



**BBK**  
BEST BEST & KRIEGER LLP



# STATEMENT OF QUALIFICATIONS

## Mendocino City Community Services District

March 18, 2024

**Best Best & Krieger LLP**

**Seth Merewitz**

[seth.merewitz@bbklaw.com](mailto:seth.merewitz@bbklaw.com)

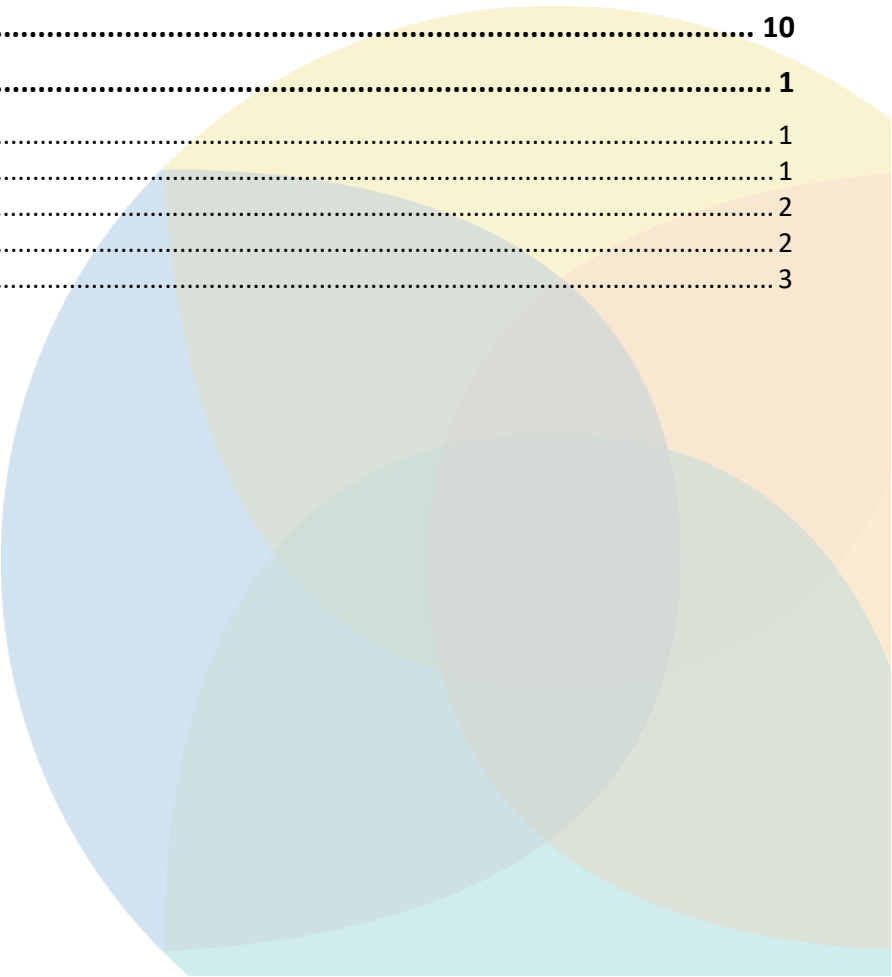


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**COVER LETTER**

March 18, 2024

DELIVERY VIA EMAIL

Ryan Rhoades, Superintendent  
Mendocino City Community Services District  
P.O. Box 1029  
Mendocino, CA 95460

Re: Statement of Qualifications to MCCSD for Legal Services

Dear Mr. Rhoades,

Best Best & Krieger LLP (BBK) is pleased to submit this statement of qualifications to provide general counsel services to the Mendocino City Community Services District (MCCSD or District). We have reviewed the scope of legal services expected of your District counsel and are confident we are well-qualified to provide all aspects of the work.

Personally, as a property owner in Albion for over 20 years, I love the Mendocino Coast and would love the opportunity to contribute to the public agencies that serve this area.

Our firm has an exceptional depth of experience assembled from representing a multitude of special districts, community services districts, utility districts, water districts, and a variety of other public agencies.

BBK was founded in Riverside, CA and has been in business for 132 years. During that time, the firm has established itself as the leading full-service public agency law firm with a focus on public agency representation in particular. We represent public agencies of all types and sizes across the state, providing both general counsel and special counsel services. As a result, we are intimately familiar with community services districts, water and sewer districts, joint powers authorities and municipalities, and are in fact set up and organized to provide legal support for clients exactly like the District. For this opportunity, BBK proposes to serve the District from its local Sacramento office.

Furthermore, we have put together an excellent team that is prepared to immediately step in and work with the District. We offer the highest value to the District, with the ability to streamline and unify the District's legal strategies within a single firm. BBK is a recognized leader in public agency law in California, and we offer the comprehensive services of a large firm with the personal, hands-on attention of a boutique firm.

BBK certifies that the following submittal complies with all requirements set forth in the RFQ.

