHA, ADA, ADEA), protected leaves of absence (FMLA, CFRA, PDL, Kin Care, Labor Code, Military Leave), and other employee rights (privacy, whistleblower).
- Employee relations including labor negotiations, MOU administration, meet and confer issues, grievances, unfair labor practice charges, and grievance appeals. We work to remain flexible in providing the employee relations services that will best serve the specific client involved.
- Advice to public agency civil service commissions and employee discipline authorities. We serve as designated counsel to the decision-maker or hearing officer in public agency employee discipline matters.
- Employment litigation, with the overall goal of labor and employment counseling to avoid litigation through a positive personnel program, preventive advice, and legally compliant procedures. When litigation is unavoidable, we have been very successful in defending the decisions of public entities in actions involving labor problems, alleged discrimination and harassment, and challenges to disciplinary decisions. On behalf of our public entity clients, we also appear in administrative proceedings, such as those before the Office of Administrative Hearings, the California Public Employment Relations Board, the California State Labor Commission, the California Public Employees' Retirement System Board of Administration, the California Department of Fair Employment and Housing (DFEH), and the U.S. Equal Employment Opportunity Commission (EEOC).

Government Contracting, Procurement, and Construction

RWG attorneys regularly handle public works contracting matters, including construction contract preparation and bid document review, bid disputes, stop notice and retention issues, construction claims, and litigation stemming from these matters. We also have prepared purchasing or procurement ordinances and policies to fit the particular needs of our different public agency clients.

The Public Works Practice Group at RWG focuses on the legal and practical issues surrounding public works projects. Through the combined expertise of its Public Law, Public Finance, Environmental, Real Estate, and Litigation Departments, this practice group assists public entities in efficiently and successfully completing public works projects.

RWG's Public Works Practice Group works with clients in all aspects of public works projects, including:

- **Project Conceptualization and Financing:** initial planning, development of a strategy for project implementation, engagement of architects, general contractors, and project managers, and CEQA review.
- **Procurement:** design/bid/build, design-build, and design, build, operate and finance “fee-producing infrastructure projects” (Government Code Section 5956, et seq.); and adoption of procedures under the Uniform Public Construction Cost Accounting Act.
- **Contracts:** preparation of contract documents with appropriate risk-shifting provisions and performance criteria for professional services, consulting, construction, and design-build contracts.
- **Bidding:** drafting effective and legally sufficient bid specifications, evaluating bids including responsibility of bidders and responsiveness of bids, providing effective techniques for processing relief from bid, and bid protests.
- **Contract Implementation and Completion:** partnering with clients to handle all construction and public works disputes, including but not limited to change orders, prevailing wage, delay and extra work claims, contract termination, takeover agreements, and claims against payment and performance bond sureties.
- **Claims:** prosecution and defense of claims involving contractors for construction defects and design professionals for errors and omissions in the preparation of plans and specifications.

Environment and Natural Resources

In California, the laws that protect the environment and natural resources have become one of the most rapidly-developing important bodies of law, and an ever-increasing focus of RWG's services. In our CEQA work described in other sections of this proposal, we see the increasing importance of laws and legal issues relating to greenhouse gasses, water conservation and supply, and endangered species protection, among other areas. RWG's work with all types of public agencies has given us extraordinarily broad experience with legal issues relating to water quality (including the NPDES permit system and Clean Water Act issues) wastewater, and regulatory compliance in all areas of a city's operations and jurisdiction.

Again, our primary clients are public agencies, not developers or private landowners. So our perspective on protecting the environment and natural resources is the public agency perspective.

Regulatory

We regularly advise clients in negotiations with regulatory agencies, such as the Department of Toxic Substances Control, the State and Regional Water Quality Control Boards, the U.S. Environmental Protection Agency, the Department of Industrial Relations, the Fair Political Practices Commission, the California Coastal Commission, and other state and local regulatory agencies on issues as varied as remediation, obtaining permits and approvals, political reform act matters, prevailing wage issues, and many other regulatory matters. We have negotiated remediation agreements, prospective purchaser agreements, permit terms, compliance agreements, and consent decrees with various California regulatory agencies and the U.S. Environmental Protection Agency.

Public Finance

Attorneys in our Public Finance Department have served as bond counsel, disclosure counsel, and issuers' counsel to public entities throughout the State of California in a broad range of finance transactions for over 40 years. They also often assist clients on a variety of other finance-related legal issues, which may not be specific to financing transactions.

As bond counsel and disclosure counsel, RWG participates in different types of debt issues, including certificates of participation, lease revenue bonds, enterprise revenue bonds, special tax bonds, special assessment and contractual assessment revenue bonds, redevelopment and successor agency tax allocation bonds, general obligation bonds, pension obligation bonds, tax and revenue anticipation notes, equipment financing leases, mortgage revenue housing bonds, and judgment obligation bonds. Projects financed have included, among others, water and wastewater facilities, storm drainage facilities, police and fire protection facilities, parks and recreational facilities, street improvements, schools and school facilities, libraries, redevelopment projects, and housing projects. We have experience in not only traditional fixed rate debt instruments, but also varied structures involving multi-modal variable rate bonds, credit enhancement devices, derivative instruments, and investment agreements.

We assist local agencies with the establishment of various types of financing districts and programs, including Mello-Roos community facilities districts, assessment districts, and contractual assessment programs for property assessed clean energy (PACE).

Taxes, Fees, and Assessments

Taxes, fees, and assessments are common methods of financing public infrastructure and public services, which are subject to the strict requirements of Propositions 13, 62, 218, and 26. We regularly advise and assist public agencies in connection with imposing or increasing special and general taxes, including transient occupancy taxes, transaction and use taxes, and utility user taxes, and fees for water, wastewater, solid waste collection, and storm drain services. Our public finance attorneys assist in all aspects of the proceedings to form community facilities districts (Mello-Roos districts) and assessment

districts including the preparation of detailed schedules, notices, ballots, resolutions, and ordinances. We also review engineer reports, including the assessment methodology and descriptions of general and special benefits, as well as fee studies for property-related services such as water, wastewater, solid waste collection, and storm drain services.

Office Locations

BMC would be primarily supported by our Central Coast office, located in downtown San Luis Obispo. We also have offices in Los Angeles, San Francisco, Orange County, Sacramento, and Temecula, and subject matter specialists in those offices may serve the BMC from time to time.

Proposed Attorneys

RWG will commit our experienced and talented group of attorneys to meeting the BMC's legal needs by delivering timely, high quality, and practical advice on a cost-efficient basis.

The attorneys proposed to provide services to the BMC – and all attorneys in the Firm – are admitted to practice law in the State of California and are members in good standing with the State Bar of California.

General Counsel and Relationship Partner



**Craig Steele | General Counsel, E-Documents and Public Records Act,
Contracts and Transactions, Land Use/Development**

CA State Bar No: 162523
847 Monterey Street, Suite 206
San Luis Obispo, CA 93401-3263
Direct: 805.706.8110
E-mail: csteele@rwglaw.com

Craig is a shareholder in the Public Law Department at Richards, Watson & Gershon and serves on the Firm's Management Committee. He has over 29 years of experience practicing local government law and has worked in government and politics for over 35 years. Craig is the General Counsel to the Nipomo Community Services District, City Attorney for the Cities of Monrovia and Seal Beach, and served as Counsel to the Successor Agency to the redevelopment agencies in those cities and also the former redevelopment agency for the City of Indio. He also served as General Counsel to the Los Angeles County Children and Families First Proposition 10 Commission ("First 5 LA"). Craig currently splits his time between the Firm's Los Angeles and Central Coast offices, and Craig and his wife own a home in Orcutt. He served as Agoura Hills City Attorney from 1999-2012, Highland City Attorney from 2007-2019, and Interim CEO of First 5 LA throughout 2012.

A former political campaign manager, Craig is an expert in elections, voting and government ethics laws and has frequently been asked to speak and teach about those subjects by the California Special Districts Association, League of California Cities, and other organizations.

As a public law specialist, Craig has broad experience with the special districts law and legal issues that are important to public entities of all types, structures, geography, and characteristics. He has guided our clients through numerous water and sewer rate increase proceedings under Proposition 218. Craig also is the author of dozens of local ballot measures, including open space preservation, local taxes and bond measures, fireworks regulation, and transportation issues. Public agencies consult with him at all stages of the process of ballot measure process, from polling and strategic decisions, to drafting the measure, to advising about processes and permissible public agency involvement in ballot measure activities. Many public entities with “in-house” counsel have consulted with Craig on elections and voting issues, including the Cities of San Luis Obispo, Monterey, Tehachapi, Compton, Redondo Beach, Hawthorne, Pasadena, Fremont, Livermore, and the San Diego Association of Governments. He has advised clients on issues as significant and diverse as the Los Angeles County and San Diego County sales tax proposals to fund transportation projects, marijuana taxes and regulations throughout the state, local land use measures on the Central Coast, and districting measures in Imperial, San Bernardino, and Riverside Counties.

Craig concentrates on the representation of public agency clients in a wide range of government law areas and has spoken and written extensively on open government issues including Ballot Measures and Municipal Elections: What Local Leaders Need to Know, Rules Regarding Ballot Measures and Lobbying, The Role of Special District Board Secretaries and Clerks, Campaign Finance Regulation, Lobbying, Public Records, Open Meeting Laws, and Conflicts of Interest Law. His article “The Rules on Lobbying: What Every Local Official Should Know” was published in the January, 2010 issue of *Western City Magazine*. He is a past member of the FPPC Committee of the League of California Cities’ City Attorneys Department and also served on a task force of the Institute for Local Government drafting a resources book on open space acquisition by cities.

Prior to joining Richards, Watson & Gershon out of law school in 1992, Craig was a political campaign consultant and public affairs professional at Cerrell Associates, Inc., one of the nation’s most prominent public affairs firms. He worked on campaigns for state, local, and federal offices, including two presidential campaigns. He also worked as advance staff in connection with events such as the 1984 Olympics and the Los Angeles visits of Pope John Paul II in 1987 and His Holiness Vazken I of the Armenian Apostolic Church in 1988. Craig is a member of the Board of Directors of the USC Trojan Marching Band Alumni Association, and serves as a member of the Executive Committee and Chair of its Personnel Committee.



**Chelsea O'Sullivan | Back-up for the BMC General Counsel;
Environmental and Energy**

CA State Bar No: 308369
Central Coast Office
Direct: 805.250.7550
E-mail: cosullivan@rwglaw.com

Chelsea advises local governments on a wide variety of governmental law, transactional and advisory matters. She is Assistant City Attorney in Pismo Beach and Solvang. Her practice focuses on public and land use law issues, including matters relating to CEQA, CESA, the Brown Act, compliance with conflicts of interest rules, and the Public Records Act.



James Markman | Water Rights and Water Law

CA State Bar No: 43536
Brea Office
Direct: 213.253.0206
E-mail: jmarkman@rwglaw.com

Jim is a leading expert in California water rights and water law and one of the most experienced city attorneys in California. Jim has practiced water law since 1969 and is lead counsel for the Nipomo Community Services District in the Santa Maria Valley water adjudication. His primary areas of litigation expertise are extraordinary writs challenging the actions of public entities and water rights disputes, particularly the adjudication of groundwater basins.



Trisha Ortiz | Taxes and Fees, Proposition 218, Assessments

CA State Bar No: 227166
San Francisco Office
Direct: 415.782.0320
E-mail: tortiz@rwglaw.com

In addition to her general municipal law practice, Trisha specializes in advising clients with regard to elections, imposing and increasing taxes and fees, special tax and assessment financing, clean energy financing, and redevelopment dissolution.



Michael Yoshiba | Eminent Domain

CA State Bar No: 177301
Los Angeles Office
Direct: 213.253.0267
E-mail: myoshiba@rwglaw.com

Michael specializes in eminent domain, representing public entities and property owners in both litigation and advisory capacities through all phases of the pre-condemnation and condemnation process.



Dave Fleishman | Labor and Employment Law

CA State Bar No: 156695
Central Coast Office
Direct: 805.439.3515
E-mail: dfleishman@rwglaw.com

Dave is City Attorney for the Cities of Pismo Beach and Solvang, and has practiced extensively in the area of public law and in the area of labor and employment law for both public and private employers. His practice has focused on the representation of public agencies in an advisory role as city attorney or general counsel, as well as in public entity defense litigation, including writs and appeals, civil rights, Fair Labor Standards Act, wrongful termination, employment investigations, public contracting, tort claims, and code enforcement.



Kyle Brochard | Litigation

CA State Bar No: 293369
Los Angeles Office
Direct: 213.253.0246
E-mail: kbrochard@rwglaw.com

Kyle's practice focuses on the representation of municipalities and public agencies in both state and federal courts on litigation matters, including water matters and water adjudications.



Ginetta Giovinco | Litigation

CA State Bar No: 227140
Los Angeles Office
Direct: 213.253.0281
E-mail: ggiovinco@rwglaw.com

Ginetta is an expert writ and appellate lawyer specializing in CEQA and land use litigation. Ginetta is a key member of the Firm's planning and economic development team helping cities further their community policy toward growth and development.



B. Tilden Kim | Construction Law, Contracts, and Claims; Water Rights and Water Law Counsel

CA State Bar No: 143937
Los Angeles Office
Direct: 213.253.0210
E-mail: tkim@rwglaw.com

Tilden specializes in representing public entities in public works and infrastructure matters as well as water rights and water Law. He has significant experience in bidding and construction, disputes that can arise from public projects, groundwater management, and related litigation. Tilden is heavily involved in multiple groundwater adjudication matters, including the Santa Maria adjudication.



Robert Ceccon | Insurance, Liability, and Tort Claims

CA State Bar No: 115496
Los Angeles Office
Direct: 213.253.0212
E-mail: rcecon@rwglaw.com

Bob is the Chair of the Firm’s Litigation Department and our lead trial counsel. His over three decades of experience have spanned the entire range of tort liability and damage claims against public agencies, including inverse condemnation, solid waste, police practices, employment claims, wrongful death claims, and dangerous conditions.



Lolly Enriquez | Public Finance

CA State Bar No: 220296
Los Angeles Office
Direct: 213.253.0236
E-mail: lenriquez@rwglaw.com

Lolly is the Assistant Chair of the Public Finance Department. She has served as bond counsel, disclosure counsel, underwriter’s counsel and bank counsel in a wide variety of bond financings including pension obligation bonds, tax allocation bonds, enterprise revenue bonds, including water and sewer revenue bonds, Mello-Roos special tax bonds, general obligation bonds, certificates of participation, lease revenue bonds, special assessment bonds.



Lisa Bond | Environmental and Energy Law

CA State Bar No: 172342
Los Angeles Office
Direct: 213.253.0278
E-mail: lbond@rwglaw.com

Lisa specializes in representation of private and public sector clients in environmental litigation, including prosecution and defense of contaminated property cleanups, cost recovery cases, environmental insurance coverage claims, and defense of Proposition 65 claims.

References and State Bar Information

Professional References for RWG

Name	Contact Information
Mario Iglesias, General Manager, Nipomo Community Services District	Phone: 805.929.1133 E-mail: miglesias@ncsd.ca.gov
James R. Lewis, City Manager, City of Pismo Beach	Phone: 805.773.7007 E-mail: jlewis@pismobeach.org
Christine Dietrick, City Attorney, City of San Luis Obispo	Phone: 805.781.7140 E-mail: cdietrick@slocity.org

Personal References for Craig Steele

Name	Contact Information
William Choi	Phone: 213.892.7700
Dr. Ben Balough	Phone: 916.539.8172
S.M. Brett	Phone: 207.641.7721

Malpractice

Neither RWG, nor any attorney while employed at RWG, has been disciplined by the California State Bar. We are unaware of any complaints to the State Bar being made against any of our attorneys. Additionally, neither RWG nor any attorney while employed at RWG has ever been successfully sued for malpractice.

Compensation and Reimbursements

Our proposed composite fee schedule below reflects a significant discount from our standard rates for attorneys, which typically vary based on the seniority and expertise of the attorney.

1) General Services

All legal services that are not defined below as Special Services or Litigation will be deemed to be General Services. Without limitation, all of the following are General Services (to the extent they are not otherwise Special Services or Litigation):

- Attendance at Board of Director meetings, as requested by the General Manager or designated BMC Staff.
- Legal research and legal advice to the BMC and designated BMC Staff.
- Preparation and review of resolutions, ordinances, agreements, and other legal documents.

4. Water and Water Rights advisory services.
5. Environmental Law advisory services.
6. Labor and employment law services.
7. Public records requests.
8. Real estate law and land use matters.
9. Public works issues (non-litigation).
10. Oversight of legal matters handled by outside legal counsel.

General Services shall be billed at a composite rate for all attorneys of \$350 per hour, and at a composite rate for all paralegals of \$175 per hour, all billed in 1/10 hour increments.

2) Public Finance Services

Public Finance Services for Bond Counsel, Disclosure Counsel or Issuer Counsel services would be billed at a composite rate for all attorneys of \$425 per hour, except that the total fee shall not exceed an amount which the Executive Director deems fair and reasonable.

3) Litigation

Litigation will be defined as representation of the BMC in all aspects of the initiation, advancement, or defense of claims in litigation, arbitration, mediation, or representation of BMC in administrative proceedings before other public agencies. Litigation shall be billed at a 10% discount from our then-current standard hourly rate for each attorney working on the matter.

4) Reimbursable and/or Other Costs

Copying costs will be charged at 5 cents per page. All other costs, such as legal research services or messenger or delivery services, will be charged only at the Firm's actual out-of-pocket expenses. The Firm will not charge for word processing and similar clerical tasks.

The Firm will not charge travel time or mileage for the General Counsel or Assistant General Counsel to or from the BMC's office. Should any attorney be required to travel to San Luis Obispo County for an assignment from another County, with the Executive Director's consent, the Firm would bill for travel time and reasonable expenses. To minimize travel-related costs, we are equipped with video conferencing capabilities which allow us to participate in meetings and court hearings remotely. RWG believes that most non-litigation legal work for the BMC can be done from the San Luis Obispo office or remotely. Our proposed rates will not be raised for two years from the date of the initial contract. We typically include automatic CPI increases in our contracts after the initial rate period, with CPI increases not to exceed 5%. Beyond that, any rate increases are always discussed with clients in advance.

Conflicts of Interest

We have run a conflict of interest check and have not identified any actual or potential conflicts RWG may have in providing the requested services. As disclosed above, we currently represent the County of San Luis Obispo on un-related litigation matters.

Attachment A

Attorney Cost for Services Rendered

Attachment A.

Attorney Cost for Services Rendered:

Practice Areas	Firm and/or Individual	Hourly Rate
Public Agency / Municipal Law (BMC GC*)	Craig Steele	\$350.00
Back-up for the BMC General Counsel	Chelsea O'Sullivan	\$350.00
E-Documents and Public Records Act	Craig Steele	\$350.00
Taxes and Fees, Proposition 218, Assessments	Trisha Ortiz	\$350.00
Eminent Domain	Michael Yoshiba	10% off Standard Hourly Rate
Labor and Employment	David Fleishman	\$350.00
Litigation	Robert Ceccon, Ginetta Giovinco and Kyle Brochard	10% off Standard Hourly Rate
Contracts and Transactions	Craig Steele	\$350.00
Construction Law, Contracts and Claims	B. Tilden Kim	10% off Standard Hourly Rate
Insurance, Liability, Tort Claims	Robert Ceccon	10% off Standard Hourly Rate
Land Use/Development	Craig Steele	\$350.00
Public Finance	Lolly Enriquez	\$425.00
Environmental and Energy	Chelsea O'Sullivan and Lisa Bond	\$350.00
Water Rights and Water Law	James Markman and B. Tilden Kim	\$350.00

*BMC GC – BMC General Counsel: Person designated as “Key Personnel” assigned by firm and/or individual as the BMC’s General Counsel.

