

Carey Casciola

From: julie Tacker [REDACTED]
Sent: Monday, February 26, 2024 1:57 AM
To: Carey Casciola
Subject: OCSD Agenda Item#9(B)
Attachments: CCB JPA Cure & Correct Feb. 2024.pdf; AMMCG proposal to CCB 10-30-23.pdf

Hello Carey,

Please share this note and the attachment with the Board of Directors and the public as it relates to the item to be discussed Wednesday regarding the AMMCG conflict of interest waiver.

Dear OCSD Board,

Please find the attached Cure and Correct served to the Central Coast Blue Regional Recycled Water Authority last week for a Brown Act violation that occurred on December 4, 2023. The CCB JPA chose AMMCG as their new legal counsel (took action) and failed to report it out of their closed session, which violates the Brown Act.

The background information in the C&C may be helpful in your deliberation Wednesday. It is possible, based on the timeline provided, that they wanted the position at CCB over the position at OCSD and submitted their resignation with that intent. I have also attached the AMMCG Oct. 30th proposal to CCB, where they characterize OCSD as a "former" client, yet served OCSD for another two months.

The excellent staff report prepared by Interim Legal Counsel, Rob Shultz, for this item, clearly identifies the conflict and how you cannot waive conflict.

As we (Jeff and I) have said many times over many years, "They (CCB partners) will manage your water away." AMMCG's intimate knowledge of the district's water resources could set the stage for exactly that.

You must protect the district and deny the AMMCG request for a conflict waiver.

Thanks,
Julie Tacker

February 17, 2024

Central Coast Blue Regional Recycled Water Authority
177 S. 8th Street
Grover Beach, CA 93433
Attention: Geoff English

To the Board of Directors:

Please accept this letter as a demand from a member of the public, Julie Tacker, to cure and correct a violation of the Brown Act that occurred at the Central Coast Blue Regional Recycled Water Authority regular meeting on December 4, 2023. Specifically, the Authority failed to report action that occurred in the closed session as required by California Code, Government Code 54957.1(a)(5).

Please accept this letter as a demand to cure and correct a violation of the Brown Act, as described above.

Brown Act Violation

California Code, Government Code 54957.1(a)(5) *Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to **Section 54957 shall be reported at the public meeting during which the closed session is held...***[emphasis added]

The Authority's approved minutes from the December 4, 2023, under closed session says there was "no reportable action." This non-report was insufficient under the Brown Act. Based on a February 14, 2024, memorandum from AMMCG attorney, Chase Martin, to Robert Schultz, Oceano CSD, Interim Legal Counsel, stating, *"In early December 2023, the firm was notified that it was selected as authority legal counsel for CCB."*

The Authority, in a public meeting, was never given the opportunity to review a draft request for proposal (RFP). The staff approved RFP was issued on October 2nd. Further, the public was never given the opportunity to review the eight (8) proposals that were received by the RFPs October 30th deadline.

It is apparent that while in the December 4, 2023, closed session, the Authority reviewed the proposals and/or interviewed candidates, while the public was not informed the board would be selecting a firm in that meeting. If the proposals had been agendized for open session, the public would have assisted the board in making its decision. Based on the February 5, 2024, agenda item, 7.b, *"Approval of an Agreement for Professional Legal Services and Appointment of an Attorney for the Central Coast Blue Regional Recycled Water Authority,"* the board had selected AMMCG and took action to negotiate and draft the agreement attached to the items staff report in the board packet.

In this regard, the Authority lacks transparency, and violated the Brown Act by failing to comply with Government Code 54957.1(a)(5).

CCBRRWA Legal Counsel Selection Timeline

On April 17, 2023, by motion, the Board appointed Robert Lomeli of Lozano Smith, LLP to serve as the Interim Attorney for the Central Coast Blue Regional Recycled Water Authority Joint Powers Authority (JPA). With Jennifer Thompson and Mary Lerner (Lozano Smith LLC) serving as backup attorneys to Mr. Lomeli. The agreement's term ended December 31, 2023.

The First Amendment to the Lozano Smith LLC agreement was on September 18, 2023, to increase the not-to-exceed amount by 120%, from \$25,000 to \$55,000. In the staff report it says, *"A formal request for proposals for attorney services will be distributed and a recommendation for the consideration and appointment of a longer-term agreement for legal services will be brought before the Board at its next regular meeting in December."*

On October 2, 2023, the Authority released an RFP for attorney services without Authority Board review or approval.

An excerpt of the proposal states, *"The CCBRRWA is requesting interested full-service law firms with experience advising and representing governmental entities in California that provide water and/or wastewater services, to submit proposals to provide legal services. An individual from the firm will be designated as the JPA Attorney, with other firm attorneys to be available as appropriate. The firm must possess a broad knowledge of municipal law, including open meetings laws, contracts, water rights law, real estate, revenue laws and the Public Records Act. Familiarity with labor law, state and federal court practice, tort defense, workers' compensation, is also expected, although the CCBRRWA retains the right to continue retaining specialized counsel."*

On October 13, 2023, Adamski Moroski Madden Cumberland & Green LLP ("AMMCG") resigned as legal counsel from Oceano Community Services District after 11 years of service, including representation in the Northern Cities Management Area and Santa Maria Valley Water Conservation District groundwater litigation.

The Authority's December 4, 2023, agenda did not include a formal RFP for the members to approve, nor did it include the eight proposals that had been received on October 30, 2023, as the September 18th staff report said it would. The December 4th agenda did include item 10. Closed Session, under Government Code section 54957, *"PUBLIC EMPLOYEE APPOINTMENT Title: Authority Attorney."* The approved minutes of this meeting reflect that upon reconvening after the closed session, under the Closed Session Report, ***"Authority Attorney Lomeli reported that there was no reportable action."***

In the meantime, on January 8, 2024, the City of Grover Beach* approved a Professional Services Agreement with Lozano Smith, Attorneys at Law, for City Attorney and Assistant City Attorney services. Per the proposal attached to the city’s staff report, Robert A. Lomeli was designated as the proposed City Attorney for Grover Beach. Jennifer Thompson and Mary Lerner (Lozano Smith LLC) would serve as Assistant City Attorneys and backup attorneys to Mr. Lomeli. It appears, from recent communication with Oceano CSD, Interim Legal Counsel to Mr. Lomeli, he is still serving the Authority, without a contract amendment approved by the Authority Board, while at the same time serving Grover Beach (Mr. Lomeli can be seen seated at the staff table during the Feb. 13, Grover Beach City Council meeting).

