

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER

DATE: JANUARY 5, 2017

AGENDA ITEM

D

JANUARY 11, 2017

CONSENT AGENDA

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.

**Questions or clarification may be made by the Board members
without removal from the Consent Agenda.**

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE DECEMBER 14 REGULAR BOARD MEETING MINUTES
[RECOMMEND APPROVAL]
- D-3) APPROVE REQUEST FOR QUALIFICATIONS AND PROPOSAL FOR DISTRICT
GENERAL COUNSEL AND DISSEMINATE
[RECOMMEND APPROVE]

TO: BOARD OF DIRECTOR

REVIEWED: MARIO IGLESIAS *MI*
GENERAL MANAGER

FROM: LISA BOGNUDA
FINANCE DIRECTOR

DATE: JANUARY 6, 2017

AGENDA ITEM
D-1
JANUARY 11, 2017

WARRANTS WILL BE DISTRIBUTED ON TUESDAY, JANUARY 10, 2017

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER

DATE: JANUARY 5, 2017

AGENDA ITEM
D-2
JANUARY 11, 2017

**APPROVE DECEMBER 14, 2016
REGULAR BOARD MEETING MINUTES**

ITEM

Approve action minutes from previous Board meetings. [RECOMMEND APPROVE MINUTES]

BACKGROUND

The draft minutes are a written record of the previous Board Meeting action.

RECOMMENDATION

Approve Minutes

ATTACHMENT

- A. December 14, 2016 draft Regular Board Meeting Minutes

January 11, 2017

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

DRAFT REGULAR MINUTES

DECEMBER 14, 2016 AT 9:00 A.M.

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

CRAIG ARMSTRONG, **PRESIDENT**
DAN ALLEN GADDIS, **VICE PRESIDENT**
BOB BLAIR, **DIRECTOR**
ED EBY, **DIRECTOR**
DAN WOODSON, **DIRECTOR**

PRINCIPAL STAFF

MARIO IGLESIAS, **GENERAL MANAGER**
LISA BOGNUDA, **FINANCE DIRECTOR**
MICHAEL W. SEITZ, **GENERAL COUNSEL**
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**
JESSICA MATSON, **BOARD CLERK**

Mission Statement: The Nipomo Community Services District's mission is to provide its customers with reliable, quality, and cost-effective services now and in the future.

00:00:00 A. CALL TO ORDER AND FLAG SALUTE

President Armstrong called the Regular Meeting of December 14, 2016 to order at 9:00 a.m. and led the flag salute.

00:00:37 B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At Roll Call, all Directors were present except for Director Gaddis.

The following members of the public spoke:

Don Hall, Blacklake resident, thanked the Board for their service.

C. PRESENTATIONS AND REPORTS

00:01:10 C-1) DIRECTOR OF ENGINEERING AND OPERATIONS SUMMARY OF ACTIVITIES – MONTHLY REPORT; JOSHUA ROAD PUMP STATION CONSTRUCTION

Peter Sevcik, Director of Engineering & Operations, reviewed the report as presented in the Board Packet. Mr. Sevcik answered questions from the Board.

There were no public comments.

00:06:49 C-2) 2016 FALL GROUNDWATER INDEX REVIEW, NEWTON GEO-HYDROLOGY CONSULTING SERVICES

Dr. Brad Newton, Newton Geohydrology Consulting Services, gave a presentation on the fall groundwater index.

Mr. Newton reported that the National Oceanic and Atmospheric Administration (NOAA) predicts warmer temperatures and less rainfall during 2017. He recommended the Board prepare for Stage V water shortage.

The following members of the public spoke:

Don Hall, Blacklake resident, asked about the data used in the report. Mr. Newton responded.

Mr. Newton answered questions from the Board.

00:41:03

C-3) GENERAL MANAGER'S WATER SERVICES REVIEW – STATUS OF ACTIVE INTENT-TO-SERVE LETTERS

Mario Iglesias, General Manager, gave a presentation on the status of active Intent-to-Serve letters (ITS) and the process for review.