Attorney Biographies

Craig STEELE

Shareholder

LOS ANGELES

T 213.626.8484

E csteele@rwglaw.com



Craig A. Steele is a shareholder in the Public Law Department at Richards, Watson & Gershon and serves on the Firm's Management Committee. Mr. Steele has nearly 30 years of experience practicing local government law and has worked in government and politics for over 35 years. Mr. Steele is the City Attorney for the Cities of Monrovia and Seal Beach, General Counsel to the Nipomo Community Services District, and Senior Counsel to the Los Angeles County Children and Families First Proposition 10 Commission ("First 5 LA"). He served as Agoura Hills City Attorney from 1999-2012, Highland City Attorney from 2007-2019, General Counsel to First 5 LA from 2000-2022, and Interim CEO of First 5 LA throughout 2012.

A former political campaign manager, Mr. Steele is an expert in elections, voting rights, and government ethics laws and has frequently been asked to speak and teach about those subjects by the League of California Cities, California Special Districts Association, and other organizations.

Mr. Steele concentrates on the representation of public agency clients in a wide range of government law areas and has spoken and written extensively on open government issues including Public Entity Ballot Measures, Lobbying, Public Records, Open Meeting Laws, and Conflicts of Interest Law. His article "The Rules on Lobbying: What Every Local Official Should Know" was published in the January, 2010 issue of Western City Magazine. He is a past member of the FPPC Committee of the League of California Cities' City Attorneys Department and also served on a task force of the Institute for Local Government drafting a resources book on open space acquisition by cities.

Mr. Steele is a past President of the Board of Directors of the Community Center of La Cañada Flintridge, former Vice President and a member of the Board of Directors of the Spartan Boosters, and served for several years as Chair of the La Cañada Unified School District's Bond Oversight Committee. He was also an

PRACTICE AREAS

Municipal & Public Agency
Law

FOCUS AREAS

Elections, Voting & Campaign
Finance

EDUCATION

J.D., University of Southern
California Gould School of Law

B.A., University of Southern
California

adjunct professor in the USC Price School of Public Policy in 2011 and 2012. He is a frequent speaker to classes at the USC Gould School of Law where his wife, Susan Wright, is Professor of Lawyering Skills and Director of Academic Success.

WORK FOR CLIENTS

As a public law attorney, Mr. Steele has broad experience with the legal issues that are important to public agencies of all types, structures, geography, and characteristics. He has served as a city attorney in charter cities and general law cities; in full-service cities and contract cities. Mr. Steele works with cities that provide police and fire services, utilities, and independent libraries, as well as cities that contract for such services. He has served in coastal communities, a foothill community with a wilderness preserve, and both built out and rural communities.

He has served as an independent investigator on campaign finance law issues for Ventura County, and has advised candidates for local, state, and federal offices and other private interests on a variety of election and political law matters. Mr. Steele is advising numerous public entities regarding voting rights, district election issues, and redistricting.

In the land use area, Mr. Steele has worked on a range of projects ranging from large (5,000+ planned units) residential subdivisions to small mixed use projects in historic downtowns. He has authored unique ordinances on such subjects as picketing in residential areas and food truck regulation. Mr. Steele also is the author of dozens of local ballot measures, including open space preservation, local taxes and bond measures, fireworks regulation, and transportation issues. Public agencies consult with him at all stages of the process of ballot measure process, from polling and strategic decisions, to drafting the measure, to advising about processes and permissible public agency involvement in ballot measure activities. Many entities with "in-house" City Attorneys and General Counsel have consulted with Mr. Steele on elections and voting issues, including the Cities of Compton, Redondo Beach, Hawthorne, Pasadena, Fremont, Livermore, San Luis Obispo, and the San Diego Association of Governments. In recent election cycles, Mr. Steele advised clients on issues as significant and diverse as the Los Angeles County and San Diego County sales tax proposals to fund transportation projects, marijuana taxes and regulations throughout the State, local land use measures on the Central Coast, and districting measures in Imperial, San Bernardino, and Riverside Counties.

PROFESSIONAL EXPERIENCE

Prior to joining Richards, Watson & Gershon out of law school in 1992, Mr. Steele was a political campaign consultant and public affairs professional at Cerrell Associates, Inc., one of the nation's most prominent public affairs firms. He worked on campaigns for state, local, and federal offices, including two presidential campaigns. He worked as advance staff for political figures such as U.S. Senators Albert Gore, Jr., Alan Simpson, and Lloyd Bentsen, Assembly Speaker Willie Brown, Los Angeles Mayor Tom Bradley, and Honolulu Mayor Frank Fasi. He also worked

as advance staff in connection with events such as the 1984 Olympics and the Los Angeles visits of Pope John Paul II in 1987, and His Holiness Vazken I of the Armenian Apostolic Church in 1988.

HONORS & AWARDS

City of Monrovia Community Policing Award, 2013

La Cañada Unified School District Governing Board's Award for Service, 2007

PROFESSIONAL AND COMMUNITY AFFILIATIONS

Member, Los Angeles County Bar Association

EXPERIENCE

HIGHLIGHTED PROJECTS (PUBLIC LAW)

- ▶ **First 5 LA – Interim CEO Appointment (2012).** As longtime counsel to First 5 LA, a Los Angeles County public agency that invests tobacco tax dollars for the benefit of children aged 0-5 and their families, Craig advised the Board and agency through the departure of the agency's CEO. After the separation, the Board asked Craig to serve as Interim CEO while a new CEO was recruited. He served in that position, running an agency with over 100 employees and an annual budget in excess of \$170 million, for a year while also coordinating the search for a permanent CEO.
- ▶ **City of Highland – Change to City Council Districts.** In response to a claim of racially-polarized voting patterns under the California Voting Rights Act ("CVRA"), Craig advised the City throughout the process of creating a district-based election system. This work included drafting a ballot measure seeking voter approval of the district system, guiding the City through the public process to create districts, and advising the City Clerk and City Council throughout the first district-based elections.
- ▶ **City of Monrovia – Opening of Hillside Wilderness Preserve.** This nearly 20-year project created one of Southern California's largest publicly-owned and publicly-accessible wilderness preserves in the foothills of Monrovia. Craig's work on this started with drafting the initial ballot measure that created the General Plan designation and Specific Plans for the area, and then advising the City throughout the cooperative acquisition of the Preserve property from various private owners using a combination of grant funds and the proceeds of a City special tax. He helped to draft and implement a property management plan that survived a CEQA challenge and limited opposition from local residents. Craig then participated in the process of the City acquiring the final easements and accesses needed to facilitate public access and drafting public access and use rules. The Preserve

opened to the public in 2017.

NEWS

Relaxed Brown Act Requirements Will Temporarily Remain in Effect After June 15
06.04.2021

County Pays \$1.35 Million Penalty for Public Funds Spent in Support of Ballot Measure
09.01.2020

“Open and Public” Meetings and the COVID-19 Virus Emergency
03.16.2020

Local Public Agency Advocacy: The Line Between Information and Campaigning by Craig A. Steele
California Special Districts, Volume 13, Issue 4, 09.06.2018

Proposed Ballot Measure Increasing Vote Requirement for Local Tax Measures Will NOT be on November Ballot;
Local Soda Taxes Prohibited in Legislative Deal
06.29.2018

PRESENTATIONS

Local Ballot Measures: Issues for City Attorneys
BACA (Bay Area City Attorneys), 01.31.2020

Meeting Management: Tips for Efficient and Effective Public Meetings
USC Sol Price School of Public Policy Local Leader Academy, 10.2019

Meeting Management – Tips for Efficient & Effective Public Meetings
California Special Districts Association Annual Conference, September 25-28, 2019

Public Agency Advocacy: Rules Regarding Ballot Measures and Lobbying
California Special Districts Association Annual Conference, 2018

Candidate & Ballot Measure Elections: The Role of District Board Secretaries and Clerks
California Special Districts Association Board Secretary/Clerk Conference, 2018

The California Voting Rights Act and Imposed District Elections
The California Voting Rights Act and Imposed District Elections, 2016

Tips for Effective Lawyering
USC Gould School of Law First Year Class, 2015

Local Initiatives and Referenda: Key Considerations for City Attorneys
League of California Cities City Attorneys Department, 2015

Dealing with Disruptions at Public Meetings
CLE International Municipal Law Conference, 2010

PUBLICATIONS

Local Public Agency Advocacy: The Line Between Information and Campaigning by Craig A. Steele
California Special Districts, Volume 13, Issue 4, Jul-Aug 2018

The Rules on Lobbying: What Every Local Official Should Know
Western Cities Magazine, 01.10.2010

Proposition 208 Implementation Guide (contributor)
League of California Cities, 2007

New Election Law May Change the Face of Some Local Government Agencies
Public Law Journal, 2003

Chelsea O'SULLIVAN

Associate

CENTRAL COAST

T 805.439.3515

E CO'Sullivan@rwglaw.com



Chelsea advises local governments on a wide variety of governmental law, transactional and advisory matters. Her practice focuses on public and land use law issues, including matters relating to CEQA, CESA, the Brown Act, compliance with conflicts of interest rules and the Public Records Act.

PROFESSIONAL EXPERIENCE

Prior to joining Richards, Watson & Gershon, Chelsea worked as an associate for Venable LLP in Washington, D.C. where she gained broad experience in environmental and administrative law. Chelsea has experience advising clients on environmental liability management strategies and environmental due diligence in a variety of transactional contexts and is practiced at assisting clients on environmental and natural resource issues related to infrastructure development.

HONORS & AWARDS

Rising Star in Washington D.C. edition of *Super Lawyers*, 2020

Editor-in-Chief, Virginia Environmental Law Journal, 2014-2015

PRACTICE AREAS

Municipal & Public Agency
Law

Real Estate

FOCUS AREAS

CEQA (California
Environmental Quality Act)
(Environmental)

EDUCATION

J.D., University of Virginia
School of Law

B.S., Saint Mary's College of
California

James MARKMAN

Shareholder

ORANGE COUNTY

T 714.990.0901

E jmarkman@rwglaw.com



Jim Markman is a leading expert in California water rights and water law and one of the most experienced city attorneys in California. In his more than 40 years as an advocate for and advisor to public agencies, he has handled virtually every facet of being a public lawyer.

As a litigator, Jim combines a professional and civil demeanor with a passionate approach to advocacy. His primary areas of litigation expertise are extraordinary writs challenging the actions of public entities and water rights disputes, particularly the adjudication of groundwater basins. Jim has been involved in virtually every significant groundwater adjudication which has occurred in several decades, including the Chino Basin, the Main San Gabriel Basin, the Central Basin of Los Angeles County, the Mojave River Basin, the Santa Maria Basin and the Antelope Valley Basin.

As an advisor, Jim identifies the client's objective and structures a legal approach that best assists the client in reaching it while minimizing legal exposure. Jim is known for his ability to provide creative legal assistance which results in the completion of projects.

WORK FOR CLIENTS

Jim has served as City Attorney for the City of La Mirada since 1980 and City Attorney for the City of Rancho Cucamonga since 1985. He is also General Counsel to the Beaumont-Cherry Valley Water District, the Central Basin Water Rights Panel, and the Antelope Valley East Kern Water Agency. Jim also has served as City Attorney for the cities of Buena Park, Hesperia, and Upland. He served as City Attorney for the City of Brea for more than four decades. For that service, in 2019 he received the International Municipal Lawyers Association award for Longevity of Service to a Community. He also currently represents public agencies involved in active water negotiations and related matters in the

PRACTICE AREAS

Municipal & Public Agency Law

FOCUS AREAS

Brown Act & Open Government

Conflicts of Interest and Local Government Ethics

Groundwater Management

Land Use Planning & Zoning (Municipal)

Validation Actions (Litigation)

Water Rights

Water Rights & Water Law

Writs & Appeals

EDUCATION

J.D., Cornell University

A.B., Dartmouth College

Counties of Los Angeles, San Bernardino, Orange, Riverside, Santa Barbara, and San Luis Obispo.

PROFESSIONAL EXPERIENCE

Jim serves as the Chair of the Firm's Water Rights and Water Law Practice Group, is a member of the Firm's Public Law Department, and spent sixteen years on the Firm's Management Committee.

Jim also served as Deputy Attorney General for the State of California from 1968 through 1970, where he specialized in water rights and pollution matters. While with the Attorney General's office, he handled 53 cases in the state appellate courts, including three before the California Supreme Court. Jim personally represented California Regional Quality Control Boards, and, in that capacity, instituted four of the initial cases brought under the Porter-Cologne Water Quality Control Act, all related to the pollution of Monterey Bay.

HONORS & AWARDS

Jim has been accorded the highest peer rating of AV Preeminent provided by the Martindale-Hubbell nationwide legal directory.

PROFESSIONAL AND COMMUNITY AFFILIATIONS

Jim is an active member of the Association of California Water Agencies and has presented papers on legal issues at its conferences. He also has made presentations at League of California Cities conferences and has served on that organization's Legal Advocacy Committee. That committee determines when the League will provide support to a city engaged in significant municipal litigation.

EXPERIENCE

Jim represents groundwater producers in the adjudication of water rights in many groundwater basins and has been involved in virtually every significant groundwater adjudication that has commenced since 1969. One such case concerned the Mojave River Basin, which underlies an area the size of the State of Connecticut, and each of these cases involves economically vital water resources, concern numerous water producers including agricultural producers, public entity water suppliers and private, regulated water companies, and the production and distribution of thousands of acre feet of water per year needed to supply water to hundreds of thousands of residents as well as business and industrial complexes annually.

Jim also regularly negotiates and drafts a variety of complex legal documents, including Development Agreements, Participation Agreements and Disposition and Development Agreements. Representative matters are the construction of two of Southern California's major regional malls: the Brea Mall located in north Orange County, and

the Victoria Gardens Mall in the City of Rancho Cucamonga. He also drafted an ordinance for the City of Newport Beach in order to balance the rights of residents to enjoy a residential atmosphere with the rights of persons in alcohol and narcotics recovery to be housed in an environment conducive to their recovery. The ordinance required existing recovery uses to undergo an administrative process to determine whether there was a harmful proliferation of the uses in a particular area zoned single family residential and whether the uses in that area generated negative secondary effects, thereby depreciating the quality of residential life for the residents. The application of the ordinance has significantly reduced the conflict between the two uses and achieved the City Council's objective of balancing the rights in issue.

NEWS

California Supreme Court Grants Review of Landmark Voting Rights Decision

11.23.2020

Challengers to At-Large Elections Must Prove Effect on Election Outcomes

07.16.2020

RECENT PRESENTATIONS

City Attorneys' Spring Conference

League of California Cities, May 2-4, 2018

PUBLICATIONS

The California Legislature Should Establish Water Courts

California Water Law & Policy Reporter, 02.2005

Trisha ORTIZ

Shareholder

SAN FRANCISCO

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Trisha counsels local governments on all aspects of municipal governance, including public meetings, transactional and land use matters, the interpretation, application of, and compliance with the Brown Act, Public Records Act, Political Reform Act, and other conflict of interest and ethics laws. In addition to her general municipal law practice, Trisha specializes in advising clients with regard to elections, imposing and increasing taxes and fees, special tax and assessment financing, clean energy financing, and redevelopment dissolution.

WORK FOR CLIENTS

Trisha currently serves as General Counsel for the San Mateo Harbor District, Marin Emergency Radio Authority, California Statewide Communities Development Authority, and Ross Valley Fire Department, Assistant City Attorney for the Cities of Davis and Fairfield, Assistant General Counsel to the San Francisquito Creek Joint Powers Authority, Acting Assistant City Attorney for the City of Fremont, and Special Counsel to the County of Sonoma for its energy independence program.

Trisha advises local governments in achieving state law solutions to their local issues. Namely, she assisted the City of Palm Desert in writing AB 811, which authorizes public agencies to finance renewable energy and energy efficiency improvements on private property, also known as Property Assessed Clean Energy or "PACE." Trisha also assisted the City of Fairfield in writing AB 806, which authorizes certain community development powers for cities.

PRACTICE AREAS

Municipal & Public Agency Law

Public Finance

FOCUS AREAS

Brown Act & Open Government

Elections, Voting & Campaign Finance

Financing Districts

Joint Powers Authorities

PACE Financing (Property Assessment Clean Energy) (Environmental)

Redevelopment Dissolution

Solid Waste

Taxes, Assessments & Fees

EDUCATION

J.D., Loyola Law School, Los Angeles

M.B.A., Arizona State University

B.S., University of Arizona

PROFESSIONAL EXPERIENCE

Prior to attending law school, Trisha spent over seven years working in state legislative government where she served as legislative staff in the Arizona House of Representatives, focusing on tax policy and the state budget, and she also worked as a lobbyist in the Michigan State Legislature.

HONORS & AWARDS

Loyola of Los Angeles Law Review, Senior Research Editor

PROFESSIONAL AND COMMUNITY AFFILIATIONS

Member, American Bar Association

Member, California State Bar

Member, San Francisco Bar Association

Member, National Association of Bond Lawyers

Women in Public Finance

League of California Cities, Committee on Municipal Finance

NEWS

Measures Adopting Municipal Water Rates Cannot Be Challenged by the Referendum Process
08.13.2020

City's Transfer of Revenue from Municipal Electric Utility to General Fund to Recover Costs of City Services Upheld
09.10.2018

Cannabis Tax Measure Accompanied by an "Advisory Measure" Is a Valid General Tax
08.31.2018

States May Require Sales Tax Collection by Out-of-State Internet Sellers
06.26.2018

PRESENTATIONS

Public Service Ethics

League of California Cities Annual Conference, 09.12.2018

EIFDs: Tax Increments of a Different ilk

The Bond Buyer's 25th Annual California Public Finance Conference, 10.22.2015

Economic Development and Local Infrastructure Financing in the Post-RDA Era

The Bond Buyer's 22nd Annual California Public Finance Conference, 10.18.2012

Legislative Fixes for Congressional Action

PACE Solutions: Bringing AB 811 Home Conference, 03.03.2011

Public Financing of Energy Efficiency and Renewable Energy Improvements on Private Property

County Counsel's Association of California, Taxation Fall 2009 Study Section Conference, 11.19.2009

Jumping the Legislative Hurdles

City and County Energy Conference, 11.16.2009

AB 811 Contractual Assessments

California Debt and Investment Advisory Commission: Public Financing for Solar Energy, 10.09.2009

Government Financing for Private Renewable Energy and Energy Efficiency Improvements

The Bond Buyer's 19th Annual California Public Finance Conference, 09.15.2009

Preparing for Bond Takeout!

The Palm Desert AB 811 Conference, 06.12.2009

Formation of Community Facilities Districts

Southern California City Clerk's Association General Meeting, 09.20.2007

PUBLICATIONS

Co-Author, California Municipal Law Handbook, Chapter 5: Finance and Economic Development

Continuing Education of the Bar - California, 2018

Governor Brown Signs SB 231 Regarding Stormwater Fee Authority

CSMFO Magazine, 11.2017

Co-Author, Propositions 26 and 218 Implementation Guide
League of California Cities, 2017

AB 811: The Promise and Challenge of Public Agency Financing for Private Renewable Energy and Energy Efficiency Improvements
Public Law Journal, an Official Publication of the State Bar of California Public Law Section, Vol. 33, No. 1, Winter 2010

Michael YOSHIBA

Shareholder

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Michael represents cities, public entities and private property owners in all phases of the eminent domain process from the pre-acquisition phase, through trial and post-judgment proceedings. Michael litigates a variety of condemnation issues including challenges to a public entity's right to take real property, claims for severance damages, loss of business goodwill, precondemnation damages, valuation issues, and inverse condemnation claims. He has also served as a relocation assistance appeals hearing officer for several public entities.