February 2, 2024, AMMCG sends a letter to Oceano CSD requesting a conflict waiver.

February 5, 2024, the Authority had agendized an agreement with Adamski Moroski Madden Cumberland & Green LLP (“AMMCG”). The item was not heard, as it was removed from the agenda and set for a date certain of March 4th.

February 14, 2024, AMMCG, Chase Martin sent a memorandum to Oceano CSD Interim Legal Counsel, Rob Shultz analyzing the potential conflict of interest in representing both (OCSD & Authority) agencies in the Northern Cities Management Area and Santa Maria Valley Water Conservation District groundwater litigation.

On Thursday, February 15th, the Authority scheduled a special closed session meeting for February 19, 2024, the main item to be considered is item 5. under *Government Code section 54957, “PUBLIC EMPLOYEE APPOINTMENT.”*

Timeline Summary

April 17, 2023	JPA engages Lozano Smith LLC; Robert A. Lomeli representing
September 16, 2023	1 st Amendment to Lazano Smith agreement
October 2, 2023	RFP for attorney services released without Authority Board approval
October 13, 2023	AMMCG resigned as legal counsel from Oceano CSD
October 30, 2023	Eight (8) proposals for Authority Legal Counsel received by Authority
December 4, 2023	Authority Board goes to Closed Session re: Public Employee Appointment. No Reportable Action
January 8, 2024	Grover Beach engages Lozano Smith, Robert A. Lomeli representing
February 2, 2024	AMMCG requests conflict wavier from OCSD
February 5, 2024	JPA agendized engaging AMMCG for Legal Counsel, no action taken, item deferred to March meeting.
February 19, 2024	Authority to hold a Special Meeting, item 5. Closed Session, under Government Code section 54957, “PUBLIC EMPLOYEE APPOINTMENT”

*Lozano Smith LLC, Robert A. Lomeli, may have a conflict with Grover Beach having represented the JPA for nearly one year.

From the Desk of Julie Tacker

While I find it interesting that the Authority may handle the engagement of a law firm differently at the special meeting of February 19, 2024, it is my demand that you cure and correct the December 4, 2023, closed session.

Demand for Cure and Correct

As provided by Section 54960.1, you have 30 days from the receipt of this demand to either cure or correct the challenged action or inform me of your decision not to do so. If you fail to cure or correct as demanded, such inaction may leave me no recourse but to seek a judicial invalidation of the challenged action pursuant to Section 54960.1, in which case I would also ask the court to order you to pay my seek court costs and reasonable attorney fees in this matter, pursuant to Section 54960.5.

Sincerely,



Julie Tacker

[REDACTED]
Los Osos, CA 93412

Attachment: December 4, 2023, minutes reflecting “no reportable action.”

staff, and Senator Butler's staff; grant funding for the project that has been secured; status of the project's permitting process; attendance at the WaterReuse conference; and an update on community outreach efforts.

9. BOARD COMMUNICATIONS

There were no Board communications.

10. CLOSED SESSION

Public Comment on Closed Session Item

Vice Chair Ray Russom called for public comment. No public comments were received.

Announcement of Closed Session Item

Authority Attorney Lomeli announced that the Board would meet in closed session to discuss the following item:

PUBLIC EMPLOYEE APPOINTMENT pursuant to Government Code Section 54957
Title: Authority Attorney

Adjourned to Closed Session

Reconvened to Open Session

Closed Session Report

Authority Attorney Lomeli reported that there was no reportable action.

11. ADJOURNMENT

There being no further business to come before the Board, Vice Chair Ray Russom adjourned the meeting at 6:38 p.m.

Caren Ray Russom, Board Chair

ATTEST:

Kelly Wetmore, Interim Secretary/Clerk

(Approved at Board Mtg _____)

A DAMSKI
M OROSKI
M ADDEN
C UMBERLAND
G REEN, LLP

CENTRAL COAST BLUE Regional Recycled Water Authority

PROPOSAL FOR
ATTORNEY SERVICES

October 30, 2023

Chase W. Martin
cmartin@ammcglaw.com

Daniel M. Cheung
cheung@ammcglaw.com

**ADAMSKI MOROSKI MADDEN
CUMBERLAND & GREEN LLP**

ATTORNEYS AT LAW

Post Office Box 3835 • San Luis Obispo, California 93403-3835

T 805-543-0990 • F 805-543-0980 • www.ammcglaw.com

October 30, 2023

VIA ELECTRONIC MAIL

Central Coast Blue
Regional Recycled Water Authority
Attn: Geoff English, General Manager
177 South 8th Street
Grover Beach CA 93433
Email: clerk@centralcoastblue.com

Re: Proposal for Attorney Services and Statement of Qualifications

Dear Mr. English:

Adamski Moroski Madden Cumberland & Green LLP (“AMMCG”) is pleased to submit the attached Statement of Qualifications and Proposal for Attorney Services to the Central Coast Blue Regional Recycled Water Authority (“CCBRRWA”). We would be honored to provide legal services to support the Authority’s goals and objectives. If our firm is selected, the CCBRRWA will be supported by a strong team of attorneys and legal staff.