Director Armstrong requested additional information be added to the list of ITS holders.

Director Armstrong requested clarification on whether the District can treat ITS holders differently based on where they are in the process towards perfecting the ITS into a Will-Serve letter. Mike Seitz, District Legal Counsel clarified that ITS holders that are further in the process cannot be treated differently.

The following members of the public spoke:

Karen Palmer, Developer representative, requested that the Board consider what would happen to individuals with Will-Serve letters if the District declares a Stage V water shortage. Mr. Iglesias responded that Will-Serve letters could be suspended under Stage V. Mr. Seitz commented that this process would be a drastic measure and would require a public hearing under Water Code 350.

The Board is scheduled to receive a follow-up presentation at its January 11, 2017 Regular meeting with Board action scheduled for the January 25, 2017 Regular meeting.

01:05:25

C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.

Receive Announcements and Reports from Directors

Director Woodson

- *November 28, Attended the South County Advisory Council (SCAC) meeting.*
- *November 28, Attended the Nipomo Arts Council meeting where they requested to paint District equipment.*

Director Blair

- *Shared a newsletter he received from South SLO County Sanitation District.*
- *December 1, participated on a judging panel for a class project at New Tech High School.*

Director Eby

- *November 10, Attended Supervisor Compton's meeting at Blacklake.*
- *November 17, Attended the Local Area Formation Commission (LAFCO) meeting where they elected Public Member representatives.*
- *November 28, Attended the South County Advisory Council (SCAC) meeting.*

Director Armstrong

- *Attended the Water Resources Advisory Council meeting.*

Nipomo Community Services District
REGULAR MEETING
MINUTES

- C-5) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE and FILE PRESENTATIONS AND REPORTS

There were no public comments.

*Upon the motion of Director Craig Armstrong and seconded, the Board unanimously approved to receive and file the presentations and reports as submitted.
Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Blair, Woodson, and Eby	None	Director Gaddis

01:11:54

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE NOVEMBER 9, REGULAR BOARD MEETING MINUTES
- D-3) ACCEPT FIRST QUARTER FISCAL YEAR 2017 QUARTERLY FINANCIAL REPORT

Director Eby asked about an item on the minutes. Mario Iglesias, General Manager, responded.

Director Blair requested clarification on the warrants. Mr. Iglesias responded.

There were no public comments.

*Upon the motion of Director Craig Armstrong and seconded, the Board unanimously approved the Consent Agenda.
Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Eby, Woodson and Blair	None	Director Gaddis

E. ADMINISTRATIVE ITEMS

01:14:19

- E-1) APPROVE 2017 BOARD MEETING SCHEDULE

President Armstrong presented the item.

Director Eby commented that he will be absent for the June 14, 2017 meeting.

There were no public comments.

*Upon the motion of Director Bob Blair and seconded, the Board unanimously approved the 2017 Board Meeting schedule.
Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Blair, Eby, Woodson and Armstrong	None	Director Gaddis

01:15:24

E-2) ELECTION OF 2017 BOARD PRESIDENT AND VICE PRESIDENT

Director Eby nominated Director Gaddis for President. Director Armstrong seconded the nomination. There were no other nominations for President.

There were no public comments.

By acclamation, Director Gaddis was appointed as President of the Board for 2017.

Director Woodson nominated Director Eby for Vice President. There were no other nominations for Vice President.

There were no public comments.

By acclamation, Director Eby was appointed as Vice President of the Board for 2017.

01:18:48

F. MANAGER'S REPORT

Mario Iglesias, General Manager, reviewed the report as presented in the Board packet. Mr. Iglesias answered questions from the Board.

Mr. Iglesias also reported the following:

- Distributed updated rain gauge data to the Board (available for review at the District office)*
- The District achieved a 57% reduction in groundwater pumping during the month of November and 48% year-to-date.*

There were no public comments.

G. COMMITTEE REPORTS

None.