WORK FOR CLIENTS

Michael has served as lead counsel on acquisition, relocation assistance and eminent domain matters for the cities of Agoura Hills, La Mirada, Yucaipa, Westlake Village, San Luis Obispo, Rancho Palos Verdes, Manhattan Beach, West Hollywood, and Fairfield. He also served as lead acquisition counsel on eminent domain matters for the Hollywood Burbank Airport, Los Angeles Unified School District, and State of California, Department of Transportation. Private clients have included Ameron International, LeFiell Mfg. Company, and D.R. Horton.

PROFESSIONAL EXPERIENCE

Prior to joining Richards, Watson & Gershon in 2001, Michael represented the State of California, Department of Transportation, in its Legal Division for over six years as a Deputy State Attorney and before that, as a right-of-way agent for over ten years.

PRACTICE AREAS

Eminent Domain

FOCUS AREAS

Acquisitions & Dispositions
Condemnation Actions
Eminent Domain (Litigation)
Grade Separations
Infrastructure Projects
Inverse Condemnation
Rail Projects
Real Estate Acquisition & Right-of-Way
Relocation Assistance

EDUCATION

J.D., University of West Los Angeles

B.S., California State University, Long Beach

HONORS & AWARDS

Professional of the Year, International Right of Way Association, Chapter 1 (2013-2014)

PROFESSIONAL AND COMMUNITY AFFILIATIONS

Member, Los Angeles County Bar Association

Member & Law Chair, International Right of Way Association, Chapter 1

Member, Japanese American Bar Association

Board Member, Asian American Drug Abuse Program, Inc.

EXPERIENCE

- ▶ ***Alvis v. County of Ventura.*** Along with other lawyers at Richards, Watson and Gershon, represented County of Ventura in two lawsuits brought by over 80 plaintiffs in connection with the 2005 landslide in La Conchita, California that resulted in 10 deaths and destruction of 16 homes. Prevailed against allegations of liability for damages based on theories of dangerous condition of public property, wrongful death, nuisance and inverse condemnation resulting from negligence in approving plans for a retaining wall intended to protect against such a landslide. Court granted summary adjudication in favor of County based on design immunity, finding substantial evidence that county reasonably approved design of the wall, including considerations for future changed conditions. The ruling, which resulted in the dismissal of all personal injury claims, is the first appellate decision in two decades to address the approval element of design immunity, and clarified the type of defects that can be claimed in changed condition.
- ▶ ***State of California v. Ameron International.*** Represented of property owner in pre-condemnation matter involving claims for severance damages, flooding, and loss of business goodwill. Resulted in favorable settlement for client and State.
- ▶ ***Prairie Associates v. State of California.*** Represented the State of California as lead trial counsel in an inverse condemnation action filed by an owner claiming \$5.5 million in monetary damages caused by the unreasonable conduct by the State. After a ten-day jury trial in Los Angeles County Superior Court, the jury verdict found the State's conduct reasonable and no liability for damages.
- ▶ ***State of California v. ZML – Orange, et al.*** Represented the State of California as lead trial counsel in an eminent domain proceeding involving a sports bar's claim of loss of goodwill. After a seven-day jury trial in Orange County Superior Court, the jury's verdict was entered in favor of the State, finding no loss of goodwill.

- ▶ **State of California v. Lahey/Bendure.** Represented the *State of California* as lead trial counsel in two eminent domain proceedings involving claims of reasonable probability of zone change and valuation. After an eight-day jury trial in San Bernardino County Superior Court, the jury's verdict was below the State's statutory offer.
- ▶ **O'son v. State of California.** Represented the *State of California* as lead trial counsel in an inverse condemnation proceeding involving a gas station's claim of loss of business goodwill. After a five-day bench trial in Orange County Superior Court, the court entered judgment at the State's pre-trial offer to compromise.
- ▶ **City of La Mirada.** Represented the City on the acquisition of multiple-property interests from owners and tenants, including fee takes, partial acquisition, and permanent and temporary construction easements for the Valley View Grade Separation Project.
- ▶ **City of Yucaipa.** Represented the City on the acquisition of multiple-property interests from 12 properties, owners and tenants, including fee takes, partial acquisitions, and permanent and temporary construction easements in connection with the Yucaipa Boulevard Widening Project.
- ▶ **City of Agoura Hills.** Assisted the City to acquire multiple-property interests from 23 properties, owners and tenants, including fee takes, partial acquisitions, and permanent and temporary construction easements for the Agoura Road Widening Project.

NEWS

Michael Yoshiba on the Value of Sound Legal Advice in Right of Way Magazine

02.20.2020

Michael Yoshiba Published in Right of Way Magazine

10.17.2019

PUBLICATIONS

The Mystery of Harlem Place Alley

Right of Way Magazine, September/October 2019

When Sound Legal Advice Made a Difference

Right of Way Magazine, January/February 2020

A Creative Mediation

Right of Way Magazine, September/October 2017

Contributing Author of Bi-Monthly Legal Insight Column

Right of Way Magazine, 2014 to present

Dave FLEISHMAN

Of Counsel

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Dave Fleishman has practiced extensively in the area of public law and in the area of labor and employment law for both public and private employers. His practice has focused on the representation of public agencies in an advisory role as city attorney or general counsel, as well as in public entity defense litigation, including writs and appeals, civil rights, Fair Labor Standards Act, wrongful termination, employment investigations, public contracting, tort claims and code enforcement. He has also represented private employers throughout California in wrongful termination, wage and hour, and other employment matters.

WORK FOR CLIENTS

He currently serves as City Attorney for the City of Pismo Beach and the City of Solvang. He formerly served as City Attorney for the cities of Guadalupe, Pacific Grove and Solvang, and deputy city attorney for the City of Atascadero. He also previously served as assistant city attorney for the City of Morro Bay. He was formerly Assistant General Counsel for the Cambria Community Services District and the Los Osos Community Services District. He also previously served as General Counsel for the San Simeon Community Services District. He has served as special counsel for the City of Torrance and City of Seal Beach civil service commissions. He has represented over 40 cities and special districts in California and Nevada in various labor and employment matters.

PROFESSIONAL EXPERIENCE

Prior to returning to Richards, Watson & Gershon, where he began his legal career in 1991, Dave was a partner for nearly 25 years in the law firm of Hanley & Fleishman, LLP, which focused on public agency representation throughout California.

PRACTICE AREAS

Labor & Employment
Municipal & Public Agency
Law

FOCUS AREAS

Personnel & Human Resources
Public Records & E-Documents
Public Works & Public
Contracting

EDUCATION

J.D. *cum laude*, University of
Arizona School of Law
A.B., University of California,
Berkeley

PROFESSIONAL AND COMMUNITY AFFILIATIONS

Chairperson, Legal Advocacy Committee, League of California Cities, 2018-19, Member 2017-18, 2012-14

President, City Attorneys Department, League of California Cities, 2021-2022

Member of Ad Hoc Committee - League of California Cities City Attorneys Department Listserv

Moderator – League of California Cities City Attorneys Department Listserv

Legislative Consultant – League of California Cities

EXPERIENCE

PUBLISHED OPINIONS

▶ *George v. City of Morro Bay*, 177 F. 3d. 885 (9th Cir. 1999)

NEWS

Supreme Court Reaffirms "California Rule" for Public Agency Employee Pensions and Upholds PEPRAs Changes
07.31.2020

PRESENTATIONS

Email and E-Records Retention Issues under the Public Records Act
League of California Cities City Attorneys Conference, 05.2013

Dealing With Disruptive Members of the Public
League of California Cities Annual Conference, 10.2002

PUBLICATIONS

Paper Terrorism: The Impact of the "Sovereign Citizen" on Local Government
Public Law Journal, Vol. 27, No. 2, 2004

Featured Lawyer
Wired Lawyers, 11 *Law Office Computing* 2, April/May 2001

Kyle BROCHARD

Shareholder

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Kyle Brochard is a shareholder in the Litigation Department at Richards, Watson & Gershon. Mr. Brochard represents municipalities and public agencies, as well as private sector clients, in both state and federal courts on litigation matters.

PROFESSIONAL EXPERIENCE

Prior to attending law school, Kyle worked as an advocate for disabled individuals before the Social Security Administration. During law school, he externed for the Honorable Emily Pines, New York State Supreme Court Judge for the Tenth Judicial District.

NEWS

Hearing Required Before Return of Confiscated Weapons
10.04.2021

PRACTICE AREAS

Litigation

FOCUS AREAS

Civil Litigation

Constitutional & Civil Rights
Issues

Construction & Public Works

Municipal Code Enforcement

Police Practices (Litigation)

Validation Actions (Litigation)

Water Rights & Water Law

Writs & Appeals

EDUCATION

J.D., University of Southern
California Gould School of Law

B.A., University of Delaware

Ginetta GIOVINCO

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Ginetta specializes in land use matters, including the California Environmental Quality Act (CEQA) and the California Coastal Act. Ginetta's practice encompasses both advisory work and litigation, allowing her to handle matters seamlessly from the administrative level through trial and the appellate courts. Ginetta is frequently asked to assist on controversial projects that appear headed towards litigation, including providing advice on CEQA compliance, local coastal programs, and land use entitlements. Ginetta's combination of substantive knowledge, strategic thinking, and advocacy skills make her one of the state's leading writ litigators, resulting in five published Court of Appeal decisions in eight years. These cases include important decisions addressing exemptions from CEQA for projects in transit priority areas (*Covina Residents for Responsible Development v. City of Covina, et al.* (2018) 21 Cal.App.5th 712), clarifying the level of administrative appeal review required for subsequent CEQA review (*San Diegans for Open Government, et al. v. City of San Diego, et al.* (2016) 6 Cal.App.5th 995), and establishing limitations on when attorneys' fees may be awarded in CEQA litigation (*Coalition for a Sustainable Future in Yucaipa v. City of Yucaipa, et al.* (2015) 238 Cal.App.4th 513).

Complementing her land use practice, Ginetta has developed an expertise in legal issues affecting special districts. Ginetta currently serves as General Counsel to the Clovis Veterans Memorial District. Ginetta also has represented water agencies and community services districts in litigation, and often handles matters involving matters before local agency formation commissions (LAFCOs).

WORK FOR CLIENTS

Ginetta currently serves as General Counsel to the Clovis Veterans Memorial District.

PRACTICE AREAS

Coastal
Litigation

FOCUS AREAS

CEQA (California Environmental Quality Act) (Litigation)
Coastal Litigation
Coastal Regulation & Development
Land Use Planning & Zoning (Environmental)
Land Use Planning & Zoning (Litigation)
Land Use Planning & Zoning (Municipal)
Local Coastal Programs
Mobilehome Parks & Rent Control
Validation Actions (Litigation)
Writs & Appeals

EDUCATION

J.D., University of California, Los Angeles, School of Law
B.A., *summa cum laude*, Phi

Ginetta frequently represents clients in litigation involving writs of mandate, land use (including CEQA and the California Coastal Act), and validation actions involving complex finance matters. Most recently, Ginetta has successfully defended challenges to land use decisions of the cities of Beverly Hills, Covina, Manhattan Beach, Pasadena, and Yucaipa.

Beta Kappa, The American University

PROFESSIONAL EXPERIENCE

Ginetta currently serves as Chair of the Firm's Coastal Department and previously served as Assistant Chair of the Firm's Litigation Department.

Ginetta is also a member of the Firm's Management Committee.

HONORS & AWARDS

Ginetta has been selected to the Southern California Super Lawyers List in 2014-2018, and previously was selected to the Southern California Rising Stars List in 2010-2013.

Ginetta is AV Preeminent Rated by Martindale-Hubbell.

PROFESSIONAL AND COMMUNITY AFFILIATIONS

Member, Association of Environmental Professionals

Member, International Municipal Lawyers Association

Member, Los Angeles County Bar Association

Member, Los Angeles County Bar Association Judicial Appointments Committee

Member, Environmental Section, State Bar of California

EXPERIENCE

PUBLISHED OPINIONS

- ▶ ***Save Our Access-San Gabriel Mountains v. Watershed Conservation Authority*** (2021) 68 Cal.App.5th 8 (upholding trial court conclusion that

CEQA does not categorically require analysis of alternatives other than the statutorily-required “no project” alternative in an environmental impact report, and reversing trial court to hold that the project’s reduction in parking was not an environmental impact, thereby obtaining a complete victory on all issues in the case; represented public agency).

- ▶ ***Covina Residents for Responsible Development v. City of Covina, et al.*** (2018) 21 Cal.App.5th 712 (holding that CEQA exemption which took effect three months before city approved project applied and exempted consideration of project’s parking impacts; represented city).
- ▶ ***San Diegans for Open Government, et al. v. City of San Diego, et al.*** (2016) 6 Cal.App.5th 995 (clarifying level of administrative appeal review required for subsequent CEQA review; represented real party in interest).
- ▶ ***Coalition for a Sustainable Future in Yucaipa v. City of Yucaipa, et al.*** (2015) 238 Cal.App.4th 513 (establishing limitations on when attorneys’ fees may be awarded in CEQA litigation under Private Attorneys General Act “catalyst” theory; represented city).
- ▶ ***Eiskamp v. Pajaro Valley Water Management Agency*** (2012) 203 Cal.App.4th 97 (upholding dismissal of a challenge to an ordinance that increased groundwater augmentation charges for well operators; represented water agency).
- ▶ ***South Orange County Wastewater Authority v. City of Dana Point*** (2011) 196 Cal.App.4th 1604 (holding that a mitigated negative declaration prepared for a rezoning project was not required to study the impacts of an existing sewage treatment plant on the project; represented real party in interest).
- ▶ ***Habitat Trust for Wildlife, Inc. v. City of Rancho Cucamonga*** (2009) 175 Cal.App.4th 1306 (upholding city’s right to select a qualified conservation entity to receive mitigation lands dedicated by a developer; represented city).

RECENT LITIGATION VICTORIES

- ▶ ***San Marino Heritage, et al. v. City of San Marino.*** Successful defense of city’s use of categorical exemption and determination that no historic resource was present; no appeal filed.
- ▶ ***The Inland Oversight Committee v. City of Covina.*** Successful defense of city’s use of mitigated negative declaration under CEQA; no appeal filed.
- ▶ ***Coalition for Preservation of the Arroyo v. City of Pasadena.*** Successful defense in trial court and on appeal of CEQA challenge to environmental impact report (EIR) for the use of the Rose Bowl as a temporary NFL location.
- ▶ ***Dunex, Inc. v. City of Oceanside.*** Second chaired bench trial leading to judgment in city’s favor on \$30 million dollar inverse condemnation claim stemming from city’s denial of mobile home park conversion.
- ▶ Successful prosecution of multiple validation actions, including for multi-tiered bond transaction, Property Assessed Clean Energy (PACE) program, and refunding of pension obligation bonds.

NEWS

General Public Testimony About Impacts Insufficient to Meet “Fair Argument” CEQA Test
08.09.2021

Ginetta Giovinco Appointed to the LACBA Judicial Appointments Committee
07.17.2018

B. Tilden KIM

Shareholder

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Tilden Kim specializes in representing public entities in public works and infrastructure matters. As counsel to numerous Public Works Departments, Tilden has broad experience helping public entities manage their bidding and construction process. A former Chair of RWG's Litigation Department, he regularly represents RWG clients in the array of disputes that can arise from public projects.

Tilden also is a member of RWG's Water Rights and Water Law focus group. He has significant experience in groundwater management and related litigation, including recent adjudications in the Santa Maria Valley and Anza Valley. Presently, he is part of the RWG working group that is helping Nipomo Community Services District and Marina Coast Water District comply with statutory obligations under the Sustainable Groundwater Management Act.

A key aspect of Tilden's practice is his experience representing clients before California's numerous administrative agencies. He has successfully represented clients before the Public Utilities Commission, Cal-OSHA and the Department of Industrial Relations. For example, Tilden has successfully prevented a major transmission line (Valley Rainbow) from bisecting the Temecula Valley Wine Country. Tilden is currently opposing the Riverside Transmission Reliability Project before the California Public Utilities Commission on behalf of the City of Jurupa Valley. Tilden also regularly works on water-rate cases for many of our public agencies.

WORK FOR CLIENTS

Tilden advises many of RWG's water-related clients, including but not limited to Nipomo Community Service District, Marina Coast Water District, Antelope Valley-East Kern Water Agency, San Bernardino Municipal Water District, and Beaumont Cherry Valley Water District.

PRACTICE AREAS

Litigation

FOCUS AREAS

Construction & Public Works
Groundwater Management
Insurance Coverage & Claims
Taxes, Assessments & Fees
Water Rights & Water Law
Writs & Appeals

EDUCATION

J.D., University of California,
Davis, School of Law

B.S., University of California,
Davis

Tilden advises most of the RWG's Public Works Departments, including the Cities of Agoura Hills, Beverly Hills, Buena Park, Fairfield, La Mirada, Mill Valley, Palmdale, Rancho Cucamonga, Seal Beach, Temecula, and Westlake Village.

Tilden regularly works with Public Works staff in establishing a sufficient record for finding bidders to be nonresponsive when they fail to submit a proper bid, thereby minimizing the potential for a lawsuit with a disgruntled bidder. Tilden also works with Public Works staff on payment, performance, and warranty bond issues, and has successfully prosecuted several multi-million dollar recoveries against performance bond sureties and general contractors. Tilden successfully extricates many public entity clients from mechanics liens and other contractor/subcontractor disputes in an economical manner.

EXPERIENCE

PUBLISHED OPINIONS

- ▶ ***Barratt American, Inc. v. City of Rancho Cucamonga***, 37 Cal. 4th 685 (2005). Tilden successfully represented the City of Rancho Cucamonga in a challenge under the Mitigation Fee Act to the city's building permit fee structure. In *Barratt*, a real estate developer filed petition for writ of mandate and complaint against the City of Rancho Cucamonga, challenging fees for building permits and plan reviews. Tilden represented the City before the Supreme Court, where it held that: (1) Fees developer paid were not "development project fees" subject to Mitigation Fee Act's individual refund remedy and limitations period; (2) Permit and plan review fees were not "special taxes" subject to penalty or offset under Proposition 62; (3) The City was not required to conduct annual financial audit of revenues received from fees; and (4) Mandamus was not available remedy for city's alleged failure to comply with statutory duty to review and adjust fees.
- ▶ ***City of Santa Maria v. Adam***, 211 Cal.App.4th 266 (2012); *City of Santa Maria v. Adam*, 248 Cal.App.4th 504 (2016). Tilden represented the Nipomo Community Services District, establishing important precedent that landowner demands for "quiet title" and quantification of future potential prescriptive rights cannot be done without an "overdraft" determination, and a basin-wide quantification of production by overlayers and other pumpers.
- ▶ ***Gonzales v. City of Norwalk***, 17 Cal.App.5th 1295 (2017), reh'g denied, review denied (3/14/18). Proposition 218 class action suit challenging the City's utility user's tax (UUT) on cell phone service. After successive challenges to the pleadings, the trial court sustained the City's demurrer without leave to amend. In affirming, the court of appeal held that a 2007 ordinance - adopted by the City to clarify its UUT following an IRS notice interpreting provisions of the federal tax code - made a technical change to the City's municipal code. However, it did not "impose, extend or increase" the UUT and therefore, it did not violate Proposition 218 or Proposition 62 as a matter of law. The California Supreme Court denied review. This is an important decision for California cities and sets a precedent for addressing similar "copy cat" suits now pending in various trial courts around the state.