Though our firm attorneys function as team, Chase W. Martin would serve as the JPA Attorney primarily responsible for performing comprehensive legal services to the CCBRRWA. Besides his public agency experience, Mr. Martin also has a strong litigation background and would either serve as litigation counsel himself or oversee litigation by an outside firm. Daniel M. Cheung would serve as Deputy Counsel and would perform legal research and drafting as needed. Mr. Martin and Mr. Cheung would serve the Authority from the firm’s Avila Beach office. In addition, the firm partners and associates have a variety of backgrounds that allow it to address unique and specialty areas, including real property transactions, CEQA, employment and personnel law, intergovernmental relations, and complex contracts. The firm members work cooperatively to provide support not only for general counsel, but also special counsel services required by its public agency clients.

We can be reached at the following contact information.

Chase W. Martin, Partner
Email: cmartin@ammcglaw.com

Adamski Moroski Madden Cumberland & Green LLP
<https://ammcglaw.com/>

Daniel M. Cheung, Attorney
Email: cheung@ammcglaw.com

Mail: P.O. Box 3835
San Luis Obispo, CA 93403-3835

Telephone: (805) 543-0990
Facsimile: (805) 543-0980

Physical: 6633 Bay Laurel Place
Avila Beach, CA 93424

Central Coast Blue
Regional Recycled Water Authority
October 30, 2023
Page 2

The firm acknowledges and agrees that this Proposal for Attorney Services will remain firm and open for acceptance by the CCBRRWA for one hundred twenty (120) days. AMMCG's offer is made without any previous agreement, understanding, or connection with any person, firm or corporation submitting a separate proposal for the same service and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action.

Adamski Moroski Madden Cumberland & Green LLP was established in 2001. The firm currently has 15 attorneys, including partners and associates. The firm is rated by Martindale-Hubbell as AV Preeminent[®], the highest rating given to law firms and attorneys based on their legal ability, ethics, reliability, and diligence. AMMCG prides itself on providing practical and comprehensive guidance and advice on legal matters it handles for public entities, while remaining sensitive to its history, duty to those it serves, and political and public policy underpinnings of those matters.

We hope that you will give our Proposal and Statement of Qualifications for Attorney Services serious consideration. We are keenly interested in CCBRRWA's mission and would be privileged to be part of a team with such ambitious and honorable goals. If you need additional information or require clarifications of the information provided, please contact us.

Sincerely,

**ADAMSKI MOROSKI MADDEN
CUMBERLAND & GREEN LLP**



CHASE W. MARTIN

Enclosures

QUALIFICATIONS OF FIRM AND PERSONNEL

FIRM PROFILE AND QUALIFICATIONS

Adamski Moroski Madden Cumberland & Green LLP (“AMMCG”) is pleased to offer this Statement of Qualification and Proposal for legal counsel services for the Central Coast Blue Regional Recycled Water Authority (“CCBRRWA” or “Authority”). The firm’s legal services would be provided in accordance with the terms set forth in the Request for Proposals, this Statement of Qualifications and Proposal, and as requested by the Authority. Following are the qualifications and expertise of our firm. Chase W. Martin would serve as CCBRRWA Legal Counsel with support from Daniel M. Cheung. The approach of having designated back-up support attorneys has proven very effective for the firm’s other agencies and ensures there is always capable and informed legal counsel available to the General Manager, Staff, and Board of Directors.

AMMCG was established in 2001. The firm currently has 15 attorneys, including partners and associates. The firm is rated by Martindale-Hubbell as “AV,” the highest rating given to law firms and attorneys based on their legal ability, ethics, reliability, and diligence. The firm’s attorneys represent a number of significant public entities, including: San Luis Obispo County Air Pollution Control District, San Luis Coastal Unified School District, Port San Luis Harbor District, San Luis Obispo County Integrated Waste Management Authority, Santa Maria Public Airport District, the City of San Luis Obispo, Cambria Community Healthcare District, Heritage Ranch Community Services District, and numerous other cities and public entities. The firm also served as legal counsel for the San Luis Obispo County LAFCO from 2011 – 2018.

AMMCG’s attorneys represent governmental, corporate, and individual clients in a diverse array of litigation and transactional matters involving government, joint powers authority, and administrative law, governmental and tort claim defense, labor and employment law, land use and environmental law, eminent domain, construction law, real property and litigation, business formation and counseling, business litigation, business transactions, real estate, air quality and water rights.

The firm’s long-time representation of many diverse public entities, and the broad skill levels of the firm’s various attorneys in numerous areas of governmental law, give it an understanding of and appreciation for the important public policy and political issues faced by CCBRRWA. AMMCG is sensitive not only to the procedural and legal elements of the matters it handles for public entities, but also to the political and public policy underpinnings of those matters.

SCOPE AND QUALIFICATIONS

Commitment to Scope of Services. Adamski Moroski Madden Cumberland & Green LLP understands that to best meet the needs of the CCBRRWA, the firm will provide an array of basic legal services, including but not limited to the following:

- Providing clear and concise legal advice and consultation (by telephone, in person, and written), as requested or required, to the Board of Directors, General Manager, CCBRRWA Staff, or authorized representatives on a variety of matters pertaining to all aspects of Authority governance and public office.
- Drafting, reviewing, commenting on, revising and/or approving legal documents, within the requested timeframe, including but not limited to memoranda concerning legal issues, contracts and agreements, CEQA documentation, State filings, resolutions, administrative policies, certificates, notices, leases, deeds, correspondence, and staff reports.
- Attending regular and special meetings of the Board of Directors (open and closed sessions, remote and in person), coordination meetings, staff meetings, strategic planning and/or study sessions, as needed, and advising CCBRRWA on matters on the agenda as well as procedural matters that may arise during and following the meeting. The attorneys recommended for appointment as Lead and Deputy Authority Counsel are available for attendance at the suggested 2024 CCBRRWA Board of Director meetings.
- Researching and interpreting complex laws, court decisions, and other authorities in order to prepare written legal opinions and to advise the Authority on legal matters pertaining to CCBRRWA policies, procedures, programs, activities, and other matters that affect the Authority.
- Investigating claims and complaints by and against the CCBRRWA and providing advice as to procedural options.
- Providing legal advice and assistance with regard to personnel matters, including but not limited to, employee disciplinary actions; providing advisory services to the Authority during appeal hearings; conducting the annual performance evaluation of the General Manager and compiling and presenting the evaluation summary related thereto.
- Representing CCBRRWA in intergovernmental projects and all Board matters, as needed.
- Legal advice and document preparation related to property acquisitions and disposals, public improvements, and easement dedications.
- Providing guidance and annual updates, as appropriate, related to the requirements of key statutes and provisions of law, such as: Ralph M. Brown Act, Meyers-Milias-Brown Act, California Public Records Act, State and Federal law related to recycled water management, conflict of interest law, CEQA, Political Reform Act, California Tort Claims Act, California Code of Regulations, personnel and employment laws and requirements, contracts, Americans with Disabilities Act, and other legal requirements imposed by statute and common law.