01:21:03

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Woodson

- Requested staff consider a policy for artistic embellishments to District property.*

01:21:37

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9

- a) SMWCD VS. NCS (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).*

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

K. ADJOURN TO CLOSED SESSION

President Armstrong adjourned to closed session at 10:23 a.m.

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
MINUTES

L. OPEN SESSION
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 10:55 AM.

Mike Seitz, District Legal Counsel, announced that the Board discussed Item I.1(a), heard a report, but took no reportable action.

ADJOURN

President Armstrong adjourned the meeting at 10:56 AM.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hours 24 minutes
Closed Session	32 minutes
TOTAL HOURS	1 hours 56 minutes

Respectfully submitted,

Mario Iglesias, General Manager and Secretary to the Board

Date

TO: BOARD OF DIRECTORS

FROM: MARIO E. IGLESIAS
GENERAL MANAGER

DATE: JANUARY 6, 2016

**AGENDA ITEM
D-3
JANUARY 11, 2017**

**APPROVE REQUEST FOR QUALIFICATIONS AND PROPOSAL
FOR DISTRICT GENERAL COUNSEL**

ITEM

Approve Request for Qualifications and Proposal (RFQP) for District General Counsel and direct staff to disseminate RFQP to specified legal firms. [RECOMMEND APPROVE AND DIRECT STAFF ACCORDINGLY]

BACKGROUND

The District's Board of Directors is seeking contract services for legal representation across a defined list of legal practice areas. The attached draft RFQP specifically defines key practice areas and asks proposing firms to identify the names and hourly rates of those individuals who would be assigned to represent the District in each of the practice areas. Consideration will be given to firms able to provide these practice areas with qualified in-house counselors.

The District is interested in retaining a legal firm having either a presence through representation of a governmental agency in the area or an office within San Luis Obispo County. Taking direction from the Board, staff has researched firms meeting this criterion and is recommending the following list of legal service providers to invite to participate in the RFQP:

- Best, Best & Krieger
- Richard, Watsons & Gershon
- Shipsey and Seitz
- Adamski, Moroski, Madden & Green
- Carmel & Naccasha LLP

Staff is recommending firms prepare and deliver proposals to the District in response to the RFQP by January 27, 2017. It is further recommended that an ad-hoc committee be appointed by the Board President to review the proposals and recommend a firm or individual to the Board at your February 8, 2017, Board Meeting.

FISCAL IMPACT

The fiscal impact on the District is anticipated to be limited to the cost difference between firms when compared to the current legal services fiscal impact. These cost differences must be taken into consideration when evaluating proposals, but the quality of the professional legal services provided to the District is of the utmost importance.

RECOMMENDATION

Staff recommends that your Board approves the RFQP and direct staff to disseminate the RFQP to legal firms identified above.

ATTACHMENTS

- A. Draft Request for Qualifications and Proposals District General Counsel

January 11, 2017

ITEM D-3

ATTACHMENT A

Nipomo Community Services District
148 South Wilson Street
Nipomo, CA 93444

REQUEST FOR QUALIFICATIONS AND PROPOSAL - DISTRICT GENERAL COUNSEL

NOTICE IS HEREBY GIVE THAT THE Board of Directors of the Nipomo Community Services District, hereinafter referred to as "District," is interested in receiving statements of proposals from qualified firms and/or individuals that are able to provide general counsel services to the District as its designated "District General Counsel." This Request for Proposal (RFP) document includes background information, scope of services, minimum qualification requirements, specifications, submission, requirements and delineates the evaluation and selection process:

Qualified firms and/or individuals have the option of sending their RFP documents via standard mail or personal delivery. Firms and/or individuals are solely responsible for ensuring their submittal is received by the District by the following deadline. The solicitation of proposals will be by invitation only. The term of the contract begins approximately _____, 2017, and is for _____ (__) years with an automatic yearly renewal(s) for up to _____ (__) additional years. Either party will be able to cancel the contract upon 30 days written notice. **RFP documents must be received by the District no later than 4:30 p.m. Pacific Standard Time, on _____, 2017 at the following address:**

**Nipomo Community Services District
Attention: Mario Iglesias, General Manager
148 South Wilson Street
Nipomo, CA 93444**