NEWS

Trial Court Rejects Proposition 218 Class Action Challenge to a City's Utility User Tax
04.28.2016

E-Mails Between League of California Cities and City Attorney May Be Public Records
12.16.2015

PRESENTATIONS

Obtaining Workplace Violence and Anti-Harassment Injunctions
California League of Cities

PUBLICATIONS

Peculiar Risk Doctrine: A Criticism of Its Application in California
22 *U.C. Davis Law Review* 215, 1988

Robert CECCON

Shareholder

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Robert Ceccon is one of RWG's most experienced litigators. He has taken over 25 cases to judgment as lead counsel in trials in both state and federal courts, and has arbitrated dozens more. He has argued before the California Court of Appeal. His over three decades of experience have spanned the entire range of tort liability and damage claims against public agencies, including inverse condemnation, solid waste, police practices, employment claims, wrongful death claims, and dangerous conditions. He has achieved significant victories for his clients in complex multi-party cases where millions in compensatory or punitive damages were at stake. Bob serves as RWG's Litigation Department Chair. He is co-author of California Government Tort Liability Practice, which California Courts of Appeal have cited hundreds of times.

Bob is a natural trial attorney. He attributes his success to some of the skills he learned growing up in Boston's South End: thinking on his feet, anticipating problems quickly, and utilizing the art of persuasion. Bob combines people skills with the most current audiovisual courtroom techniques to paint a vivid picture that brings the facts of a case to life for a judge or jury.

Bob never shies away from a tough case. When the County of Ventura needed an experienced trial lawyer to defend it in the La Conchita landslide cases alleging 10 deaths and tens of millions of dollars in claimed damages, it called Bob. More recently, the City of Brea asked Bob to defend it in an excessive force case brought by the family of a criminal suspect fatally wounded in an officer-involved shooting. Bob and his trial team prevailed using the same tools they apply in every case: thorough investigation, persuasive writing and tireless commitment to the client.

PRACTICE AREAS

Litigation

Municipal & Public Agency
Law

FOCUS AREAS

Inverse Condemnation

EDUCATION

J.D., University of California,
Los Angeles, School of Law

B.A., Columbia University

WORK FOR CLIENTS

Bob has represented the cities of Barstow, Beverly Hills, Brea, Buena Park, Calimesa, Carson, Compton, Hesperia, Indio, Lynwood, Malibu, Oceanside, Palmdale, Pasadena, Rancho Cucamonga, Redondo Beach, Rialto, Stanton, Temecula, Upland, West Hollywood, and the County of Ventura.

HONORS & AWARDS

Los Angeles Daily Journal, Top Verdicts of 2013 (San Bernardino County Flood Control District v. City of Upland)

PROFESSIONAL AND COMMUNITY AFFILIATIONS

Los Angeles County Bar Association

EXPERIENCE

Fishback v. County of Ventura. Bob represented the County of Ventura as lead trial counsel in this significant environmental protection case involving illegal dumping of 8,000 truckloads of unpermitted construction debris into the canyons above Simi Valley, California. Bob obtained judgment in favor of the county ordering defendants to clean up all unpermitted fill material, and to pay \$21.7 million in statutory penalties to the county — the maximum statutory penalty under the Public Resources Code. This case represents the first California case of statutory penalties ever awarded for illegal disposal of solid waste.

Alvis v. County of Ventura. Bob represented the County of Ventura as a lead trial counsel in defense against two lawsuits brought by over 80 plaintiffs in connection with the 2005 landslide in La Conchita, California that resulted in 10 deaths and destruction of 16 homes. Bob prevailed against damage claims based on theories of dangerous condition of public property, wrongful death, nuisance, and inverse condemnation resulting from alleged negligence in approving plans for a retaining wall intended to protect against such a landslide. The Court granted summary adjudication in favor of the county based on design immunity and substantial evidence that the county reasonably approved the design of the wall. The ruling, which resulted in dismissal of all personal injury claims, is the first appellate decision in 2 decades to address the approval element of design immunity, and clarified the type of defects that can be claimed a changed condition.

Dunex, Inc. v. City of Oceanside. Bob represented the City of Oceanside as lead trial counsel in connection with an inverse condemnation lawsuit involving mobile home law in the context of a mobile home park conversion to residential ownership in the Coastal Zone, which is subject to regulation under the Coastal Act. The suit alleged that the city's mobile home rent control ordinance resulted in a taking that caused at least \$30 million in damages. The Court ruled in favor of the city, holding the plaintiff could not prove a claim because it had made a reasonable return on investment for the plaintiff.

Collender v. City of Brea. Bob represented the City of Brea and its police officer as lead trial counsel in connection with an officer involved fatal shooting of an unarmed man. The decedent was alleged to have committed an armed robbery and was reaching towards his pocket when the officer attempted to arrest him. The shooting was captured on video. Plaintiffs claimed that the city defendants used excessive force. The jury deliberated for less than a day and found in favor of defendants.

SAMPLING OF PUBLISHED APPELLATE VICTORIES

Mercury Casualty Co. v. City of Pasadena, 14 Cal.App.5th 917 (2017), reh'g denied, review denied 11/15/17. Inverse condemnation case involving damage from a tree that fell in a severe windstorm. The appellate court reversed judgment for Mercury after a trial, and ordered judgment to be entered for city, because the tree that fell was not a work of public improvement as “there was no evidence it was planted as part of a planned project or design serving a public purpose or use.”

Alvis v. County of Ventura, 178 Cal.App.4th 536 (2009). In the La Conchita landslide litigation brought by over 80 plaintiffs, the appellate court affirmed the design immunity defense to plaintiffs’ claim for dangerous condition of public property, finding that the county’s discretionary approval of construction of a wall was sufficiently informed and the design was sufficiently reasonable for design immunity, and no changed condition defense to design immunity applied.

NEWS

A Plaintiff Cannot File a Lawsuit Against a Public Entity Before the Entity Rejects a Government Claim
11.02.2020

Published Court of Appeal Decision Holds That Sidewalk Slab Rises of up to One and One-Half Inches Are Generally Trivial Defects as a Matter of Law
07.29.2019

Court of Appeal Holds That a One and One-Quarter Inch Sidewalk Slab Rise Is A Trivial Defect
07.11.2019

Local Public Entities Have “Unambiguous Power” to Impose Their Own Claim Presentation Requirements
04.03.2018

U.S. Supreme Court Clarifies Probable Cause Standard for Warrantless Arrests
02.02.2018

Police Officer Entitled to Qualified Immunity Unless It is "Beyond Debate" that Conduct Violated Clearly Established Law

12.07.2015

Public Entity Immune From Liability To Plaintiff Injured By "Tree Swing" On Public Property

11.24.2015

PRESENTATIONS

Join RWG at the Eminent Domain Institute's Annual Conference

Eminent Domain Institute, 03.05.2020

Taking and Defending Depositions in Law Enforcement Excessive Force Actions

06.28.2019

Avoiding Liability for Falling Trees in Urban Forests

California League of Cities: Public Works Officer Institute, 04.04.2019

City Trees and Urban Forests – Understanding Inverse Condemnation Liability

California League of Cities: City Attorneys' Conference, 04.03.2018

How to Prepare and Present an Opening Statement

09.07.2016

Trial Debriefing: *Collender v. Brea*

09.07.2016

Taking and Defending Depositions

09.07.2016

How to Move for Summary Judgment

09.07.2008

PUBLICATIONS

City Trees and Urban Forests: Understanding Inverse Condemnation Liability

California Special Districts, Volume 14, Mar-Apr 2019

Handling Claims Against Government Entities: Here's How and When to Do It
Action Guide, Continuing Education of the Bar - California, 2018

California Government Tort Liability Practice (Co-Author)

Continuing Education of the Bar - California, 2014

Lolly ENRIQUEZ

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Lolly represents cities and public entities on a wide range of municipal and public agency law issues, including the Brown Act and open government, conflicts of interest, public records and e-documents, public finance, public works and public contracting, and redevelopment dissolution. Lolly is Assistant City Attorney for the City of Beverly Hills. Lolly also focuses her practice on public finance issues, including municipal bond finance and investment of public funds.

WORK FOR CLIENTS

Lolly has served as bond counsel, disclosure counsel, underwriter's counsel, and bank counsel in a wide variety of bond financings including revenue bonds, Mello-Roos bonds, assessment bonds, school district bonds, tax allocation bonds, 501(c)(3) financings, lease revenue bonds, certificates of participation, and commercial paper.

HONORS & AWARDS

Member, Fordham Law Review

Extern, Honorable Charles E. Ramos, New York Supreme Court, Commercial Division

PROFESSIONAL AND COMMUNITY AFFILIATIONS

Member, National Association of Bond Lawyers

Member, Women in Public Finance

PRACTICE AREAS

Municipal & Public Agency Law

Public Finance

FOCUS AREAS

Brown Act & Open Government

Conflicts of Interest and Local Government Ethics

Financing Districts

Low & Moderate Income Housing

Public Records & E-Documents

Public Works & Public Contracting

Redevelopment Dissolution

EDUCATION

J.D., Fordham University School of Law

B.A., University of California, Los Angeles

PRESENTATIONS

Private Placements

The Bond Buyer's California Public Finance Conference, 09.25.2017

Pension and OPEB Reform

The Bond Buyer's California Public Finance Conference, 10.10.2014

Municipal Disclosure: Making it Pay for Issuers

The Bond Buyer's 20th Annual Conference, 10.06.2010

Role of Financing Participants

California Redevelopment Association - Redevelopment Institute, 05.16.2006

Lisa BOND

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Lisa is the Chair of the Environmental Department at Richards, Watson & Gershon. She specializes in representation of private and public sector clients in environmental litigation, including prosecution and defense of contaminated property cleanups, cost recovery cases, environmental insurance coverage claims, and defense of Proposition 65 claims. Lisa also represents clients on a wide variety of complex business litigation, employment litigation, real estate issues, pipeline franchise matters, and utility users' tax disputes.

WORK FOR CLIENTS

Lisa has handled major litigation arising under CERCLA, RCRA, the Clean Water Act and the Oil Pollution Act, as well as environmental claims based on California law, nuisance, and trespass. She has acted as lead attorney for joint defense groups in complex multiparty litigation. Lisa obtained summary judgment for her client in the leading case on passive migration and appeared before an *en banc* panel of the Ninth Circuit Court of Appeals in an action alleging environmental contamination resulting from the discharges of storm water.

Lisa has handled a variety of claims arising under Proposition 65, including defense of complaints asserted against one of the largest beauty retailers in the United States. Her representation has included claims related to the presence of Di-n-butyl Phthalate (DBP) in nail products, di(2-ethylhexyl)phthalate (DEHP) in cosmetic cases, coconut oil diethanolamine condensate (cocamide DEA) in shampoo and liquid soaps, benzophenone in sunscreens, and, acrylamide in roasted coffee.

Lisa has negotiated environmental provisions in leases and purchase and sale agreements, with a focus on environmental indemnity provisions. Lisa has also represented clients on a variety of hotel transactions, including issues related to

PRACTICE AREAS

Environment & Natural Resources

EDUCATION

J.D., Honors, University of Texas School of Law

M.B.A., High Honors, University of Texas Graduate School of Business

B.A., High Honors, University of Texas at Austin

the Shade Hotel.

Lisa has handled a variety of matters involving environmental contamination in soil and groundwater. She has represented clients in front of federal and state environmental agencies, including the United States Environmental Protection Agency Region IX, the Department of Toxic Substances Control, the State Water Resources Control Board, and the Regional Water Quality Control Boards. She has experience with remediation agreements and consent decrees, as well as oversight of environmental remediation projects.

Lisa has represented numerous clients in matters related to National Pollutant Discharge Elimination System (NPDES) permits, notices of violation, and matters pertaining to Total Maximum Daily Loads, including negotiation of a tolling agreement with the State Water Resources Control Board. She has succeeded in having notices of violation issued to clients rescinded. In October 2015, she was successful in having her client (a port) removed from an EPA Oil Pollution Act/Clean Water Act Section 311 Order For Removal, Mitigation or Prevention of a Substantial Threat of Oil Discharge.

HONORS & AWARDS

Top Rated Environmental Lawyer by Super Lawyers, 2012-2019

PROFESSIONAL AND COMMUNITY AFFILIATIONS

Member, Los Angeles County Bar Association

Past Chair, Los Angeles County Bar Environmental Section Executive Committee

Former Member, Los Angeles County Bar Environmental Section Executive Committee

EXPERIENCE

PUBLISHED OPINIONS

- ▶ ***Carson Harbor Village, Ltd. v. Unocal Corporation***, 287 F. Supp.2d 1118 (C.D.Cal. 2003); *Carson Harbor Village, Ltd. v. Unocal Corporation*, 270 F.3d 863 (9th Cir. 2001), *cert. denied*, *Carson Harbor Village, Ltd. v. Braley*, 535 U.S. 971 (2002) [prior opinions published at 227 F.3d 1196 (9th Cir. 2000) and 990 F.Supp. 1188 (C.D. Cal. 1997)] - leading case on passive migration before an *en banc* panel of the Ninth Circuit Court of Appeals in an action alleging environmental contamination resulting from the discharges of storm water.

HIGHLIGHTED REPRESENTATIONS

- ▶ ***Crimson Pipeline Management et al. v. Herzog Contracting Corp., et al.*** Representation of Port of Long Beach as to Oil Pollution Act, nuisance and trespass claims in connection with a multi-million dollar remediation associated with oil spill to the ocean and resulting EPA order regarding remediation.
- ▶ ***Carson Harbor Village Mobile Home Park v. County of Los Angeles, et al.*** Obtained summary judgment for the City of Carson on Clean Water Act, CERCLA, RCRA and common law claims, and contribution and indemnity cross-claims, based on a claim that storm water and urban run-off was the cause of lead contamination on a property.
- ▶ ***Deubler v. Del Laboratories, Inc.*** Defense of nationwide beauty retailer as to Proposition 65 litigation related to presence of Di-n-butyl Phthalate (DBP) in nail products.
- ▶ ***Held, V. Ulta Salon Cosmetics & Fragrance, Inc.*** Defense of nationwide beauty retailer as to Proposition 65 litigation related to presence of di(2-ethylhexyl)phthalate (DEHP) in toiletry cases/bags and cosmetic cases/bags.
- ▶ ***Phillips Petroleum Co. v. County of Los Angeles, et al., and Shell Oil Company, et al. v. County of Los Angeles, et al.*** Defense of 13 cities in CERCLA action regarding the alleged disposal of municipal waste at the Cal Compact Disposal Site in Los Angeles County.
- ▶ ***Mira Mesa Square v. Lee, et al.*** Representation of dry cleaner in litigation in San Diego involving alleged contamination of soil and groundwater.
- ▶ ***City of Brea v. Shawnan Corporation, et al.*** Representation of City of Brea in action against contractors and consultants to recover cost overruns and overcharges relating to remediation and removal of hydrocarbon contamination at a former oil producing property.
- ▶ ***City of Brea v. Esco Rubber Products.*** Represented City of Brea in action to recover environmental response and remediation costs.
- ▶ ***Cedars-Sinai Medical Center v. Atlantic Richfield Company, et al.*** Representation of property owner in complex multi-party litigation under CERCLA by adjacent property owner.
- ▶ ***Pueblo Nuevo Development v. Chevron U.S.A. Inc., et al.*** Representation of non-profit organization in recovery of money spent to remediate soil associated with Chevron service station.
- ▶ ***Pacific Gateway Distribution Center, LLC v. Rosen's Electrical Equipment Company.*** Representation of recycler of transformers in litigation by adjacent property owner for alleged PCB contamination.

- ▶ ***Southern California Water Company v. Aerojet-General Corporation, et al.*** Obtained dismissal on behalf of potentially responsible party accused of environmental violations.

NEWS

RWG Attorneys Win Appeal Upholding Constitutional Authority of Charter Cities to Schedule Their Own Elections

03.23.2020

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TO: Los Osos Basin Management Committee

FROM: Dan Heimerl, Executive Director

DATE: September 21, 2022

SUBJECT: Item 9c – BMC CY 2022 Budget Re-Allocation Recommendations

Recommendations

Receive recommendations to modify current budget allocations and contingencies to alternate tasks to leverage ability to utilize anticipated unused CY 2022 BMC Budget funds or provide alternate direction to staff.

Discussion

The Basin Management Committee (BMC) approved a budget of \$308,600 for the CY 2022 Budget. As of September 2022, there is anticipated to be unused budget under several of the CY 2022 Budget Items that could be made available for initiatives to improve the BMC's monitoring and management of the Los Osos Basin (Basin).

At the July 28th, 2022 BMC Meeting, BMC Staff presented options to utilize unused CY 2022 Budget to perform modifications to existing wells and/or construct a new monitoring well to improve the BMC's ability to monitor seawater intrusion in the Lower Aquifer. Additional information on the proposed well modifications and new monitoring wells can be found in the attached Recommendations for Well Modification and New Monitoring Wells TM. At that meeting the BMC provided direction to Staff to pursue the potential to utilize anticipated unused CY 2022 BMC Budget funds in the following priorities: 1) construction of a new nested monitoring well; 2) perform well modifications to LA 16 and LA 14; or 3) provide the BMC with additional recommendations for how to leverage anticipated unused funds to improve Basin monitoring and management.

Since the July 28th, 2022 BMC Meeting, BMC and BMC Party Staff have had numerous conversations with the well owners and permitting agencies and determined that due to the limited window of time available to utilize the anticipated unused CY 2022 BMC Budgeted funds (i.e. approximately 3 months) it is not feasible to obtain the necessary permits and approvals to construct a new monitoring well or perform the well modifications to the San Luis Obispo County (County) owned wells.

Based on these findings, BMC Staff is recommending that the BMC re-allocate previously approved CY 2022 Budget to accomplish the following tasks to leverage anticipated unused funds to improve Basin monitoring and management.

Ferrell Well (LA13) Modifications – Installation of a small diameter (2.5") casing, screened in Zone E, inside the existing 12" well casing and fill in annular space between casings. These modifications will allow the BMC to monitor potential seawater intrusion in Zone E at this location and will greatly reduce

the purge volumes required to collect representative water quality samples. The Ferrell Well is owned by the Los Osos Community Services District and they have indicated that they can move quickly to submit the required Well Construction Permit and authorize the well modification activities.

Updated Agriculture and Turf Irrigation Estimate – The Cal Poly Irrigation and Research Center (ITRC) is leading implementation of a new remote sensing (multi-spectrum satellite imagery) technology that can develop parcel specific estimates for water use for agricultural and turf irrigation. This technology could be leveraged to develop updated estimates of agricultural water demand in the Los Osos Basin. Cleath-Harris Geologist (CHG), in coordination with ITRC, prepared a proposal to evaluate the potential use of this technology for developing the agricultural demand estimates in the BMC Annual Reports. Additional information on the proposed approach is provided in the attached Proposal to update agricultural and turf irrigation water use estimates for the Los Osos Basin.

Los Osos Basin Well Database – Currently there is not a comprehensive database for all of the wells in the Basin. Several entities (e.g. BMC, County Health Department, California Department of Water Resources) maintain their own individual well datasets. BMC Staff requested that CHG prepare a proposal to develop a comprehensive Geographic Information System (GIS) database for the Basin that incorporates all available information that can be found on well locations, uses, depths, screened intervals, status and other attributes. CHG has prepared similar databases for other basins in San Luis Obispo County and these are powerful tools for identifying improperly abandoned wells, improving monitoring networks, calibrating groundwater models and other basin monitoring and management activities. Additional information on the comprehensive well database is provided in the attached Proposal for GIS Well Database Development for the Los Osos Basin.

Financial Considerations

The BMC included \$25,000 in the approved Calendar Year (CY) 2022 BMC Budget for Lower Aquifer Monitoring Well Improvements. Additionally, there is anticipated to be unused budget under other CY 2022 Budget Items that could be made available for other initiatives, see table below.