- Preparing and presenting information at meetings related to legislative updates, actions taken by the Board of Directors, or other legal items pertaining to CCBRRWA.
- Recommending, coordinating, monitoring, and reporting on the work of outside legal counsel when required as directed by the General Manager or Board of Directors.
- The performance of other duties as directed by the General Manager and/or Board of Directors.

Special Legal Services. In addition, AMMCG understands that special legal services may be required, including but not limited to, representing the Authority in legal proceedings, administrative proceedings, and in litigation (civil, tort, liability, labor and employment, general writ, etc.), and any other matters which arise not covered under the basic legal services identified above.

Proactive Legal Advice. As a general matter, as Legal Counsel, the Firm will advise CCBRRWA of changes in law, developments and/or issues by communicating with the General Manager.

A recent example of this proactive advice was the firm's response to the COVID-19 emergency. AMMCG provided public entity clients with tools to meet the Governor's "Shelter-At-Home" Order as it related to remote public meeting requirements, personnel policies, and response plans. With the termination of the State of Emergency, the firm guides public entity clients under the new and changing Brown Act rules.

AMMCG has provided public entity clients with memoranda and PowerPoint presentations on the topics of Brown Act compliance and compliance with the Public Records Act to assist in day-to-day operations.

AMMCG has also prepared multiple policies for local agencies including: (1) document retention/destruction policies; (2) Brown Act compliance guidelines; (3) Public Records Act request guidelines; and (4) memoranda on a variety of issues.

Finally, AMMCG would provide CCBRRWA with relevant, non-confidential, information we learn in the course of representing other public entities in our practice to assist the Authority with improving its policies, procedures, and management.

Malpractice and State Bar Complaints and Discipline. The firm has never been sued for malpractice. No member of the firm has been disciplined by the State Bar.

In 2019, Ray Biering (formerly *Of Counsel*, d. 2022) was subject to a State Bar complaint by a party related to the San Luis Obispo County Integrated Waste Management litigation. On April 2, 2020, the State Bar concluded its investigation and determined the matter "does not warrant further action," and the matter was closed. The firm continues to represent the SLO Integrated Waste Management Authority to this day.

Brown Act. AMMCG routinely provides advice regarding the interpretation and application of the Ralph M. Brown Act. Advice regularly pertains to the following: (1) Avoiding violations and penalties; (2) Closed session topics and reporting; (3) Notices and agendas for special and emergency meetings; (4) Conducting meetings by teleconference and virtual meeting protocols; (5) Application of the Brown Act to committees; and (6) Requirements for agenda preparation and distribution. As needed, we work closely with Staff on the preparation of agendas and agenda packets and participate in board meetings to assist with legal questions and parliamentary procedures.

Conflicts of Interest. AMMCG attorneys regularly provide advice and presentations to public officials regarding conflict-of-interest laws and the Political Reform Act. We remain aware of decisions from the Fair Political Practices Commission (FPPC) and advise clients on FPPC concerns.

Public Records Act. AMMCG has extensive experience in assisting public agencies in responding to Public Records Act requests. We provide our public agency clients with easy-to-use guidelines and training in the handling of Public Records Act requests, and we regularly advise clients regarding responses to public requests for documents and the public's right to access electronic information.

Contracts. AMMCG has experience negotiating and drafting all types of contractual agreements for both private and public agency clients. AMMCG attorneys have experience with construction, land use, public works, professional services agreements, memorandums of understanding, and all types of routine agreements that arise in the course of public agency administration.

Real Property Transactions. AMMCG represents both public and private entities in all types of real property matters such as land acquisitions, purchase and sale agreements, ground leases, acquisition through eminent domain, subdivisions of real property, land development, and all other types of land use agreements.

Joint Powers Authorities. Recently, AMMCG worked with the incorporated cities and special districts within San Luis Obispo County toward the amendment of the Integrated Waste Management Authority (IWMA) joint powers agreement. The revised JPA involved complex issues arising out of the Government Code and the Public Resources Code as well as interagency coordination, collaboration, and individual concerns.

Litigation. The firm has successfully defended public agencies in San Luis Obispo and Santa Barbara Counties against multi-million-dollar claims including public works contract, personal injury, and constitutional claims.

STATEMENT OF ATTORNEY

QUALIFICATIONS AND EXPERIENCE

PROPOSED ATTORNEYS



Chase W. Martin, Lead Counsel and Litigation

Chase W. Martin has been with Adamski Moroski Madden Cumberland & Green LLP since 2018, and a partner since 2020. Mr. Martin has been litigating a wide range of cases for his entire career. He gained experience practicing in family, civil and criminal courts, and has tried cases in San Luis Obispo and several other counties in California. He handles both State and Federal matters throughout California.

Mr. Martin has tried over 30 jury trials, including criminal and civil matters, to verdict and over 50 court trials. Those cases include the successful resolution of issues for land and business owners, medical professionals, trust and estate litigants, and public entities. As a Deputy District Attorney, Mr. Martin prosecuted cases spanning nearly all areas of criminal law including homicides, sex offense cases, white collar crimes, and cases involving gangs.