One (1) unbound original, five (5) copies, and one (1) electronic copy on CD or USB Flash Drive of the RFP documents must be submitted. The original copy must be signed by a representative authorized to bind the firm or individual. RFP documents are to be submitted in sealed packages with the name of the firm/individual and RFP title "Response to Request for Proposal - District General Counsel Services for Nipomo Community Services District" clearly marked on the outside of the package. Failure to comply with the requirements set forth in this RFP may result in disqualification. RFP documents and/or modifications received subsequent to the hour and date specified above will not be considered. The District reserves the right to reject all submittals. The District is not liable for any costs incurred by a firm or individual in response to this RFP. Acceptance of any submittal pursuant to this RFP shall not constitute any implied intent to enter into a contract. The contract award, if any, will be made to the qualified firm or individual who, in the District's sole discretion, is best able to perform the required services in a manner most beneficial to the District.

The award will be made on the basis of qualifications and the best value to the District. This RFP does not obligate the District to award a contract, and the District reserves the right to cancel the solicitation if it is considered to be in the District's best interests. If you have any questions regarding this RFP, please call the District's General Manager, Mario Iglesias, at 805 929-1133 prior to the above-mentioned deadline for submissions.

**NIPOMO COMMUNITY SERVICES DISTRICT
REQUEST FOR PROPOSAL (RFP)
DISTRICT GENERAL COUNSEL**

The District is soliciting proposals from qualified firms and/or individuals interested in performing the duties and functions of District General Counsel. The District's Board of Directors invites legal firms and/or individuals to submit written proposals and seeks a law firm/individual that/who can provide general services as well as a dedicated individual associate with the firm to be District General Counsel.

DISTRICT INFORMATION

The District is located 22 miles south of San Luis Obispo, California. The District acts as the local government, providing the following essential services: water supply, collection, treatment and distribution; wastewater collection and treatment; limited storm drainage collection, solid waste franchise, landscape maintenance and street light services.

GOVERNANCE

The District's affairs are directed and governed by a five-member Board of Directors, elected at large, by registered voters within the jurisdiction. The Board serves four (4) year staggered terms with an election held every two (2) years. Policy direction is set by the Board of Directors, with the day to day affairs administered by the General Manager. The Board appoints the General Manager and District General Counsel.

A. SCOPE OF SERVICES

The District General Counsel is expected to assist the District by:

1. Providing clear and concise legal advice and consultation (oral and written) as requested or required, to the District Board of Directors and staff on a variety of matters pertaining to all aspects of special district governance. Contacts are often made by email and telephone, and same day response is expected.
2. Researching and interpreting laws, court decisions, and other authorities in order to prepare legal opinions and to advise the Board of Directors and staff on legal matters pertaining to District matters.
3. Attending regular Board of Director meetings (open and closed sessions) as needed and advising the Board of Directors on matters on the agenda as well as procedural matters that may arise during and following the meeting. The District's General Counsel may be called upon to attend other District meetings. The District Board of Directors regular Board meeting is on the second and fourth Wednesday of each month (except August, November and December when one meeting is scheduled) beginning at 9:00 a.m.
4. Provide guidance with regard to the requirements of the Brown Act, Conflict of Interest (AB1234), CEQA, Proposition 218, the Public Records Act, and other legal requirements imposed by statute and common law.

5. Drafting, reviewing, and/or revising documents, including but not limited to memoranda concerning legal issues, contracts, ordinances, resolutions, license agreements, notices, leases, deeds, loans, permits and staff reports. Clear, concise, well-organized writing is prerequisite.
6. Representing the District in litigation (civil, tort, liability, labor and employment, construction law/public works, general writ, etc.).
7. Representing the District in intergovernmental projects and other matters, as needed.
8. Coordinating the work of outside legal counsel, as directed by the Board of Directors or General Manager.
9. Providing legal advice and assistance to operating departments with regard to employee disciplinary actions and providing advisory services to the District during appeal hearings.
10. Perform other duties as directed by the General Manager and/or Board of Directors.