Anticipated Unused CY 2022 Budget

Budget Item	Estimated Available CY 2022 Budget
Monitoring Well Improvements	\$25,000
Meeting Expenses - facility rent	\$1,500
Meeting Expenses - audio and video services	\$5,000
Grant Pursuit Contingency	\$5,000
WRFP Study Year 1 (Peer Review)	\$15,000
Los Osos Creek Stream Gage Rating Curve	\$17,597
Contingency	\$25,000
Total	\$94,097

With the anticipated unused budget for Calendar Year 2022, there is sufficient funding and time to complete the Ferrell Well (LA13) Modifications, Updated Agriculture and Turf Irrigation Estimate and Los Osos Basin Well Database this year, see estimated costs in table below.

BMC CY 2022 Budget Re-Allocation Recommendation Initiatives

LA 13 (Farrell Monitoring Well)	\$31,514
Updated Agriculture and Turf Irrigation Estimate	\$29,000
Los Osos Basin Well Database	\$24,000
Total	\$84,514

With an estimate of ~\$94,000 of anticipated unused CY Budget and an estimated of ~\$84,500 of proposed re-allocation tasks, it is recommended that the BMC authorize BMC Staff to move forward with the Ferrell Well (LA13) Modifications, Updated Agriculture and Turf Irrigation Estimate and Los Osos Basin Well Database or provide alternative direction. Construction of a new monitoring well would be a high priority for completion in CY 2023 when grant funding would be available through collaboration with the National Estuary Program who allocated grant funding for these purposes. Additionally, modifications to Wells LA 14 and LA 16 could be prioritized in the future when additional funding is available.

Attachments:

1. Recommendations for Well Modifications and New Monitoring Well Locations for the Los Osos BMC Groundwater Monitoring Program Technical Memorandum
2. Proposal to update agricultural and turf irrigation water use estimates for the Los Osos Basin
3. Proposal for GIS Well Database Development for the Los Osos Basin

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(805) 543-1413



Technical Memorandum

Date: July 22, 2022

From: Spencer Harris, HG 633

To: Dan Heimel, PE, Executive Director
Los Osos Basin Management Committee

SUBJECT: Recommendations for Well Modifications and New Monitoring Well Locations for the Los Osos BMC Groundwater Monitoring Program.

This memorandum presents recommendations for modifying three existing monitoring wells and for adding monitoring well locations to the Los Osos Basin Plan (LOBP) monitoring network. The purpose of the modifications and new wells is to fill data gaps with respect to seawater intrusion monitoring in the Basin. These recommendations were developed as part of the adaptive management process.

Background

Seawater intrusion is a significant threat to the community water supply for Los Osos. Lower Aquifer Zone E is the deepest aquifer in the Basin and is the most susceptible to intrusion. The existing LOBP monitoring program includes 93 wells, however, only a few of these wells (such as LA12, LA18, and LA40) are dedicated Lower Aquifer Zone E monitoring wells that provide water quality information for tracking seawater intrusion¹. Additional monitoring locations in Zone E are needed.

Four existing monitoring network wells (LA13, LA14, LA16, and LA17) were previously identified as wells that could potentially be modified to provide Zone E water quality monitoring locations in the western portion of the Basin². These four wells were inspected in November 2021 and are the subject of this memorandum. In addition, new locations for Lower Aquifer Zone D and Zone E nested monitoring wells are recommended herein.

Existing Well Modifications

The locations of the wells evaluated for modification are shown in Figure 1 (attached). Currently, these wells have relatively large diameter casings (6-inch to 12-inch) which require large purge volumes to obtain representative samples. They are also mixed zone completions (D and E screened together) which preclude screening exclusively for Zone E, and the wells may also be

¹ Aquifer zone and Basin area designations for monitoring network wells may be found in Appendix B of the 2021 Annual Report.

² Figure D6 of Appendix D in the 2019 Annual Report.



affected by borehole leakage. The proposed modifications consist of setting casing liners, along with deep seals, that are intended to isolate specific permeable sediment intervals within Zone E while also mitigating borehole leakage and reducing the required purge volumes prior to sampling by an order of magnitude. Table 1 summarizes the individual modifications.

Table 1. Proposed Well Modifications

Well ID	Location	Elevation	Current screen depth	Current depth of fill	Modified screen depth
		(feet)			
LA13	Ferrell Avenue	104	425-620	537	510-530
LA14	Palisades	80	355-375, 430-480, 550-600	554*	550-590
LA16	Los Osos Valley Rd.	109	330-355, 395-415, 465-505, 530-575	511	470-500
LA17	Broderson	210	collapsed during construction	331	not feasible

*requires clean-out prior to modification

Well LA13 is owned by the Los Osos CSD, while the remaining wells are owned by San Luis Obispo County. Conceptually, the modifications consist of placing a small diameter (2.5-inch Schedule 80 PVC) casing liner into the existing wells that would be screened opposite permeable sediments in Zone E. A high solids bentonite slurry would be used to seal the new liner, and would extend across shallower screened intervals in the existing casing that could provide some penetration into the original annular space and potentially mitigate any existing borehole leakage. The modified wells would target specific depth intervals in Zone E and would greatly reduce the purge volumes required to collect representative samples (from a few thousand gallons to a few hundred).

Well LA17, which had collapsed during construction in 1985, was determined to be filled in at least 100 feet above the reported collapse depth, and no modification is considered feasible. Details of the recommended modifications for LA13, LA14, and LA16 are included in Appendix A. Geologic cross-sections showing the locations and depths of the modifications with respect to the inferred location of seawater intrusion, are shown in the attached Figures 2 through 6. Estimated Contractor costs for each of the modifications are included in Appendix B.

The recommended priority for well modification work would be to perform modifications at LA16 first, followed by LA14, and lastly LA13 (proceeding from west to east). LA16, which is also a Water Level metric well, is the farthest west and the modification would help characterize the lateral (southerly) extent of Zone E intrusion that reached LA15 in 2013 (Figure 2). LA16 was sampled in 2005 but borehole leakage (Upper Aquifer influence) currently prevents obtaining a representative sample.



New Monitoring Well Locations

Up to four locations for new monitoring wells are proposed in the Basin. The wells would be nested designs, similar to the LA40/41 well pair, with one casing in Zone E and one in Zone D. Two of the wells are located on County land (Site A and Site B), one well (Site C) is tentatively located on private property (subject to property owner consent), and the fourth well (Site D) is tentatively on San Luis Coastal Unified School District property (subject to school district consent). Table 2 presents the depth and proposed screened intervals of the new monitoring wells.

Table 2. Proposed New Monitoring Wells

Site ID	Location	Elevation	Borehole Depth	Zone D Screen	Zone E Screen
		(feet)			
Site A	Skyline	50	500	300-340	440-490
Site B	Broderson	220	800	370-410	700-780
Site C	Ramona	50	500	330-370	450-490
Site D	Sunnyside	150	800	390-440	700-780

The locations of the proposed new monitoring wells are shown in Figure 1, and the depths and monitored intervals within Zones D and E are shown with respect to the inferred seawater intrusion front in Figures 2 through 6. A brief summary of each well is provided below in the recommended order of construction (from highest to lowest priority):

Site A – Skyline

Site A is located in County right-of-way of Skyline Avenue (paved) at Broderson Avenue (unimproved). This well is recommended to replace key Chloride Metric well LA10, which is affected by borehole leakage and Upper Aquifer influence.

Site B - Broderson

Site B is located on County property at the Broderson recycled water disposal site, and will replace LA17, which was damaged during construction in 1985. A Lower Aquifer monitoring well at the Broderson site is recommended to evaluate the transmission of pressure from the Upper Aquifer groundwater mound into the Lower Aquifer.



Site C – Ramona Avenue

The Ramona Avenue site provides a second Lower Aquifer monitoring control point in the Baywood Park area (supplementing LA11). Site C would track potential Zone E intrusion moving inland of LA40, and help monitor conditions surrounding supply well LA12.

Site D – Sunnyside

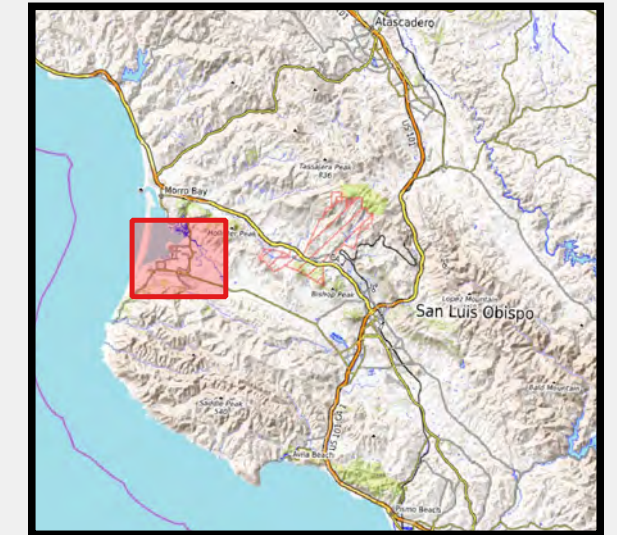
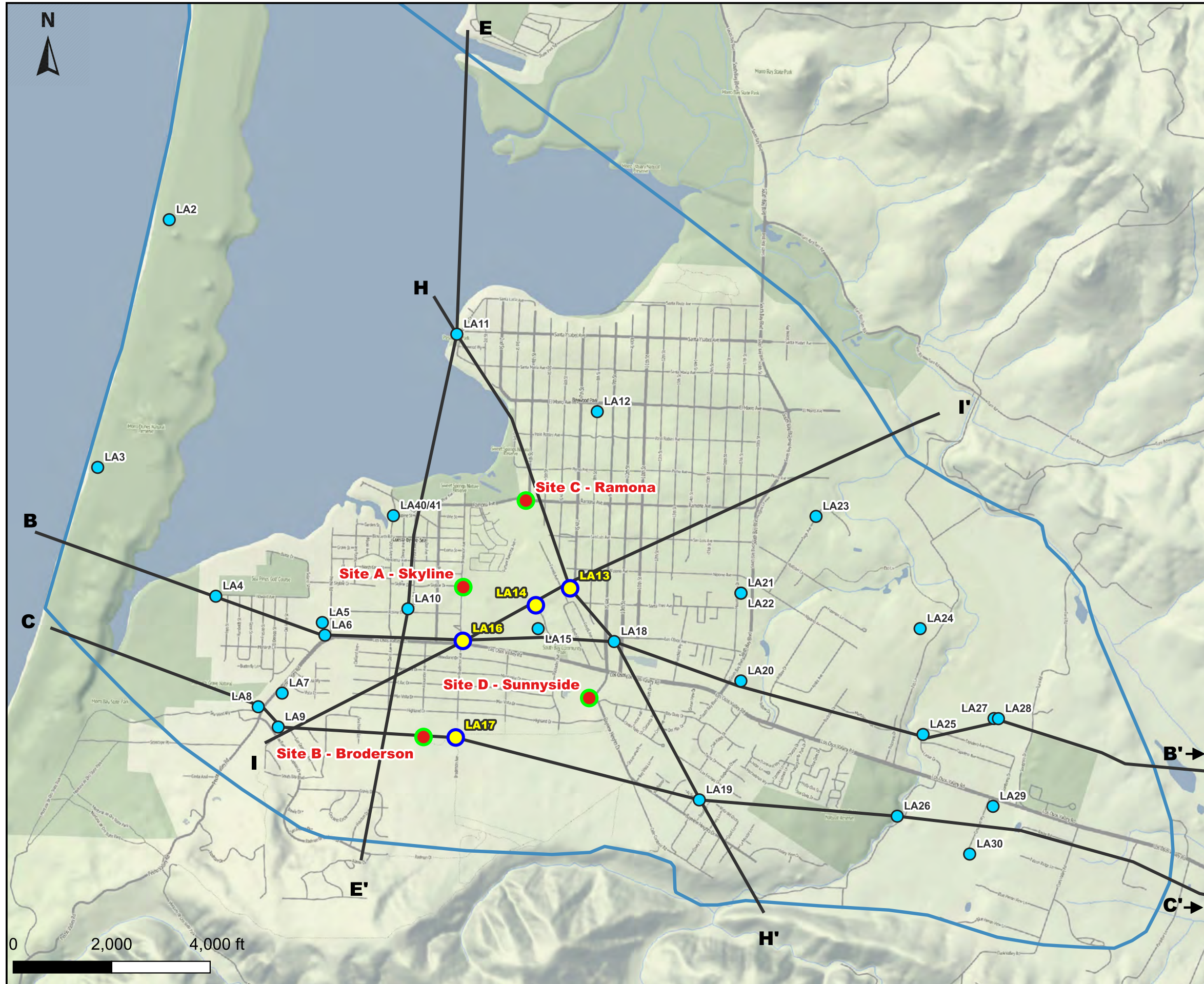
The Sunnyside well is tentatively located at Sunnyside School and, along with Site B, would monitor some of the deepest portions of Zone E. Site D would fill a gap in monitoring the Lower Aquifer southwest of downtown Los Osos.

Site A is assigned the highest priority, being the replacement for Chloride Metric well LA10. A nested monitoring well at Site A would differentiate Zone D intrusion from Zone E intrusion, which LA10 is not able to do (Figure 4). The anticipated design would be similar to the Lupine Street monitoring well (LA40/41), which was constructed in 2019 at a contractor cost of \$90,000, with bids ranging from \$90,000 to \$126,500. Current estimated costs for a well at Site A would be between \$140,000 and \$160,000.

DRAFT



FIGURES



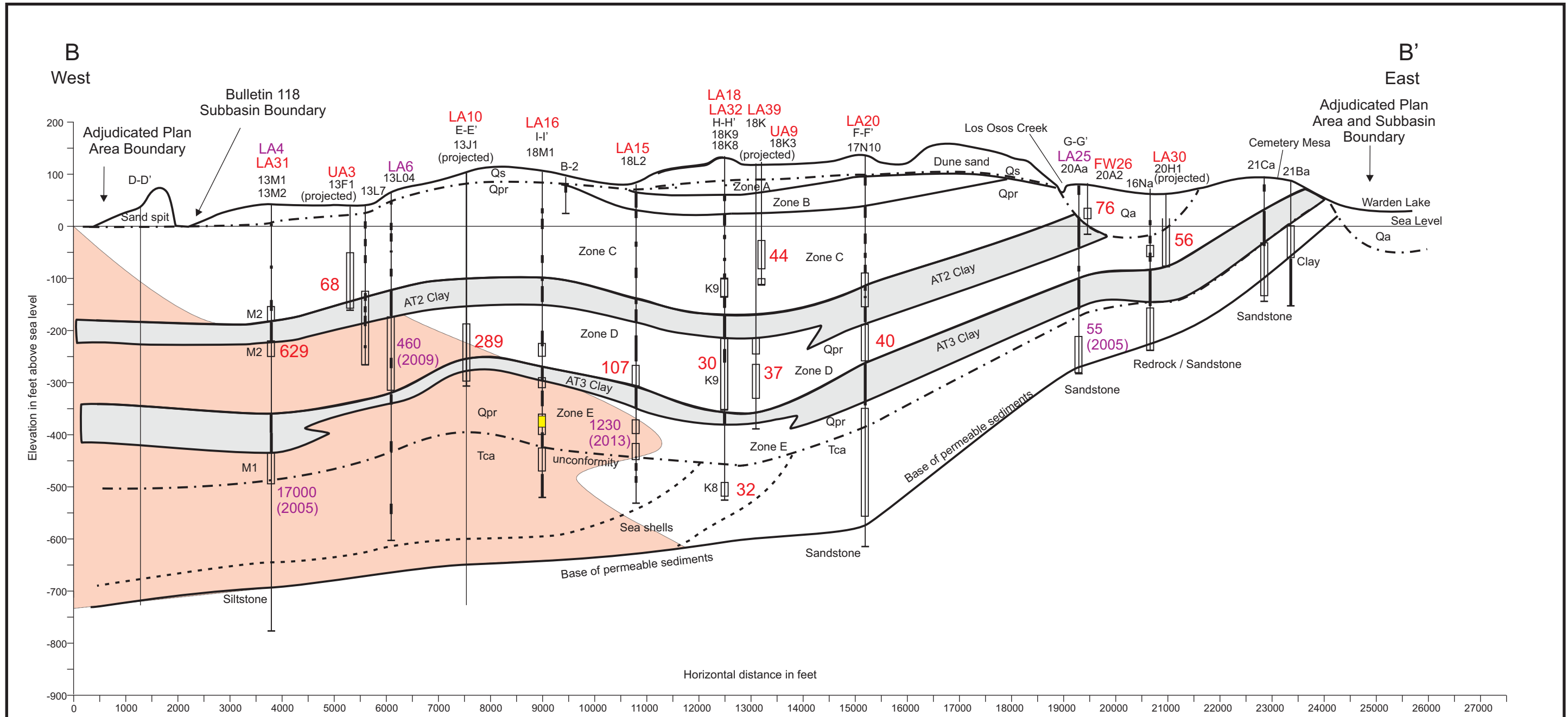
Explanation

- Basin Boundary
- Cross-section line
- Existing Lower Aquifer Well
- Existing Lower Aquifer Well Evaluated for Modification
- New Proposed Monitoring Well

Figure 1
Well Locations

Well Modification TM
Los Osos BMC

Cleath-Harris Geologists



Aquifer Zones:
 Zone A - Perched Aquifer
 Zone B - Transitional Aquifer
 Zone C - Upper Aquifer
 Zone D - Lower Aquifer (shallow)
 Zone E - Lower Aquifer (deep)

Well data point
 18M1 Well ID
 ← Clay layer
 ← Well screen
 Clay layers not shown at projected wells

Formation:
 Qa - alluvium
 Qs - dune sand
 Qpr - Paso Robles Formation
 Tca - Careaga Formation

Cross-section alignment shown in Figure 1

LA31 - LOBP Monitoring Network ID

310 - Chloride concentration in mg/L (Fall 2021)

Estimated extent of seawater intrusion (Fall 2021)

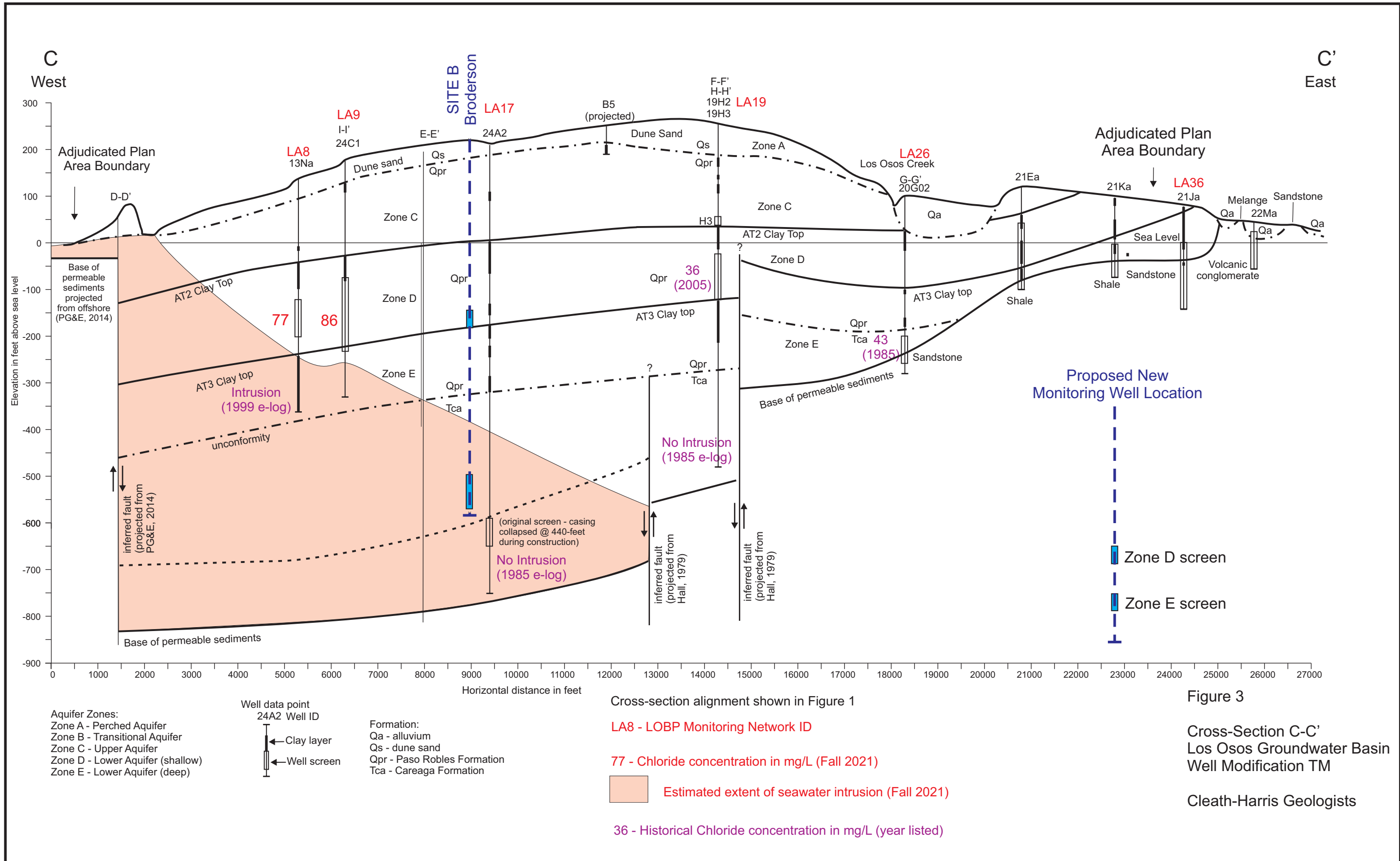
460 - Historical Chloride concentration in mg/L (year listed)