After graduating from college, Mr. Martin and his wife joined the United States Peace Corps and served in rural communities in South Africa. He was inspired to pursue a career in law while serving as a Peace Corps Volunteer and took the entrance examinations while still serving in South Africa.

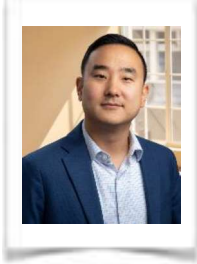
In law school, Mr. Martin was a member of the University of Idaho Trial Team, competing in trial competitions throughout the western United States. He also served as the Associated Students Attorney General, advising the University of Idaho Student Government, and defending undergraduate and graduate students in Education Code violation hearings.

Mr. Martin served as a Judicial Clerk for the Honorable John R. Stegner, now an Idaho Supreme Court Justice. After relocating to San Luis Obispo, Mr. Martin was an associate attorney at the civil litigation firm of Hall, Hieatt & Connely where he concentrated on medical professional liability defense, personal injury, and public entity defense. Seeking additional trial experience, Mr. Martin also served as a Deputy District Attorney for San Luis Obispo County before joining Adamski Moroski Madden Cumberland & Green.

Mr. Martin was originally admitted to the State Bar of California in 2008 and is admitted to practice in all courts of the State of California and United States District Courts, Northern, Eastern and Central Districts of California. He is the past chair of the Young Lawyers Section for, and a Board member of, the San Luis Obispo County Bar Association. Mr. Martin has been a longstanding supporter and former board member of the San Luis Obispo Symphony and continues to volunteer for the Five Cities Youth Baseball league in South San Luis Obispo County. Mr. Martin is a 2012 graduate of Leadership SLO and, in 2015, he was honored as a "Top 20 Under 40" by the San Luis Obispo Tribune.

Mr. Martin will advise public entity clients on matters related to the Ralph M. Brown Act, the California Public Records Act, Political Reform Act, CEQA and other routine matters that arise with Joint Powers Authorities.

Please see Mr. Martin's full resume, including scholastic and professional honors and affiliations, on Attachment A.



Daniel M. Cheung, Deputy Counsel

Daniel M. Cheung joined Adamski Moroski Madden Cumberland & Green LLP in 2023. Mr. Cheung's law practice focuses on representation of public entities, counseling clients on administrative and regulatory proceedings, and general corporate matters.

Mr. Cheung served for six years as non-partisan Associate General Counsel to the Utah State Legislature, specializing in health and cybersecurity law and policy. In this position, he provided legal counsel to legislators and legislative committees on issues related to open and public meetings, legislative ethics, and public records requests. He worked with legislators to draft and develop legislation and provided legal advice related to ongoing litigation, regulatory developments, and legislative subpoenas.

Mr. Cheung served as staff counsel to the Legislature's Health and Human Services Interim Committee; Health Reform Task Force; and Digital Wellness, Citizenship, and Safe Technology Commission. He was also appointed as chair of the legislative branch's cybersecurity working group, which was responsible for evaluating and creating recommendations for the Legislative branch's cybersecurity posture.

During law school, Mr. Cheung worked as a summer associate at Alston & Bird in Los Angeles and Fried, Frank, Harris, Shriver & Jacobson LLP in New York City, assisting with environmental, land use, and zoning cases. He also served as a Research Assistant at the Office of Information and Regulatory Affairs in the White House Office of Management and Budget, NYU Furman Center for Real Estate and Urban Policy, and Harvard Mossavar-Rahmani Center for Business and Government.

Before law school, Mr. Cheung worked as an independent educational consultant and executive director of a non-profit organization providing outdoor leadership education. He also served as an elected councilmember and Recording Secretary of the Crescenta Valley Town Council. Mr. Cheung is a graduate of the Coro Fellows Program in Public Affairs (San Francisco), the oldest public affairs leadership training program in the country.

Mr. Cheung has also taught as an adjunct instructor in the School of Humanities and Social Sciences at Salt Lake Community College.

Mr. Cheung was admitted to the State Bar of California in 2022. Previously, Mr. Cheung practiced law in Utah and was admitted to the Utah State Bar from 2017 to 2023 (voluntary inactive status). He is a member of the California Lawyers Association and the San Luis Obispo County Bar Association.

Mr. Cheung is certified by the International Association of Privacy Professionals (IAPP) as a Certified Information Privacy Professional (CIPP/US) and Certified Information Privacy Manager (CIPM). He currently serves as a member of the IAPP's CIPP/US Exam Development Board.

Please see Mr. Cheung's full resume, including scholastic and professional honors and affiliations, on [Attachment A](#).

APPROACH TO LEGAL SERVICES

Role of the Attorney. The role of Lead Counsel is to provide 24/7 access and service to the General Manager and the Board of Directors. Responsiveness is an essential element of quality representation, and Legal Counsel will be available for questions, Authority meetings, and situations as they arise. The firm, as Legal Counsel through its team, including associates and paralegals, will continue to foster positive professional working relationships with the Board of Directors, General Manager, and CCBRRWA staff to maximize effective representation.

Attorney Recommendations. AMMCG proposes Mr. Martin and Mr. Cheung as CCBRRWA Lead and Deputy Counsel, respectively, due to their skills and experience navigating government agency issues and concerns.

Work Flow. AMMCG will work closely with the CCBRRWA General Manager and Authority Staff to ensure that legal advice and assignments are provided within the timeframe requested by the Authority. The CCBRRWA team is welcome to transmit work requests to AMMCG via email or telephone.

Staffing Plan. Our municipal law team is made up of firm partners, associates, and paralegals with a combined 30 years of experience with public entities. As Lead Counsel, Chase W. Martin will manage and oversee the legal team and provide hands-on support for the Authority related to all forms of legal service, as explained in the Statement of Understanding.

Daniel M. Cheung will support the Authority as Deputy Counsel to provide representation at public meetings, conduct legal research and draft legal memorandums.