B. QUALIFICATIONS

Please Note: Proposals should indicate response for District General Counsel. Additional consideration will be given to a firm and/or individual capable of providing in-house services across numerous practice areas listed below. Attachment "A" of this RFP must be incorporated into the firm's and/or individual's response to the District. Attachment "A" requires the firm and /or individual to identify associates responsible for representing the District in the particular practice areas listed and the hourly rate the District would expect to pay in the event a practice area were to be engaged.

Practice Areas:

1. Public Agency/Municipal Law
2. E-Documents and Public Records Act
3. Taxes and Fees, Proposition 218, Assessments
4. Eminent Domain
5. Labor and Employment
6. Litigation
7. Contracts and Transactions
8. Construction Law, Contracts and Claims
9. Insurance, Liability, Tort Claims
10. Land Use/Development
11. Public Financing
12. Environmental and Energy
13. Water Rights and Water Law

Proposals must provide specific and succinct answers to all questions and request for information. RFP responses shall not exceed 20 pages; resumes are excluded from the limit. Indirect, imprecise or incomplete responses can serve only to the disadvantage of the applicant. (Submissions of individual resumes are optional and alone will not be considered response to any specific question.) The District expects the District General Counsel to be service-oriented, actively involved in the business of the District, creative in finding solutions and pro-active in helping District officials and staff avoid legal pitfalls and must have experience and expertise public agency and municipal law.

Additionally, the Proposer must not discriminate, nor permit discrimination against any person on the grounds of race, national origin, sex, disability, sexual orientation, or other protected status under law in their employment practices, in any of their contractual arrangements, in all services and accommodations they offer to the public or in their business operations.

In the proposal, please identify the individual to be designated District General Counsel, those individuals who are to provide service backup and describe those individuals' qualifications for providing special district legal services. The description should include:

1. Legal training and years of practice and California Bar Number.
2. Years of special district or other local public sector law practice as a full-time local government attorney and/or in a private law office specializing in local government.
3. Knowledge and experience with community services districts, California special district law or other public sector experience.
4. Litigation experience and demonstration of litigation records results.
5. Knowledge and practice of law relating to public contracting, CEQA, NEPA, risk management, real estate, environmental issues, and other related law.
6. Experience in the area of personnel, worker's compensation, employee relations and negotiations.
7. Experience in the area of Public Records Act, the Brown Act, and the Elections Code.
8. Intended office location and accessibility to the District.
9. List three (3) professional and three (3) personal references.
10. If the Proposer, or any of the attorneys employed by the firm, have ever been successfully sued for malpractice, been the subject of complaints filed with the State Bar or had discipline imposed by the State Bar, please provide information on the incident.

C. COMPENSATION AND REIMBURSEMENTS

It is anticipated that the District's Board of Directors will expect the Proposer to provide basic services under an hourly rate (i.e., time and materials).

1. Please describe how the firm/individual intends to provide legal services for the District, either on an hourly rate or on a different basis. Basic services, for the purpose of this proposal, shall include those legal services, generally understood within the field of special district law to fall within the category of "General Counsel" work and shall include, but not necessarily limited to, the following:
 - a. Routine legal advice, consultation, and opinions to the District Board of Directors and staff.
 - b. Assistance in the preparation and review of ordinances, agreements, contracts and related documents, resolutions, forms, notices, certificates, deeds and other documents required by the District.
 - c. Attendance at the District Board meetings, as deemed necessary, (regularly held the second and fourth Wednesday of every month with three exceptions: August, November, and December only have one scheduled meeting) at the District's Office in Nipomo and other meetings as deemed necessary.
 - d. Consultation with District Board members, General Manager and District staff as necessary.
 - e. Rendering of legal advice and opinions concerning legal matters that affect the District, including new legislation and court decisions. Perform research and interpret laws, court decisions, and other legal authorities in order to prepare legal opinions and to advise the District Board of Directors and Management staff on legal matters pertaining to District operations.
 - f. Legal work pertaining to property acquisitions, property disposal, public improvements, public rights of way and easements and matters relating to public utilities.
 - g. Legal support related to land use and development.
 - h. Monitor pending and current state and federal legislation in case law as appropriate.
 - i. Coordinate the work of outside legal counsel as needed and as directed and approved by the District Board of Directors or General Manager.
2. Please state the hourly rates for the key personnel, specifically the designated District General Counsel, the individual(s) providing back-up for the District General Counsel, partners/principals, and associates for general work and for special services such as litigation, on Attachment "A". (Substitution of the designated key personnel will not be permitted without prior written approval of the District.) A monthly fixed fee retainer may be considered by the District if the Proposer elects to quote fixed fee services.
 - a. Please define what would be considered extraordinary service to be provided over and beyond normal services and the basis for compensation thereof. (It is expected