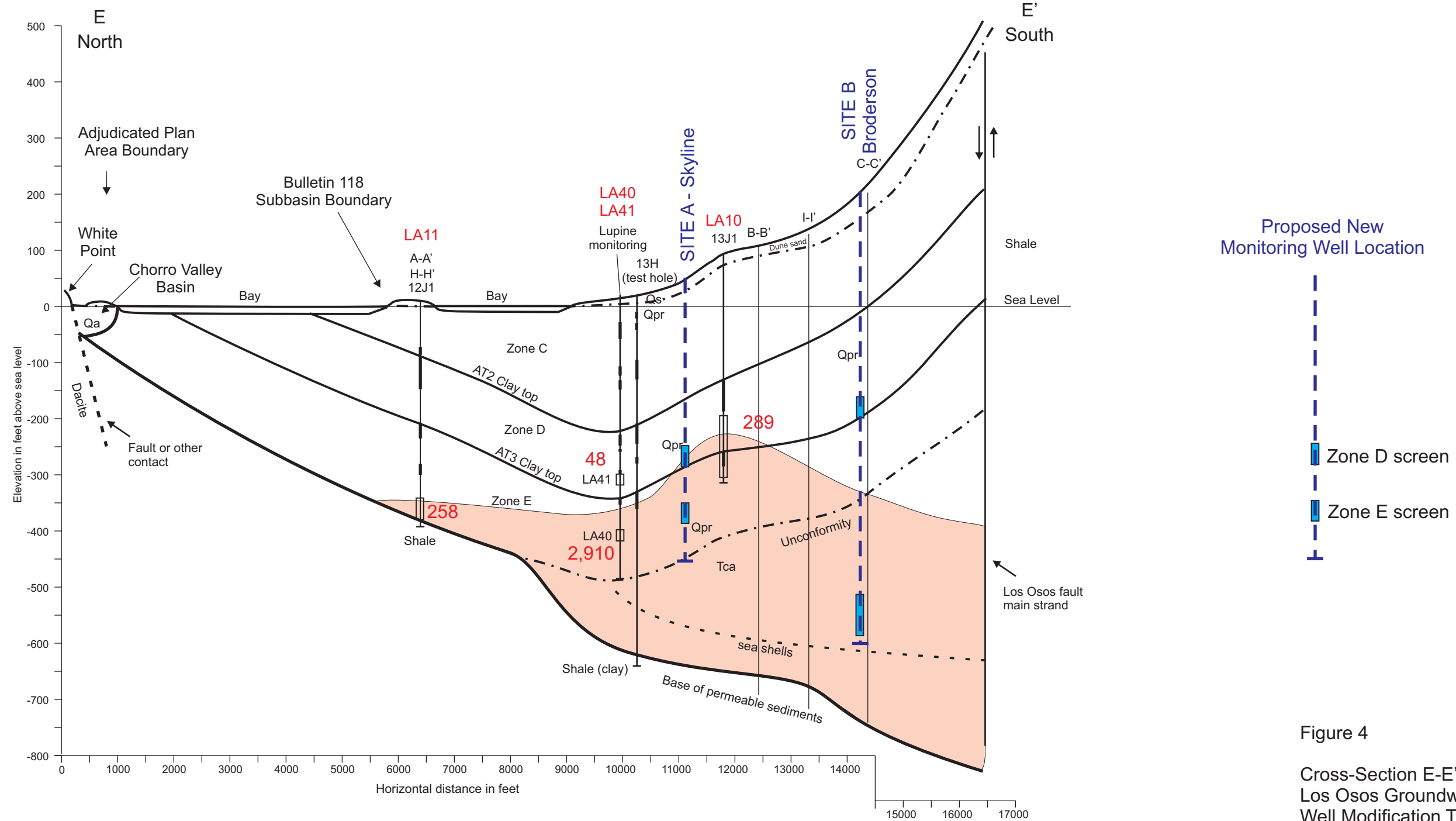
Proposed well modification to isolate screened interval at LA16 highlighted in yellow

Figure 2

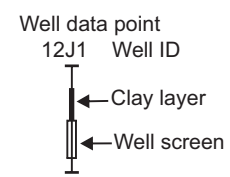
Seawater Intrusion Front
 Cross-Section B-B'
 Los Osos Groundwater Basin
 Well Modification TM

Cleath-Harris Geologists





Aquifer Zones:
 Zone A - Perched Aquifer
 Zone B - Transitional Aquifer
 Zone C - Upper Aquifer
 Zone D - Lower Aquifer (shallow)
 Zone E - Lower Aquifer (deep)



Formation:
 Qa - alluvium
 Qs - dune sand
 Qpr - Paso Robles Formation
 Tca - Careaga Formation

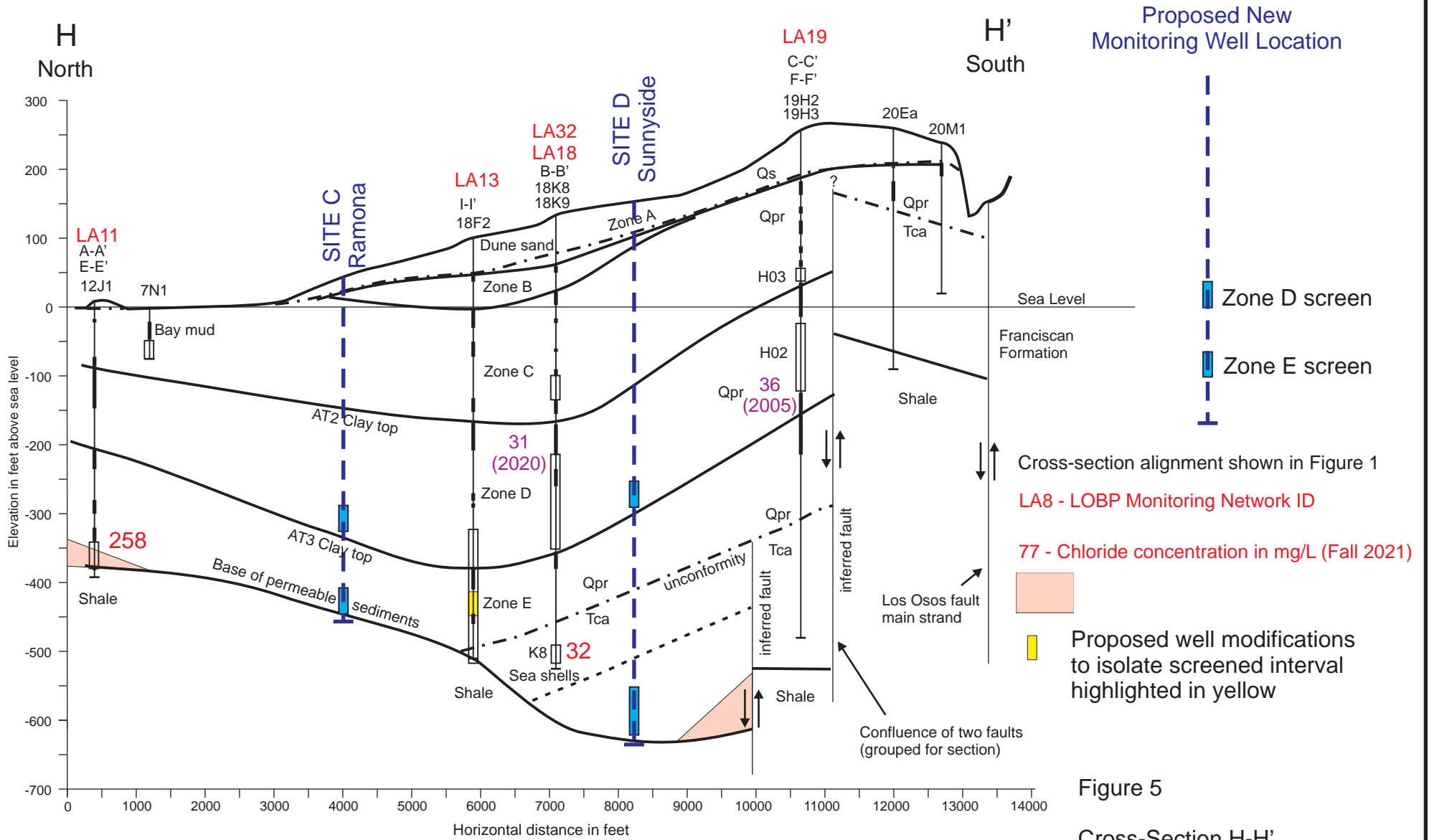
Cross-section alignment shown in Figure 1

LA11 - LOBP Monitoring Network ID

258 - Chloride concentration in mg/L (Fall 2021)

Estimated extent of seawater intrusion (Fall 2021)

Figure 4
 Cross-Section E-E'
 Los Osos Groundwater Basin
 Well Modification TM
 Cleath-Harris Geologists



Proposed New
Monitoring Well Location

Zone D screen
Zone E screen

Cross-section alignment shown in Figure 1

LA8 - LOBP Monitoring Network ID

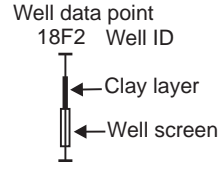
77 - Chloride concentration in mg/L (Fall 2021)

Proposed well modifications
to isolate screened interval
highlighted in yellow

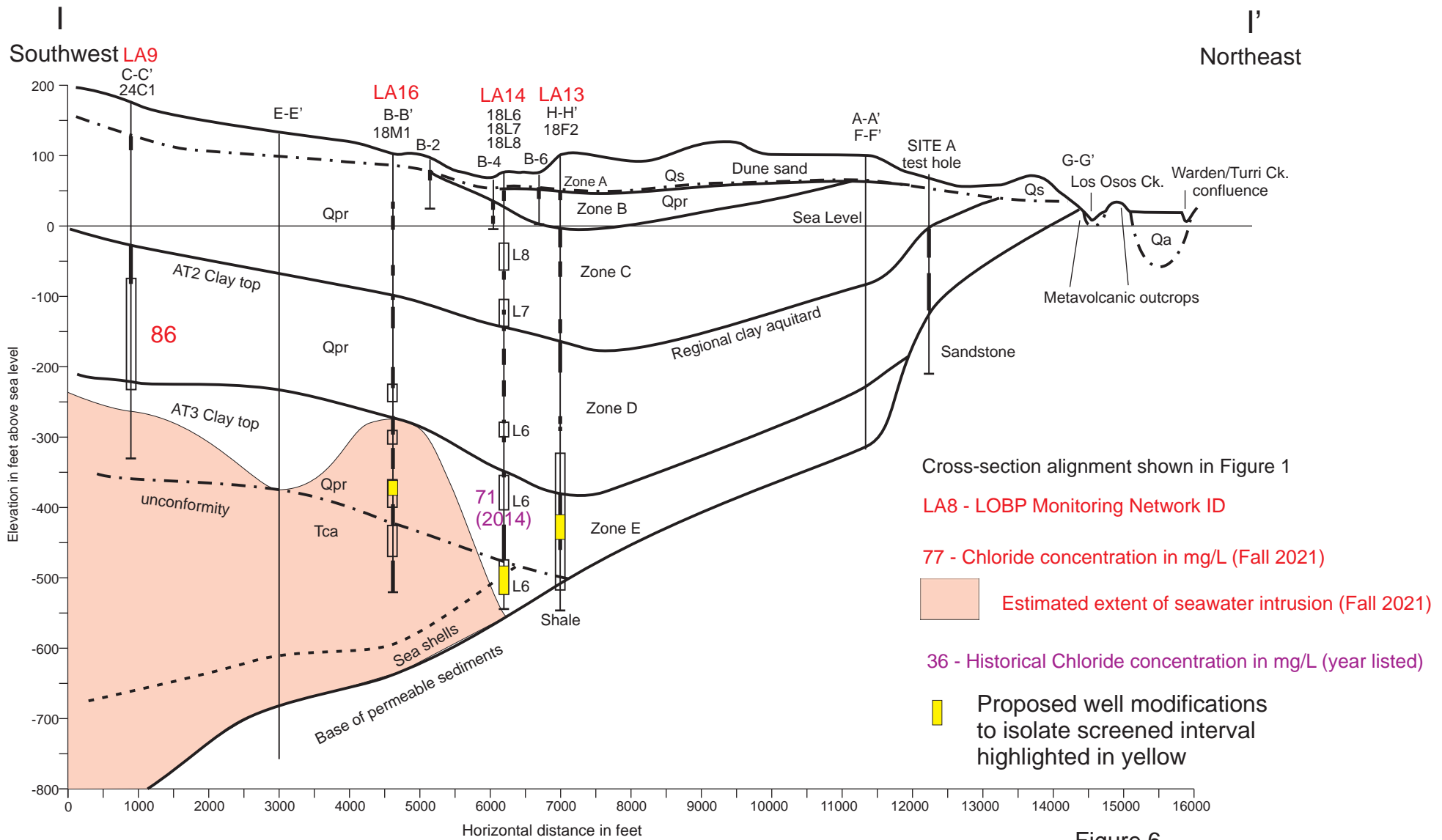
Figure 5
Cross-Section H-H'
Los Osos Groundwater Basin
Well Modification TM

Cleath-Harris Geologists

Aquifer Zones:
Zone A - Perched Aquifer
Zone B - Transitional Aquifer
Zone C - Upper Aquifer
Zone D - Lower Aquifer (shallow)
Zone E - Lower Aquifer (deep)



Formation:
Qa - alluvium
Qs - dune sand
Qpr - Paso Robles Formation
Tca - Careaga Formation



Cross-section alignment shown in Figure 1

LA8 - LOBP Monitoring Network ID

77 - Chloride concentration in mg/L (Fall 2021)

Estimated extent of seawater intrusion (Fall 2021)

36 - Historical Chloride concentration in mg/L (year listed)

Proposed well modifications to isolate screened interval highlighted in yellow

Figure 6
 Cross-Section I-I'
 Los Osos Groundwater Basin
 Well Modification TM

Cleath-Harris Geologists

Aquifer Zones:
 Zone A - Perched Aquifer
 Zone B - Transitional Aquifer
 Zone C - Upper Aquifer
 Zone D - Lower Aquifer (shallow)
 Zone E - Lower Aquifer (deep)

Well data point
 18M1 Well ID
 ← Clay layer
 ← Well screen

Formation:
 Qa - alluvium
 Qs - dune sand
 Qpr - Paso Robles Formation
 Tca - Careaga Formation



APPENDIX A

Recommended Well Modification Details

Preliminary Well Modification Design – LA13 (30S/11E-18F2)

Site: Los Osos CSD Yard between Ferrell Avenue and 7th Street, Los Osos, California

GPS Coordinates: 35.3159, -120.8358

Well Owner: Los Osos Community Services District

Well Depth: 625 feet (currently sanded in at 536 feet)

Well Diameter: 12-inch steel with 8-inch steel liner beginning at 420 feet

SCOPE OF WORK

- 1) Submit well modification permit
- 2) Run camera to inspect existing construction.
- 3) Perform planned well modification as described below.

PLANNED MODIFICATION:

Liner Completion: 2.5-inch diameter, Sch 80 PVC casing (0.020-inch perforations 510-530 feet depth)

Annular Space inside existing well (from surface)

Seal #1: Cement top seal (0-3 feet depth)

Inert fill: Clean sand up to ¼ inch (3-400 feet depth)

Seal #2: High solids bentonite slurry (400-490 feet depth)

Seal #3: Bentonite chips 490-500 feet depth

Filter pack: 8 x 20 sand (500-532 feet depth)

Seal #4: Bentonite chips 532-537 feet depth



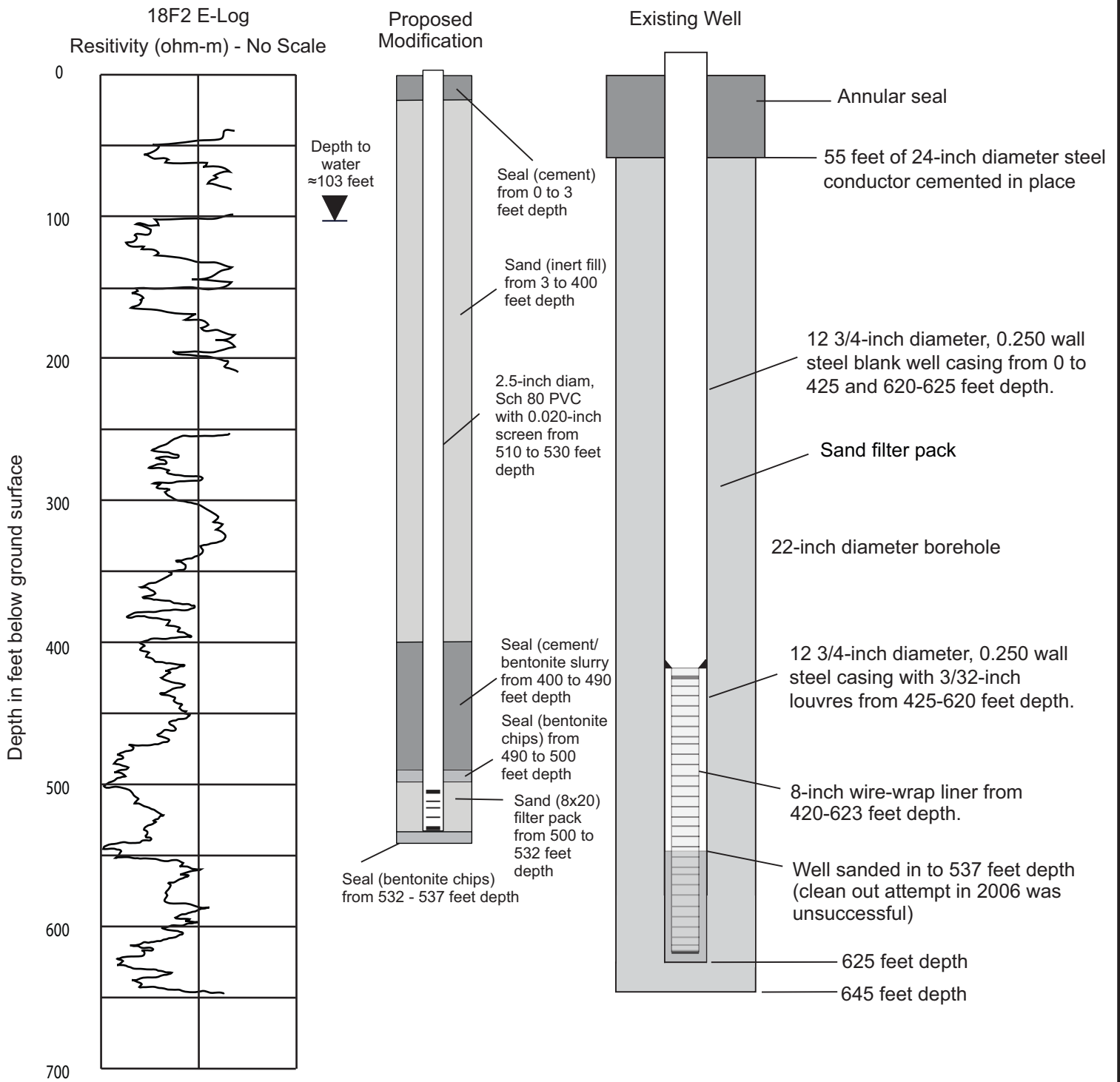


Figure 1
Well 18F2 (LA13)
Well Modification

305/11E-18F2

THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
WATER WELL DRILLERS REPORT

No. 77270
State Well No. 305/11E-18F
Other Well No. #2 Ferrel

DUPLICATE
Retain this copy

(1) OWNER: Ferrel #2 well
Name SIO County Service Area 9A, Baywood Park
Address San Luis Obispo, Ca. 93401

(2) LOCATION OF WELL:
County SIO Owner's number, if any
Township, Range, and Section
Distance from cities, roads, railroads, etc.