Jen Grayson is a paralegal with ten years of public agency experience (both professional and as a former representative). Mr. Cheung and Mx. Grayson will be essential contacts for the Authority and will work closely with and report directly to Mr. Martin. Mx. Grayson will conduct legal and other research, draft contracts, deeds, resolutions, legal documents, and correspondence. Mx. Grayson will also provide litigation paralegal support as needed.

Both Hannah Skov, paralegal/legal assistant, and Tammy Fairchild, legal assistant, will also be assigned to assist the team in support of CCBRRWA.

At this time, no changes to firm staffing are anticipated. However, AMMCG is constantly assessing its staffing resources and abilities to provide optimal client satisfaction with quality legal provision and support. If selected as CCBRRWA Attorney, the firm will work closely with the Authority to ensure that support is provided which meets or exceeds Authority expectations.

Insurance. AMMCG currently carries professional liability/errors and omissions insurance, general liability insurance, and workers compensation insurance in the following coverage amounts:

Professional Liability/

Errors & Omissions: \$5M per claim / \$5M aggregate
Aspen American Insurance Company – AM Best rating “A”

General Liability: \$1M liability / \$2M general aggregate

Umbrella Extension: \$4M per claim / \$4M aggregate
The Hartford Insurance Company – AM Best rating “A+”

Workers Compensation: \$1M per accident/ \$1M per employee/ \$1M policy limit
Employers Compensation Insurance Company – AM Best rating “A-”

If requested, AMMCG will add CCBRRWA as an Additional Insured to its general liability insurance.

CURRENT PRACTICE AND CONFLICTS OF INTEREST

Political Contributions. Within the last three years, neither AMMCG nor any of its attorneys, including Mr. Martin and Mr. Cheung, have made any political contributions of money, in-kind services, or loans to any of the Authority’s current board members: Ed Waage, Caren Ray Russom, and Karen Bright.

Public Entity Client Potential Conflicts of Interest. A list of the public entities represented by the firm over the last five years is attached to this Proposal as **Attachment B**. The firm provides general legal counsel and/or litigation support to the entities listed. Our office will endeavor to secure any required or requested conflict waivers from the following CCBRRWA participating agencies: City of Arroyo Grande, City of Grover Beach, and City of Pismo Beach; in addition to ancillary agencies South San Luis Obispo County Sanitation District and Oceano Community Services District (former client). At this time, we are aware of no conflicts of interest related to the remaining public entities on Attachment B that would limit our ability to provide the legal services requested by CCBRRWA. However, if a conflict did arise, we would inform the Authority and work through the matter to ensure that the Authority always has excellent legal counsel.

Private Client Potential Conflicts of Interest. AMMCG has obtained a verbal conflict waiver from its current client, NKT, due to the potential of a perceived conflict of interest related to groundwater availability in the Nipomo Mesa Management Area. A written waiver will be obtained without delay. At this time, we are not aware of any other actual or perceived legal or business conflicts that would preclude us from representing the Authority.

Future Professional Commitments. At this time, AMMCG is not aware of any current or known future commitments which would impact its ability to provide high quality legal services to the CCBRRWA Board of Directors, General Manager, or Authority Staff.

REFERENCES

CHASE W. MARTIN

Professional References

Jon Ansolabehere
Assistant County Counsel
County of San Luis Obispo
County Government Center
1055 Monterey Street
San Luis Obispo, CA 93408
Phone: 805-781-5400

Eric Dobroth
Assistant District Attorney
County of San Luis Obispo
1035 Palm Street, 4th Floor
San Luis Obispo, CA 93408
Phone: 805-781-5800

Christine Detrick
City Attorney
City of San Luis Obispo
990 Palm Street
San Luis Obispo, CA 93408
Phone: 805-781-7140

Personal References

Jordan Cunningham
Former Assemblyman
Attorney, Cunningham Law Group
1830 Spring Street
Paso Robles, CA 93446
Phone: 805-369-2399

Shannon Downing
Chief Strategy Officer
Tenet Health Central Coast
Multiple offices in
San Luis Obispo County
Phone: 818-489-2257

Erinn Dougherty
Principal
St. Joseph High School
4120 S. Bradley Road
Orcutt, CA 93455
Phone: 805-937-2038

DANIEL M. CHEUNG

Professional References

Hon. Senator Evan Vickers
Majority Leader, Utah State Senate
320 State Capitol
Salt Lake City, UT 84114
Phone: 801-538-1025

Hon. Senator Luz Escamilla
Minority Leader, Utah State Senate
320 State Capitol
Salt Lake City, UT 84114
Phone: 435-817-5565

Personal References

Hon. Jani Iwamoto, JD
Chair, Utah Advisory Committee, U.S.
Commission on Civil Rights
President, Japantown Community
Preservation Committee
2550 E Olympus Drive
Salt Lake City, UT 84124
Phone: 801-580-8414

Steve Fukumitsu
President, Insurance Hawaii, Inc.
75-167 E Hualalai Road
Kailua-Kona, HI 96740
Phone: 808-854-2519

Mark Andrews, MPA
*Policy Analyst for Health and Human Services,
Office of Legislative Research and General Counsel*
W210 State Capitol Complex
Salt Lake City, UT 84114
Phone:801-647-8115

Ericka Evans, JD
*Director of Compliance and Licensing,
Utah Dept of Alcoholic Beverage Services*
1625 South 900 West
Salt Lake City, Utah 84104
Phone: 801-726-6215

COMPENSATION AND REIMBURSEMENT

Basic Legal Services. Adamski Moroski Madden Cumberland & Green LLP proposes that the rate for Mr. Martin, Mr. Cheung, and any AMMCG attorneys providing basic general counsel services to the Authority to be \$275.00 per hour. Although the law firm's normal hourly billing rates are substantially higher than the rates quoted in this proposal, the law firm is willing to provide legal services to the Authority at the indicated reduced rate. To the maximum extent possible, the law firm will endeavor to minimize its charges to CCBRRWA throughout the duration of the contract. AMMCG's large public entity client base means that any one entity client will pay only a fraction of the cost for legal work on matters that are common to other public entity clients.