that such services would include non-routine services requiring extraordinary research and/or preparation that would be in excess of those covered by the retainer, if a retainer were the preferred method of compensation.)

The Proposer selected by the District will be required to furnish special legal services on an as needed basis when directed by the District Board of Directors or General Manager. These special services, to be provided at a specified hourly rate include research, preparation and follow-through in matters involving litigation affecting the District. Excluded from special legal services would be litigation or defenses furnished by self-insured programs, litigation where District General Counsel decides to retain special counsel, if separate contracts are awarded, or other work for which the Board decides to utilize special counsel if not included in Attachment "A".

1. Define the type and unit rates for reimbursement of expenses; for example, rate for mileage, reproduction of documents or word processing charges, facsimile or telephone charges, any other matters that will be billed to the District.
2. Describe how you bill travel, including costs and time that will be billed.
3. Address any possible conflicts of interest, including business conflicts with other clients that may arise as a result of work performed on behalf of the District.

D. OPERATIONAL STRUCTURES

As part of the proposal, please address the following:

1. Please describe how you would structure the working relationship between the District General Counsel, District Board of Directors, District General Manager, Department Heads and other members of staff.
2. Describe systems/mechanisms that would be established to ensure timeliness of response to District Board Members and District Staff, including responses needed by the District when the assigned District General Counsel is unavailable due to vacation, illness or other reasons.
3. Describe systems/mechanisms that would be established for monthly reporting of status of projects, requests, and litigation.

E. INDEMNIFICATION

The chosen Proposer will agree to indemnify, hold harmless and defend the District, the District Board of Directors, employees, agents and volunteers from any and all liability or financial loss including legal expense and costs of expert witnesses and consultants resulting from any suits, claims, losses, or actions brought by any person or persons, by reason of injury and arising directly or indirectly from the activities and operations of Proposer, including its officers, agents, employees, subcontractors or any person employed by Proposer, in the performance of this Agreement. Proposer agrees that Proposer's covenant under this section shall survive the termination of this agreement.

F. INSURANCE

The chosen Proposer shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the

performance of the work by the Proposer, its agents, representatives, employees or subcontractors, pursuant to Proposer's proposal or any subsequent contract entered into with the District. Insurance shall be of the type, in the amounts and subject to the provisions described below. All insurance coverage shall be provided by insurers authorized by the California Insurance Commissioner to transact insurance business in California and with a rating of "A" or better in the Best's Key Rating Guide.

1. Commercial General Liability Coverage with a limit of not less than one million dollars (\$1,000,000) per occurrence. If the insurance includes a general aggregate limit, that limit shall apply separately to this contract or it shall be at least twice the required per occurrence limit.
2. Professional Liability and Errors and Omissions insurance with a limit not less than one million dollars (\$1,000,000) per occurrence, and five million dollars (\$5,000,000) in aggregate. Workers Compensation insurance with a limit not less than one million dollars (\$1,000,000) per accident, and Automobile Insurance with a combined single limit of one million dollars (\$1,000,000) per accident is required.