(3) TYPE OF WORK (check):
New Well Deepening Reconditioning Destroying
If destruction, describe material and procedure in Item 11.

(4) PROPOSED USE (check):
Domestic Industrial Municipal Irrigation Test Well Other
(5) EQUIPMENT:
Rotary Mud Cable Other

(6) CASING INSTALLED:

STEEL <input checked="" type="checkbox"/> OTHER:				If gravel packed		
SINGLE <input checked="" type="checkbox"/> DOUBLE <input type="checkbox"/>		Gage or Wall	Diameter of Bore	From ft.	To ft.	
0	625	12 3/4"	250	22"	0	625

Size of shoe or well casing welded bottom
Describe joint welded
Size of gravel according to specs.

(7) PERFORATIONS OR SCREEN:
Type of perforation or name of screen LOWERS

From ft.	To ft.	Perf. per row	Rows per ft.	Size in. x in.
0	420	blank		
420	620	10	120	3/32
620	625	blank		

(8) CONSTRUCTION:
Was a surface sanitary seal provided? Yes No To what depth 55 ft.
Were any strata sealed against pollution? Yes No If yes, note depth of strata

From ft. to ft.
From ft. to ft.
Method of sealing 2 1/2" x 1" well conductor cemented in a

(9) WATER LEVELS: 32" hole
Depth at which water was first found, if known 420 ft.
Standing level before perforating, if known 48 ft.
Standing level after perforating and developing 60 ft.

(10) WELL TESTS:
Was pump test made? Yes No If yes, by whom McGoy Pump Co.
g.p.m. with ft. drawdown after hrs.
Temperature of water Was a chemical analysis made? Yes No
Was electric log made of well? Yes No If yes, attach copy

(11) WELL LOG:

Total depth	ft.	Depth of completed well	ft.
645		625	
Formation: Describe by color, character, size of material, and structure			
	ft.		ft.
0	-	45	sand
45		65	brown clay
65		70	gravel & sand
70		80	brown clay
80		105	brown clay & gravel
105		117	blue clay
117		120	shale gravel
120		170	brown sandy clay
170		180	brown sand & gravel
180		245	brown clay
245		255	gravel & sand
255		270	brown clay
270		280	blue clay
280		285	sand, some gravel
285		300	blue clay
300		340	brown clay, some gravel & sand
340		420	brown sandy clay
420		455	lite brown sandy shale gravel
455		515	brown clay
515		537	lite clay
537		555	hard sandstone
555		600	sand & gravel (sandy)
600		610	gravel & sea shale (sandy)
610		645	brown shale

Work started 9/2/75 19 Completed 9/11/75
WELL DRILLER'S STATEMENT:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
NAME Miller Drilling Co. (Person, firm, or corporation) (Typed or printed)
Address Rt. 1, Box 22 Paso Robles, Ca. 93446
[SIGNED] R. H. Miller
License No. 236900 Dated 9/22/75 19

SKETCH LOCATION OF WELL ON REVERSE SIDE

Preliminary Well Modification Design – LA14 (30S/11E-18L6)

Site: County easement at north end of Palisades Ave, Los Osos, California

GPS Coordinates: 35.3149, -120.8381

Well Owner: San Luis Obispo County

Well Depth: 600 feet (currently sanded in at 554 feet).

Well Diameter: 6-inch PVC

SCOPE OF WORK

- 1) Submit well modification permit
- 2) Submit County encroachment permit (if needed).
- 3) Temporarily remove portion of traffic barricade to access well (optional).
- 4) Clean out well from 544 to 600 feet.
- 5) Run camera to inspect existing construction.
- 6) Perform planned well modification as described below.
- 7) Re-install traffic barricade as needed.

PLANNED MODIFICATION:

Liner Completion: 2.5-inch diameter, Sch 80 PVC casing (0.020-inch perforations 550-590 feet depth)

Annular Space inside existing well (from surface)

Seal #1: Cement top seal (0-3 feet depth)

Inert fill: Commercial sand up to ¼ inch (3-340 feet depth)

Seal #2: High solids bentonite slurry (340-500 feet depth)

Seal #3: Bentonite chips 500-510 feet depth

Filter pack: 8 x 20 sand (510-600 feet depth)



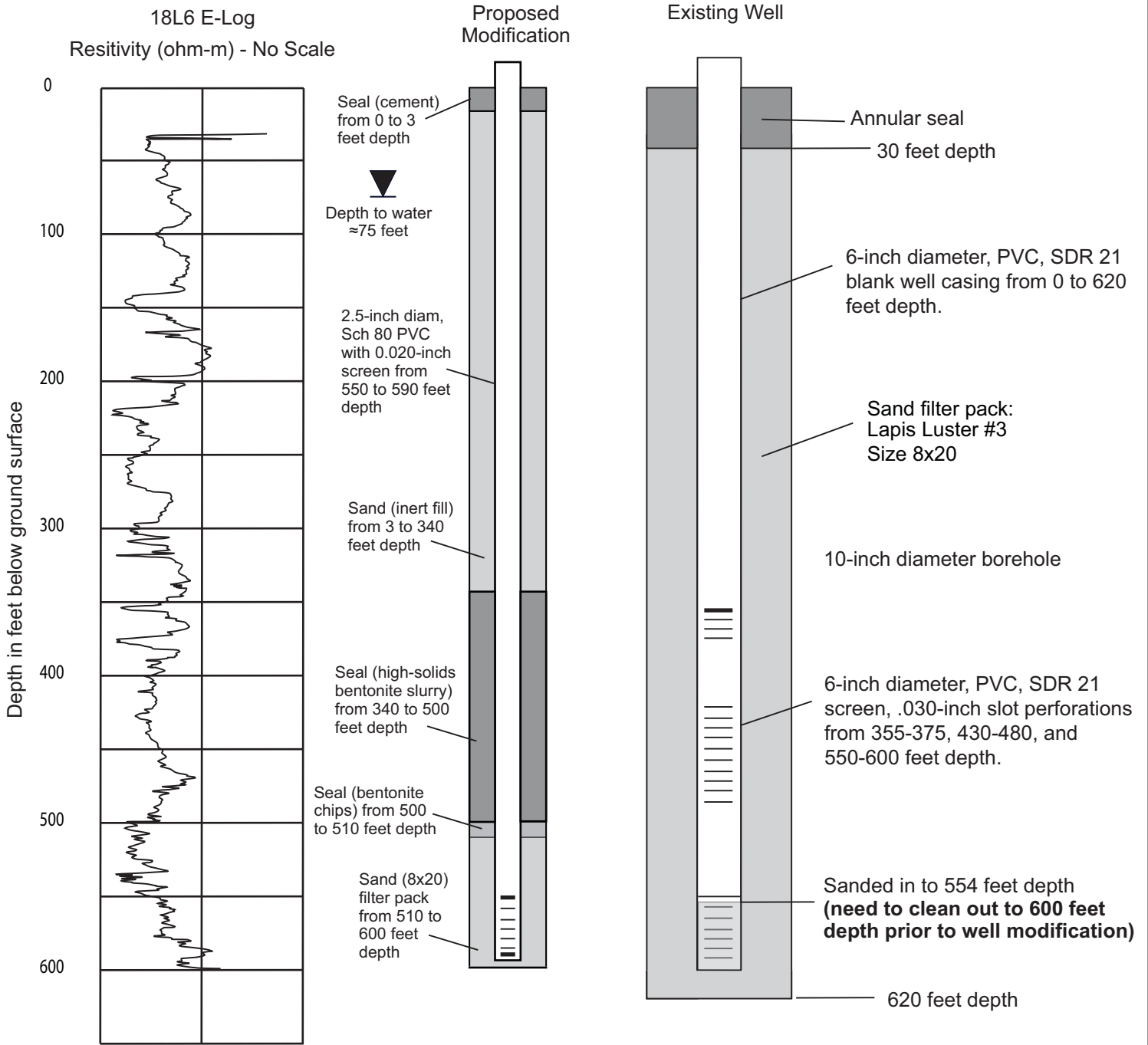


Figure 2
Well 18L6 (LA14)
Well Modification

ORIGINAL
File with DWR

STATE OF CALIFORNIA
THE RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
WATER WELL DRILLERS REPORT

Do not
No. 17370

Notice of Intent No. _____
Local Permit No. or Date _____

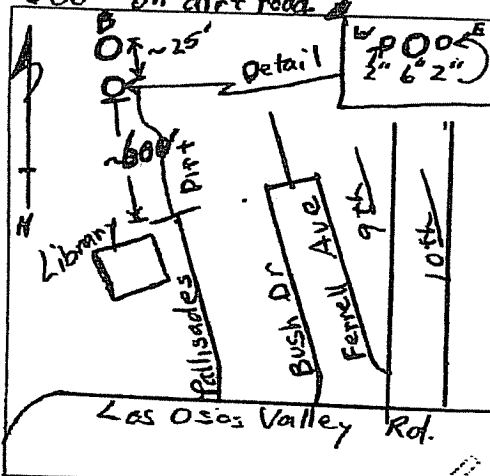
State Well No. 305/11E-18L6
Other Well No. Lib Palisades

(1) OWNER: Name U.S. Geological Survey-WRD
Address 2800 Cottage Way
City Sacramento Zip 95825

(12) WELL LOG: Total depth 620 ft. Depth of completed well 620
from ft. to ft. Formation (Describe by color, character, size or material)

(2) LOCATION OF WELL (See instructions):
County San Luis Obispo Owner's Well Number _____
Well address if different from above Library Palisades
Township _____ Range _____ Section _____
Distance from cities, roads, railroads, fences, etc. From Los Osos Valley Road proceed North on Palisades past library to end of road, continue northerly another 600' on dirt road.

See attached sheet



(3) TYPE OF WORK:
New Well Deepening
Reconstruction
Reconditioning
Horizontal Well
Destruction (Describe destruction materials and procedures in Item 12)

(4) PROPOSED USE:
Domestic
Irrigation
Industrial
Test Well
Stock
Municipal
Other

WELL LOCATION SKETCH

NOT FOR PUBLIC USE 13752

(5) EQUIPMENT:
Rotary Reverse
Cable Air
Other Bucket

(6) GRAVEL PACK: Lap 5/8" steel mesh
Yes No Size 20-20
Diameter of bore 9 7/8 inches
Packed from 620 to 30 ft.

(7) CASING INSTALLED:
Steel Plastic Concrete

(8) PERFORATIONS:
Type of perforation or size of screen

From ft.	To ft.	Dia. in.	Gage or Wall	From ft.	To ft.	Slot size
0	60.5	6	SDR21	355	375	.030
				430	480	"
				550	600	"

(9) WELL SEAL:
Was surface sanitary seal provided? Yes No If yes, to depth 30 ft.
Were strata sealed against pollution? Yes No Interval 260-265
Method of sealing Cement/Bentonite 300-305

(10) WATER LEVELS:
Depth of first water, if known _____ ft.
Standing level after well completion 92 ft.

(11) WELL TESTS:
Was well test made? Yes No If yes, by whom? _____
Type of test _____ Pump Bailor Air lift
Depth to water at start of test 99 ft. At end of test 112 ft.
Discharge 60 gal/min after 1 hours Water temperature 7.5°C
Chemical analysis made? Yes No If yes, by whom? USGS
Was electric log made? Yes No If yes, attach copy to this report

Work started _____ 19____ Completed _____ 19____

WELL DRILLER'S STATEMENT:
This well was drilled under my jurisdiction and this report is true to the best of knowledge and belief.

SIGNED _____
(Well Driller)
NAME USGS-WRD Western Region Drilling Co.
(Person, firm, or corporation) (Typed or printed)
Address 345 Middlefield Road
City Menlo Park Zip 94025
License No. _____ Date of this report 8-14-85

Preliminary Well Modification Design – LA16 (30S/11E-18M1)

Site: County easement at northeast corner of the Los Osos Valley Road and Broderson Ave, Los Osos, California

GPS coordinates: 35.3128, -120.8430

Well Owner: San Luis Obispo County

Well Depth: 577 feet (currently sanded in at 511 feet)

Well Diameter: 10-inch steel

SCOPE OF WORK

- 1) Submit well modification permit.
- 2) Submit County encroachment permit (if needed).
- 3) Expose and remove existing steel top plate to access well.
- 4) Run camera to inspect existing construction.
- 5) Perform planned well modification as described below.

PLANNED MODIFICATION:

Liner Completion: 2.5-inch diameter, Sch 80 PVC casing (0.020-inch perforations 470-500 feet depth)

Annular Space inside existing well (from surface)

Seal #1: Cement top seal (0-3 feet depth)

Inert fill: Commercial sand up to ¼ inch diameter (3-320 feet depth)

Seal #2: High solids bentonite slurry (320-440 feet depth)

Seal #3: Bentonite chips 440-450 feet depth

Filter pack: 8 x 20 sand (450 to 505 feet depth)

Seal #4: Bentonite chips 505-511 feet depth

Wellhead: Install traffic-rated well box with cement pad (ground surface is above existing wellhead)



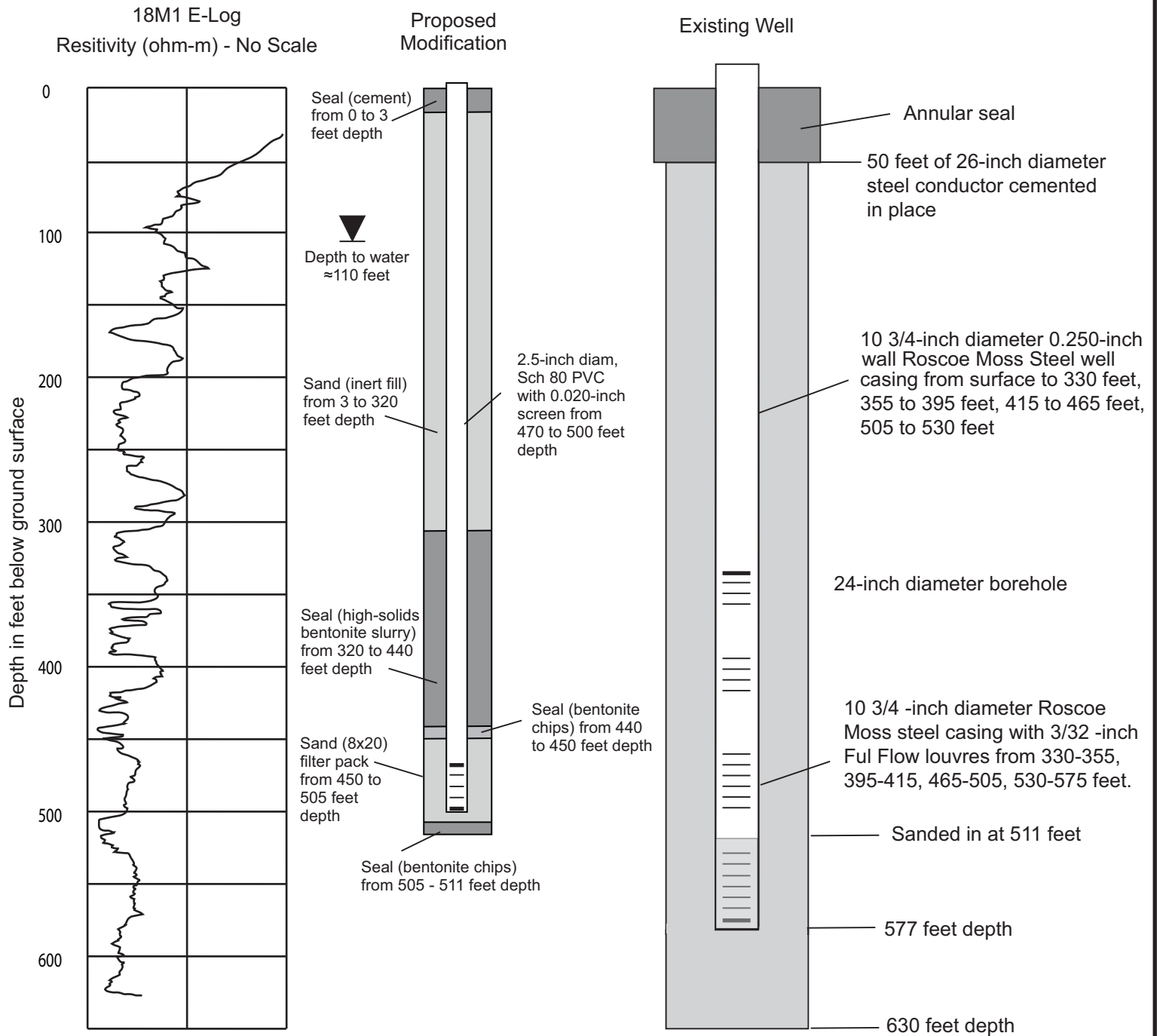


Figure 3
Well 18M1 (LA16)
Well Modification

(given to County)
FLOYD V. WELLS, INC.

given to county Licensed
Broderson/WWR Contractors

1337 West Betteravia Road Phone WAInut 5-8626
SANTA MARIA, CALIFORNIA 93454

Mailing Address:
Post Office Box 1007
Santa Maria, California

Goleta Office:
5798 Dawson Ave:
Phone 967-4124
Santa Maria
Phone Zenith 2-7726

See Log #5

Log of well drilled for : California Cities Water Co., Baywood Park
Location : 85 ft. north of center line Los Osos Valley Rd.,
40 ft. east of center line Broderson Ave.
Surface seal : 50 ft. of 26" x .250 wall pipe cemented in place
Well bore : 24"
Casing : 577 ft. of 10 3/4" x .250 wall Roscoe Moss Full Flow
Perforations : 575 ft. to 530 ft., 505 ft. to 465 ft.,
415 ft. to 395 ft., 355 ft. to 330 ft.,
3/32" Full Flow louvres
Well completed : 10 July 1973

Formation

From	0	to	70	feet	
"	70	"	110	"	Fine brown sand
"	110	"	160	"	Reddish brown sand and sandy clay
"	160	"	165	"	Brown sand and sandy clay
"	165	"	245	"	Brown sand
"	245	"	265	"	Brown sandy clay with strips of fine sand
"	265	"	275	"	Brown clay with sand and gravel
"	275	"	295	"	Brown sandy clay with small amount of gravel
"	295	"	328	"	Fine sand and sandy clay
"	328	"	338	"	Sandy brown clay with sand strips
"	338	"	350	"	Brown sandy clay with sand and gravel
"	350	"	372	"	Brown sandy clay with sand strips
"	372	"	392	"	Sand and gravel with clay
"	392	"	402	"	Brown sandy clay with sand and small amount gravel
"	402	"	420	"	Fine sand and sandy clay
"	420	"	436	"	Sandy brown clay with sand strips
"	436	"	460	"	Blue and brown sandy clay
"	460	"	477	"	Brown sandy clay with sand strips
"	477	"	490	"	Brown sandy clay with sand and gravel
"	490	"	495	"	Brown sandy clay with sand and small amount gravel
"		"		"	Brown sandy clay

- continued -

Log of well drilled for : California Cities Water Co., Baywood Park

Formation

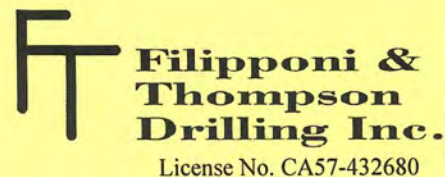
From	495	to	525	feet	Black clay and blue clay with fine sand
"	525	"	536	"	Brown sandy clay and fine sand
"	536	"	562	"	Sand and gravel with small amount of clay
"	562	"	570	"	Blue and brown sandy clay and gravel
"	570	"	630	"	Brown sandy clay and gravel



APPENDIX B

Estimated Well Modification Contractor Costs
Filipponi & Thompson Drilling, Inc.