Special Legal Services. AMMCG proposes to provide special legal services at a rate of \$325.00 per hour. The firm reserves the right to bill special project services at this higher rate based on the area of law involved, though such rates will be discussed with CCBRRWA in advance. Discussion of anticipated special legal services and corresponding billing rates would be welcomed. The vast majority of services the firm anticipates providing will fit squarely under the "Basic Service" category. Special Service would include, for example, bringing or defending civil actions, conducting investigations, representing the Authority in administrative proceedings, and other similar types of service that do not come before the Authority on a regular basis.

Fees for Clerical Staff and Paralegals. The firm does not intend to charge for clerical staff in the ordinary course of business. However, if certain projects can be performed by firm paralegals in a manner that ensures the highest level of representation with a decreased cost to the Authority, the firm will do so at a rate of \$165.00 per hour.

Reimbursable Expenses. The firm will pass through costs to the CCBRRWA, with no upcharge, for mileage at the IRS rate, legal research, registered/certified/overnight mail, third-party invoices, and litigation/court filing fees, as necessary.

Charges and Expenses for Incidentals. The firm will not charge CCBRRWA for copying, telephone charges, fax charges, or any other office-based charges incidental to the practice of law.

Tracking and Managing Legal Fees. The firm’s billing statements will appear in the “block billing” format. In other words, while the work performed by firm attorneys on any given day will be stated in some detail, the time spent in performing those tasks will be aggregated and will appear as a single time entry for each attorney on that day. The minimum billing block is 0.1 hours for each task. AMMCG will work with CCBRRWA Staff to provide any required information for auditing purposes.

Rate Increases. Rates are subject to change, typically in January, and will be reflected on billing statements. No rate increase would go into effect prior to January 2025.

ADDITIONAL INFORMATION

Adamski Moroski Madden Cumberland & Green LLP is a limited liability partnership with two offices in San Luis Obispo County. Our Avila Beach office is located at 6633 Bay Laurel Place, Avila Beach, CA 93424. Our Paso Robles office is located at 1948 Spring St., Paso Robles, CA 93446. Both Mr. Martin and Mr. Cheung would serve the Authority from the firm’s Avila Beach office.

ATTACHMENT A
ATTORNEY RESUMES

CHASE WESLEY MARTIN

6633 BAY LAUREL PLACE, AVILA BEACH, CALIFORNIA 93424

(805) 543 - 0990 (Office)

(805) 540 - 4994 (Cellular)

cmartin@ammcglaw.com

PROFESSIONAL LICENSES & ASSOCIATIONS

Licenses

- Admitted to California State Bar in December 2008- State Bar Number 260444
- Admitted to Idaho State Bar in September 2007- State Bar Number 7746 (resigned)

Associations

- American Bar Association
- San Luis Obispo County Bar Association / Young Lawyers Section Chairperson (former) / Board Member (former)
- Defense Research Institute
- Association of Defense Counsel of Northern California
- California District Attorneys Association
- Leadership San Luis Obispo, Class 21
- Voted Top 20 Under 40 in class of 2015

EDUCATION

UNIVERSITY OF IDAHO, COLLEGE OF LAW

May 2007

Juris Doctor

- Competed for and captured one of four positions on the Law School Mock Trial Team
- Drafted memorandum for Criminal Rules Advisory Committee that led to change in Idaho's criminal discovery rules
- President of Law Students for Alternative Dispute Resolution
- Dean's List

UNIVERSITY OF SOUTH AFRICA

February 2002 – February 2003

Non-Degree Coursework

- Completed distance learning courses in Sustainable Development, Project Management, Rural Development, and Urban Development while serving in the U.S. Peace Corps

NORTHERN ARIZONA UNIVERSITY

December 2001

B.S. in Education

- Elected President of the New Student Organization and Senator for the College of Arts and Sciences
- Resident Assistant with the Office of Residence Life
- Awarded "Cadet of the Year" through Air Force ROTC

EXPERIENCE

ADAMSKI, MOROSKI, MADDEN, CUMBERLAND & GREEN, LLP

October 2018 – Present

Partner

- Represent individuals, businesses and public entities in all manner of civil litigation and general representation. Areas of emphasis include public entity representation and defense, real property disputes, commercial litigation, trust and estate litigation and corporate litigation.

SAN LUIS OBISPO COUNTY DISTRICT ATTORNEY'S OFFICE

August 2013 – October 2018

Deputy District Attorney

- Represented the State of California in criminal prosecutions in San Luis Obispo County. Conducted over 20 jury trials and 50 court trials on every variety of criminal matter including misdemeanor and felony sex

offenses, gang crimes, homicides, domestic violence, thefts, alcohol related offenses, and regulatory criminal offenses.

HALL, HEATT, AND CONNELLY, LLP

June 2009 – August 2013

Associate Attorney

- Represented physicians, public entities, construction companies, businesses, insurance companies and individuals in all stages of civil litigation. Researched, drafted and argued pre-trial and post-trial motions. Took and defended depositions. Drafted and responded to all forms of written discovery. Represented clients at mediations, arbitrations and other forms of alternative dispute resolution.

CLARSKON AND BOATMAN, PLC

June 2008 – June 2009

Associate Attorney

- Researched, drafted and argued motions in Family Law and Domestic Violence matters. Consulted with and counseled clients on how to guide their cases forward as effectively and inexpensively as possible. Conducted and reviewed formal and informal discovery. Negotiated resolution of cases with opposing counsel.

THE HONORABLE JOHN R. STEGNER

August 2007 – June 2008

Judicial Clerk

- Researched and wrote opinions and bench memoranda for Idaho District Court Judge on topics as wide ranging as death penalty homicides to water rights. Advised Court of law and facts prior to hearing all motions. Prepared Court for felony jury trials. Drafted jury instructions.

ASSOCIATED STUDENTS OF THE UNIVERSITY OF IDAHO

August 2006 – May 2007

Attorney General

- Represented and defended students accused by the Dean of violating provisions in the Student Code of Conduct. Took ten cases to administrative hearings each of which resulted in defense verdicts for my clients.