G. EVIDENCE COVERAGE

1. Prior to commencement of work under any contract, or within 14 days of notification of award of the contract, whichever is shorter, the chosen Proposer shall file certificates of insurance and original endorsements evidencing coverage in compliance with this contract and in a form acceptable to the District.
2. Proposer shall provide the District, on request, a complete copy, including all endorsements and riders of any insurance policy.
3. During the term of this agreement, Proposer shall maintain current valid proof of insurance coverage with the District at all times. Proof of renewals shall be filed prior to expiration of any required coverage.
4. Failure to submit any required evidence of insurance within the required time period shall be cause for termination for default and shall be the cause for forfeiture of Proposer's bid security, if applicable.
5. In the event Proposer does not maintain current, valid evidence of insurance on file with the District, the District may, at its option, withhold payment of any moneys owed to Proposer or which it subsequently owes to Proposer, until proper proof is filed.

H. ADDITIONAL INSURED

All coverage shall name the District and its respective officers, employees, agents and volunteers as additional insureds.

I. SELECTION SCHEDULE:

All dates are tentative and may change as needed to best serve the needs of the Board. Board or Committee interviews may be arranged with select candidates if determined necessary by the Board.

1. Receipt of Requests for Proposals – _____, 2017
2. Board appointed Ad-hoc Committee review – _____, 2017

3. Board Review and Potential Contract – _____, 2017
4. Contract Negotiations – _____, 2017
5. Begin Work – _____, 2017

J. AFFIDAVIT OF NON-COLLUSION

As part of the RFP, each Proposer submitting a proposal shall include a signed and dated declaration under penalty of perjury attesting that this proposal is made without collusion with any other person, firm or corporation and that the only person or parties interested as principals are named herein. The declaration shall further attest that the submitted party has carefully examined this Request for Proposal and Scope of Services, and thereby hereby propose and agree, in the event of acceptance hereof, to enter into the required agreement with the District. Further, the Proposer shall attest that they have not offered any gratuities, favors, or anything of monetary value to any official, employee, or agent of the District for the purpose of influencing consideration of this proposal.

K. EVALUATION AND SELECTION PROCESS

The District may appoint an Ad-hoc Committee to review all submittals received before the deadline and may pre-screen a certain number to forward for full District Board of Directors review. The top applicants will be submitted for consideration by the District Board of Directors. The full District Board of Directors will then select and/or interview certain candidates before making its decision using its own judgment and at its sole discretion. Selection will be based on the following criteria in descending order of importance:

1. Understanding of and commitment to the requirements described above.
2. Professional qualifications, including overall experience within the area of special district law and any specialized practice area herein.
3. Past performance with municipal law clients as evidenced by the comments received from the list of references provided.
4. Availability and capability to perform legal services promptly and in a manner that permits the District Board of Directors and staff to meet deadlines and to operate in an effective and efficient manner.
5. Compensation proposed and the corresponding level of services to be provided.

The award will be made on the basis of the best value to the District as determined by the majority of the District Board of Directors. The District reserves the right to reject any and all proposals, to request additional information concerning any proposal for purposes of clarification and to accept or negotiate any modification to any proposal following the deadline for receipt of all proposals and to waive any irregularities if such would serve the best interest of the District as determined by the District Board of Directors.

January 12, 2017

**Nipomo Community Services District
Request for Qualifications and Proposal, General Counsel Services
Attachment "A"**

Attorney Cost for Services Rendered:

Practice Areas	Firm and/or Individual	Hourly Rate
Public Agency / Municipal Law (DGC*)		
Back-up for the District General Counsel		
E-Documents and Public Records Act		
Taxes and Fees, Proposition 218, Assessments		
Eminent Domain		
Labor and Employment		
Litigation		
Contracts and Transactions		
Construction Law, Contracts and Claims		
Insurance, Liability, Tort Claims		
Land Use/Development		
Public Finance		
Environmental and Energy		
Water Rights and Water Law		

*DGC – District General Counsel: Person designated as “Key Personnel” assigned by firm and/or individual as the District’s General Counsel and subject to the limitations and requirements stated in Section C.2., Page 5, of the Request for Qualifications and Proposal, District General Counsel.