Filipponi & Thompson Drilling, Inc.
 PO Box 845
 Atascadero, CA 93423



TEL: (805)466-1271 FAX: (805)466-2388

Estimate

NAME / ADDRESS
LOS OSOS C.S.D. 2122 9TH STREET, STE. 110 LOS OSOS, CA 93402

DATE	ESTIMATE #
6/2/2022	1276

E-mail
RMUNDS@losososcscd.org

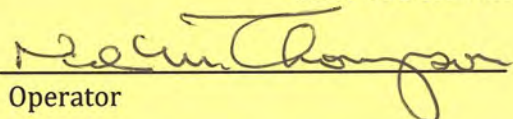
Project
LA13 (30S/11E-18F2)

DESCRIPTION	QTY	COST	TOTAL
LOS OSOS CSD C/O SPENCER HARRIS WELL LA13 (30S/11E-18F2)			
ESTIMATE FOR WELL MODIFICATIONS. 12" STEEL WELL WITH 8" STEEL LINER AT 420 FT.			
WELL MODIFICATION PERMIT	1	1,200.00	1,200.00
VIDEO WELL	1	2,250.00	2,250.00
PERFORM WELL MODIFICATION	1	6,000.00	6,000.00
510' - 2 1/2" FLUSH WALL PVC SCH. 80	1	13,700.00	13,700.00T
20' - 2 1/2" FLUSH WALL PVC SCH. 80 0.020" PERFORATIONS	1	540.00	540.00T
2 1/2" FLUSH WALL CAPS	1	150.00	150.00T
5' (532' - 537') BENTONITE CHIPS	1	150.00	150.00T
32' (500' - 532') 8 X 20 SAND	1	200.00	200.00T
10' (490' - 500') BENTONITE CHIPS	1	200.00	200.00T
90' (400' - 490') HIGH SOLIDS BENTONITE SLURRY	1	300.00	300.00T
397' (3'-400') COMMERCIAL SAND	1	1,400.00	1,400.00T
3' (0-3') CEMENT TOP	1	100.00	100.00T
*** ESTIMATE INCLUDES LABOR COST ***		0.00	0.00
Sales Tax		7.25%	1,213.65

TO ACCEPT THIS OFFER, PLEASE SIGN BELOW AND RETURN THIS CONTRACT TO OUR OFFICE.

TOTAL \$27,403.65

THIS OFFER WILL EXPIRE AFTER 30 DAYS UNLESS ACCEPTED.

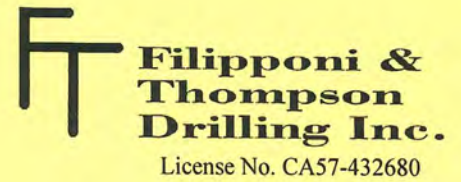

 Operator

Signature

Date

I ACCEPT THE ABOVE OFFER

Filipponi & Thompson Drilling, Inc.
 PO Box 845
 Atascadero, CA 93423



TEL: (805)466-1271 FAX: (805)466-2388

Estimate

NAME / ADDRESS
LOS OSOS C.S.D. 2122 9TH STREET, STE. 110 LOS OSOS, CA 93402

DATE	ESTIMATE #
6/2/2022	1278

E-mail
RMUNDS@losososcscsd.org

Project
LA14 (30S/11E-18L6)

DESCRIPTION	QTY	COST	TOTAL
LOS OSOS CSD C/O SPENCER HARRIS WELL LA14 (30S/11E-18L6)			
ESTIMATE FOR WELL MODIFICATION. 6" PVC WELL			
WELL MODIFICATION PERMIT	1	1,200.00	1,200.00
REMOVE & INSTALL TRAFFIC BARRICADE (IF NEEDED)	1	2,000.00	2,000.00
CLEAN OUT WELL FROM 544' - 600'	1	4,800.00	4,800.00
VIDEO WELL	1	2,000.00	2,000.00
PERFORM WELL MODIFICATION	1	6,000.00	6,000.00
560' - 2 1/2" FLUSH WALL PVC SCH. 80	1	15,120.00	15,120.00T
40' - 2 1/2" FLUSH WALL PVC 0.020" PERFORATIONS	1	1,080.00	1,080.00T
2 1/2' FLUSH WALL CAPS	1	150.00	150.00T
90' (510' - 600') 8 X 20 SAND	1	300.00	300.00T
10' (500' - 510') BENTONITE CHIPS	1	100.00	100.00T
160' (340' - 500') HIGH SOLIDS BENTONITE SLURRY	1	300.00	300.00T
337' (3' - 340') COMMERCIAL SAND	1	500.00	500.00T
3' (0 - 3') CEMENT TOP	1	50.00	50.00T
TOOL FABRICATION	1	2,000.00	2,000.00
AIR COMPRESSOR	1	2,000.00	2,000.00
ESTIMATE INCLUDES LABOR COST	1	0.00	0.00
COUNTY ENCROACHMENT PERMIT TO BE OBTAINED BY OTHERS			
Sales Tax		7.25%	1,276.00

TO ACCEPT THIS OFFER, PLEASE SIGN BELOW AND RETURN THIS CONTRACT TO OUR OFFICE.

TOTAL \$38,876.00

THIS OFFER WILL EXPIRE AFTER 30 DAYS UNLESS ACCEPTED.

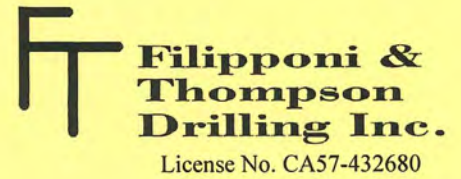
Operator _____

Signature _____

Date _____

I ACCEPT THE ABOVE OFFER

Filipponi & Thompson Drilling, Inc.
 PO Box 845
 Atascadero, CA 93423



TEL: (805)466-1271 FAX: (805)466-2388

Estimate

NAME / ADDRESS
LOS OSOS C.S.D. 2122 9TH STREET, STE. 110 LOS OSOS, CA 93402

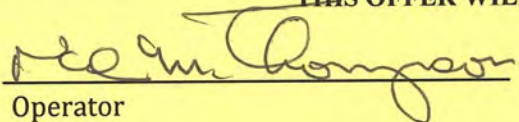
DATE	ESTIMATE #
6/2/2022	1277

E-mail
RMUNDS@losososcscd.org

Project
LA16 (30S/11E-18MI)

DESCRIPTION	QTY	COST	TOTAL
LOS OSOS CSD C/O SPENCER HARRIS WELL LA16 (30S/11E-18M1)			
ESTIMATE FOR WELL MODIFICATION. 10" STEEL WELL			
WELL MODIFICATION PERMIT	1	1,200.00	1,200.00
EXPOSE AND REMOVE STEEL PLATE TO ACCESS WELL	1	2,400.00	2,400.00
VIDEO WELL	1	2,000.00	2,000.00
PERFORM WELL MODIFICATION	1	6,000.00	6,000.00
470' - 2 1/2" FLUSH WALL PVC SCH. 80	1	12,690.00	12,690.00T
30' - 2 1/2" FLUSH WALL PVC SCH. 80 0.020" PERFORATIONS	1	810.00	810.00T
2 1/2' FLUSH WALL CAPS	1	150.00	150.00T
6' (505' - 511') BENTONITE CHIPS	1	150.00	150.00T
55' (450' - 505') 8 X 20 SAND	1	300.00	300.00T
10' (440' - 450') BENTONITE CHIPS	1	150.00	150.00T
120' (320' - 440') HIGH SOLIDS BENTONITE SLURRY	1	500.00	500.00T
317' (3' - 320') COMMERCIAL SAND	1	1,400.00	1,400.00T
3' (0 - 3') CEMENT TOP	1	100.00	100.00T
ESTIMATE INCLUDES LABOR COST	1	0.00	0.00
COUNTY ENCROACHMENT PERMIT TO BE OBTAINED BY OTHERS			
Sales Tax		7.25%	1,178.13
TO ACCEPT THIS OFFER, PLEASE SIGN BELOW AND RETURN THIS CONTRACT TO OUR OFFICE.		TOTAL	\$29,028.13

THIS OFFER WILL EXPIRE AFTER 30 DAYS UNLESS ACCEPTED.


 Operator

 Signature Date

I ACCEPT THE ABOVE OFFER

Cleath-Harris Geologists, Inc.
75 Zaca Lane, Suite 110
San Luis Obispo, CA 93401
(805) 543-1413



September 16, 2022

Los Osos Basin Management Committee
c/o Mr. Daniel Heimel, P.E.
Confluence Engineering Solutions, Inc.
P.O. Box 7098
Los Osos, CA 93412

SUBJECT: Proposal to update agricultural and turf irrigation water use estimates for the Los Osos Basin.

Dear Mr. Heimel,

As requested, Cleath-Harris Geologists (CHG) proposes to coordinate with the Irrigation Training and Research Center (ITRC) at Cal Poly to update the agricultural and turf irrigation water use estimates for the Los Osos Basin, and to develop a recommended methodology for estimating water use in future Annual Reports. This proposal includes a background, scope of work, schedule, and estimated cost.

BACKGROUND

The ITRC has pioneered state-of-the-art methodology using remote sensing (multi-spectrum satellite imagery) that estimates water use for agricultural and turf irrigation. Currently, the applied irrigation water demand estimates for the Los Osos Basin use a traditional soil-moisture balance (see Appendix H in the 2021 Annual Report). Basin groundwater production is a key component of the Basin Yield Metric, which is one of the metrics used for Basin management.

The Los Osos Basin Plan provides for periodic review of Plan implementation through establishment of an Adaptive Management Program. One of the objectives of this program is to allow Basin managers to modify procedures to utilize current best management practices. The last update to the procedures used by CHG for estimating agricultural and turf irrigation was during the 2017 Annual Report preparations. Since then, the ITRC has been implementing their remote sensing application over portions of San Luis Obispo County, and recent coverage of the Los Osos Basin is available for processing.



SCOPE OF WORK

The scope of work would consist of three phases:

- ITRC remote sensing application
- Groundwater pumping estimates
- Methodology update with plan for future updates.

Phase 1 – ITRC Remote Sensing Application

The ITRC would use satellite imagery to process data from 2019, 2020, and 2021 in order to produce estimates of consumptive water use on agricultural and turf fields in the Basin. The Phase 1 scope of work is primarily an ITRC effort, with CHG providing information and support to ITRC staff, as needed.

Phase 2 – Groundwater Pumping Estimates

The irrigation methods used on various fields will be characterized based on input from local growers and ITRC irrigation specialists. Irrigation efficiencies will be assigned to fields/areas to allow conversion of the consumptive use estimates into groundwater pumping estimates for 2019, 2020, and 2021. Phase 2 is also primarily an ITRC effort, with CHG providing information and support to ITRC staff, as needed.

Phase 3 – Methodology Update

Options for updating the methodology used for estimating groundwater pumping in future Annual Reports will be evaluated by CHG. For example, the ITRC remote sensing methodology could be repeated every year. Alternatively, the results of the 2019, 2020, and 2021 estimates performed under this scope of work could be used to recalibrate the existing soil-moisture balance, with periodic recalibration scheduled every few years. The timing of the satellite imagery availability and Annual Report reporting deadline, along with satellite data quality and processing costs would be considered when recommending a methodology. Phase 3 is primarily a CHG effort, with ITRC providing information and support to CHG staff, as needed.

SCHEDULE

The scope of work will require approximately three months to complete.



FEES AND CONDITIONS

CHG proposes to assist ITRC in performing the scope of work in Phase 1 and Phase 2, and to perform the Phase 3 scope of work on an hourly rate plus expenses basis in accordance with the hourly rates schedule and attached terms of fees and conditions. The estimated cost for CHG services is \$6,500. ITRC services will be contracted separately, and has been estimate at \$22,500.

SCHEDULE OF HOURLY RATES

Principal Hydrogeologist	\$187
Senior Hydrogeologist	\$173
Project Geologist	\$157
Environmental Scientist	\$140
GIS Specialist	\$140
Staff Geologist II	\$140
Staff Geologist I	\$125

EXPENSES

Mileage	\$0.70/mile
Other expenses at cost plus 10 percent handling	

AGREEMENT

If the above scope of work and fees and conditions for CHG services are acceptable, this proposal will serve as the basis for agreement.

Respectfully submitted,

CLEATH-HARRIS GEOLOGISTS, INC.

Spencer J. Harris, President

attachment



TERMS OF FEES AND CONDITIONS

1. Invoices will be submitted monthly. The invoice is due and payable upon receipt.
2. In order to defray carrying charges resulting from delayed payments, simple interest at the rate of ten percent (10%) per annum (but not to exceed the maximum rate allowed by law) will be added to the unpaid balance of each invoice. The interest period shall commence 30 days after date of original invoice and shall terminate upon date of payment. Payments will be first credited to interest and then to principle. No interest charge would be added during the initial 30 day period following date of invoice.
3. The fee for services will be based on current hourly rates for specific classifications and expenses. Hourly rates and expenses included in the attached schedule are reevaluated on January 1 and July 1 of each year.
4. Documents including tracings, maps, and other original documents as instruments of service are and shall remain properties of the consultant except where by law or precedent these documents become public property.
5. If any portion of the work is terminated by the client, then the provisions of this Schedule of Fees and Conditions in regard to compensation and payment shall apply insofar as possible to that portion of the work not terminated or abandoned. If said termination occurs prior to completion of any phase of the project, the fee for services performed during such phase shall be based on the consultant's reasonable estimate of the portion of such phase completed prior to said termination, plus a reasonable amount to reimburse consultant for termination costs.
6. If either party becomes involved in litigation arising out of this contract or the performance thereof, the court in such litigation shall award reasonable costs and expenses, including attorney's fees, to the party justly entitled thereto.
7. All of the terms, conditions and provisions hereof shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, provided, however, that no assignment of the contract shall be made without written consent of the parties to the agreement.



September 1, 2022

Los Osos Basin Management Committee
c/o Mr. Daniel Heimel, P.E.
Confluence Engineering Solutions, Inc.
P.O. Box 7098
Los Osos, CA 93412

SUBJECT: Proposal for GIS Well Database Development for the Los Osos Basin.

Dear Mr. Heimel,

As requested, Cleath-Harris Geologists (CHG) proposes to expand and consolidate existing well datasets into a comprehensive Geographic Information Systems (GIS) master database for the Los Osos Basin Management Committee (BMC). The purpose of the work is to improve Basin management efficiency and well data access by providing the BMC with an information system that can be queried and analyzed using GIS tools. This proposal includes a background, scope of work, schedule, and estimated cost.

BACKGROUND

The Los Osos BMC oversees the implementation of the Los Osos Basin Plan (LOBP) in the adjudicated area (Plan Area) of the locally defined groundwater basin. The LOBP groundwater monitoring program included 93 monitoring well locations within the basin. There are additional wells in two other existing, ongoing monitoring programs that historically overlapped with the LOBP monitoring program: the San Luis Obispo County Water Level Monitoring Program and the Los Osos Water Recycling Facility (LOWRF) Groundwater Monitoring Program. There are also many other private domestic and irrigation wells in the Plan Area that are not part of the above monitoring programs.

Existing sources for datasets that can provide information to be integrated into the GIS database include, but are not limited to:

- SLO County Health Department
- California Department of Water Resources
- LOBP Monitoring Program, County Water Level Monitoring program, and LOWRF Monitoring Program,
- Los Osos Basin Model
- Online well datasets such as GeoTracker, GAMA Groundwater, and CIWQS.
- Historical maps, reports and studies.



SCOPE OF WORK

The scope of work would include a review of existing well information datasets, and consolidation of the information into a comprehensive master database for the Plan Area, with spreadsheet and GIS (shapefile) compatible format. Limited field reconnaissance would be performed to verify selected well location information that is unavailable during the office review.

CHG will also consult in-house resources, including historical reports and detailed well location maps, along with local knowledge from performing both local and regional projects in the Los Osos area over the last three decades.

The database will cover the Los Osos Adjudicated Plan Area. Data review and database development tasks include:

- Establish desired well information database fields (columns) with input from the BMC staff. Dataset fields would contain static information (e.g. location/elevation, well construction information, aquifer zone assignment, well type, acreage of parcel, etc.). Compiling transient data sets such as water levels, water quality, and production are not part of this scope of work.
- Merge existing datasets into a raw master draft for review and development.
- Remove duplication and reconcile apparent inaccuracies and errors in the master draft, to the extent possible, using available Well Completion Reports, in-house resources and aerial image review.
- Add wells to the existing well information fields to the extent possible using available Well Completion Reports, in-house resources and aerial image review.
- Perform limited field reconnaissance (from public right-of-way) for selected wells with uncertain data to correct location or add confidence to the data.

Deliverable to include the GIS shapefile, spreadsheet, and a descriptive summary of the database.

SCHEDULE

The database review and development will require approximately three months to complete.



FEES AND CONDITIONS

CHG proposes to perform the above scope of work on an hourly rate plus expenses basis in accordance with the hourly rates schedule and attached terms of fees and conditions. The estimated cost for well data review and database development is estimated at \$24,000.

SCHEDULE OF HOURLY RATES

Principal Hydrogeologist	\$187
Senior Hydrogeologist	\$173
Project Geologist	\$157
Environmental Scientist	\$140
GIS Specialist	\$140
Staff Geologist II	\$140
Staff Geologist I	\$125

EXPENSES

Mileage	\$0.60/mile
Other expenses at cost plus 10 percent handling	

AGREEMENT

If the above scope of work and fees and conditions are acceptable, this proposal will serve as the basis for agreement.

Respectfully submitted,

CLEATH-HARRIS GEOLOGISTS, INC.

Spencer J. Harris, President

attachment



TERMS OF FEES AND CONDITIONS

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7. All of the terms, conditions and provisions hereof shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, provided, however, that no assignment of the contract shall be made without written consent of the parties to the agreement.