SAN LUIS OBISPO COUNTY DISTRICT ATTORNEY

Summer 2006

Certified Law Clerk

- Wrote and argued motions in felony and misdemeanor matters. Prepared jury trial, examined witnesses, interviewed victims, and conducted investigation of crime scenes. Researched and drafted memoranda for Deputy District Attorneys on a variety criminal law subjects.

LAW FIRM OF JAMES R. MURPHY

Summer 2005

Legal Intern

- Completed legal research projects for Mr. Murphy and Ms. Tana Coates. Assisted Partners in criminal and civil court proceedings, depositions, mediations and negotiations.

UNITED STATES PEACE CORPS

June 2002 – June 2004

Republic of South Africa Volunteer

- Taught adult English literacy classes, directed computer training, and conducted workshops on educational theory to local teachers. Initiated and built a public gymnasium and a school library utilizing local volunteers.

PUBLICATIONS

THE PROSECUTOR'S BRIEF

Volume XXVIII, Number 4

“Addressing a Lack of Notice Claim from a Sexually Violent Predator”

IDAHO TRIAL LAWYERS ASSOCIATION JOURNAL

Volume 37, Number 2

“Criminal Discovery Amendments Designed to Prevent Surprises at Trial”

DANIEL MINYONG CHEUNG
6633 Bay Laurel Place, Avila Beach, CA 93424
805.543.0990 | cheung@ammcglaw.com

EXPERIENCE

ADAMSKI MOROSKI MADDEN CUMBERLAND & GREEN, Avila Beach, CA

Associate Attorney, May 2023 – Present

General legal practice focusing on representation of public entities, counseling clients on administrative and regulatory proceedings, and general corporate matters. Currently serve as District Legal Counsel for Oceano Community Services District and Associate Legal Counsel to various other public entities including the Port San Luis Harbor District, Santa Maria Public Airport District, and San Luis Obispo County Integrated Waste Management Authority.

OFFICE OF LEGISLATIVE RESEARCH AND GENERAL COUNSEL, Salt Lake City, UT

Associate General Counsel for Health and Cybersecurity, July 2017 – April 2023

Non-partisan legislative general counsel with lead responsibility for health and cybersecurity and privacy law and policy.

- Lead counsel advising legislators and staff offices on all legal matters relating to health care and public health, including Medicaid expansion, health care licensing, public health mitigation and response, and opioid response.
- Advise the Legislature on ongoing litigation, including constitutional challenges to enacted legislation, settlement negotiations, and appellate decisions affecting health and health care.
- Service as the Legislature's cybersecurity counsel and Chair of the legislative Cybersecurity Working Group, which is responsible for evaluation and development of a multi-year cybersecurity strategic plan for the Legislature.
- Draft and advise on legislative subpoenas, audit requests, and demand letters, particularly on matters that relate to health care, public health, data security, and HIPAA.
- Responsible for developing, managing, drafting, and providing constitutional and legal analysis for 60-80 bills and corresponding substitutes and amendments each year.
- Staff attorney to the Health and Human Services Interim Committee; Health Reform Task Force; and Digital Wellness, Citizenship, and Safe Technology Commission.

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP, New York, NY

Summer Associate, July 2015 – August 2015

Worked primarily on real estate financing and transactions, land use and zoning issues, and pro bono matters.

ALSTON & BIRD LLP, Los Angeles, CA

Summer Associate, May 2015 – July 2015

Worked primarily on environmental matters including research on groundwater, development rights, and CEQA.

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, Juris Doctor

President, High School Law Institute; Secretary, Student Bar Association; Research Assistant, Furman Center for Real Estate and Urban Policy

HARVARD UNIVERSITY, JOHN F. KENNEDY SCHOOL OF GOVERNMENT, Master of Public Administration

Editor-in-Chief, Asian American Policy Review; Research Assistant, Mossavar-Rahmani Center for Business and Government

UNIVERSITY OF CALIFORNIA, LOS ANGELES, Bachelor of Arts in English with minor in Philosophy

LICENSES AND CERTIFICATIONS

CALIFORNIA STATE BAR, No. 346093

UTAH STATE BAR, No. 16419 (Inactive)

INTERNATIONAL ASSOCIATION OF PRIVACY PROFESSIONALS (IAPP)

Certified Information Privacy Professional/United States (CIPP/US)

Certified Information Privacy Manager (CIPM)

SERVICE

INTERNATIONAL ASSOCIATION OF PRIVACY PROFESSIONALS, Portsmouth, NH

Board Member, CIPP/US Certification Exam Development Advisory Board, January 2023 – Present

JAPANTOWN COMMUNITY PRESERVATION COMMITTEE, Salt Lake City, UT

Board Member, Secretary, January 2021 – Present

CRESCENTA VALLEY TOWN COUNCIL, La Crescenta, CA

Recording Secretary and Councilmember, December 2012 – October 2013

ATTACHMENT B

PUBLIC ENTITY CLIENTS

- Atascadero Unified School District
- California Joint Powers Insurance Authority
- California Valley Community Services District
- Cambria Community Healthcare District
- Cambria Community Services District
- City of Arroyo Grande
- City of Atascadero
- City of Carpinteria
- City of Goleta
- City of Grover Beach
- City of Lompoc
- City of Morro Bay
- City of Paso Robles
- City of San Luis Obispo
- First 5 San Luis Obispo County
- Heritage Ranch Community Services District
- Independence Ranch Community Services District
- Los Osos Community Services District
- Nipomo Community Services District
- Oceano Community Services District
- Port San Luis Harbor District
- San Luis Coastal Unified School District
- San Luis Obispo County Air Pollution Control District
- San Luis Obispo County Integrated Waste Management Authority
- San Luis Obispo County Pension Trust
- San Luis Obispo First Five Commission
- Santa Maria Public Airport District
- San Simeon Community Services District
- Squire Canyon Community Services District