Sincerely,



Seth Merewitz  
of BEST BEST & KRIEGER LLP

## EXECUTIVE SUMMARY

Clients trust the legal professionals of Best Best & Krieger LLP (BBK) not only for our comprehensive legal knowledge and industry understanding, but for our commitment to providing excellent counsel and building relationships based on integrity. More than 130 years after the founding of our firm, we value our clients' continued trust, which has allowed BBK to increase our range of legal services offered and expand our platform to over 250 attorneys and 12 offices nationwide.

Our full-service capabilities and interconnected network of practices allow us to assist our public agency, business and private clients with their complex, multidisciplinary issues. BBK's experienced attorneys and legal staff share their knowledge and resources to help clients navigate the ever-changing legal complexities and regulatory challenges. With proactive and strategic counsel and representation, we enable clients to focus on their businesses while we help them plan for the future.

BBK is dedicated to creating a supportive, empowering workplace that allows our people to achieve their potential and deliver exceptional results for our clients and the communities we serve. We create opportunities for attorneys and professional staff of all backgrounds, and value diversity and teamwork. Our passion to make a positive and tangible difference in the communities in which we work and live is underscored by our ongoing support of a range of civic, cultural, charitable, educational and professional organizations. For this opportunity, BBK proposes to serve the District from its Sacramento office.

## STATEMENT OF QUALIFICATIONS

### Firm Qualifications

BBK is extremely well-qualified to provide general counsel legal services to the District, including all general counsel and special counsel services outlined in the RFQ's Scope of Work.

BBK currently represents over 800 public agencies on a fee-for-services basis or on a retainer basis. The firm has the depth of experience and the staffing capacity to provide general counsel legal services to the District without impacting the quality of the legal services.

A current list of our public utilities district, community services district and wastewater agency clients follows:

Adelanto Municipal Utilities Association	Lake Arrowhead Community Services District
American Valley Community Services District	Los Osos Community Services District
Big Bear Area Regional Wastewater Agency	North Tahoe Public Utility District
Big Bear City Community Services District	Pauma Valley Community Services District
Bishop Area Wastewater Authority	Plumas-Eureka Community Services District
California Municipal Utilities Association	Rancho Murieta Community Services District
Carmel Area Wastewater District	Rubidoux Community Services District
Cuyama Community Services District	San Diego Area Wastewater Management District
East Bay Municipal Utility District	South Orange County Wastewater Agency
Eastern Sierra Community Services District	South Placer Municipal Utility District
Edgemont Community Services District	South Tahoe Public Utility District
Encina Wastewater Authority	Stallion Springs Community Services District
Fallbrook Public Utility District	Tahoe City Public Utility District
Gold Mountain Community Services District	Tamalpais Community Services District
Grizzly Ranch Community Services District	Vallejo Flood and Wastewater District
Humboldt Community Services District	Victor Valley Wastewater Reclamation Authority

BBK is an active member of and supports numerous state and national public law organizations and associations, including the California Special Districts Association, California Association of Sanitation Agencies, the California Stormwater Quality Association, the National Association of Clean Water Agencies, Association of California Water Agencies, California Association of Resource Conservation Districts, the U.S. Conference of Mayors, the International Municipal Lawyers Association and the Independent Cities Association. We frequently host seminars on issues of concern to public agencies, and our lawyers regularly write and lecture on topics of interest to public agencies, including public finance issues, developments in wastewater and water quality law and regulation, toxic cleanup and environmental remediation matters.

BBK has established a statewide reputation as the preeminent public agency law firm providing strategic legal counsel on nearly every legal issue that a municipality or public agency may face. Our Municipal practice focuses on helping public clients successfully maneuver through legal complexities and governmental mandates. Because BBK has a history of extensive involvement in all aspects of public agency law, we have pioneered methods to deliver our legal services in a comprehensive and cost-effective manner.

Effective communication is the cornerstone of our legal services. Our primary goals in working with the District would be to understand your expectations and needs, provide timely and accurate responses to your requests, anticipate and identify any potential legal pitfalls, and cultivate an effective and efficient long-term working relationship. BBK attorneys are always available and accessible to accommodate client needs, and we understand that time-sensitive demands require special attention. Our lead counsel and other members of the team can communicate with designated City staff and officials via email, telephone, cell phone or video conference. We can mutually determine the preferred method of regular communication.

The hallmark of BBK's success is rooted in the relationships we forge with our clients. Grounded in integrity, respect and a shared commitment to excellence, these relationships create a sense of unity and ensure that we are fulfilling our role as trusted advisor and advocate.

BBK has demonstrated legal acumen in the following areas as it relates to special districts and public/government agencies. BBK and the proposed team in particular has extensive experience in laws and regulations that govern special districts. We represent a very large number of special districts as general counsel and also as special counsel, and in particular a significant amount that provide wastewater collection and treatment services. These include special act districts created by the legislature, community services districts, sanitary districts, public utility districts and irrigation districts, among others.

As general counsel to these agencies, BBK attorneys are experienced in the specific laws that govern each type of entity and work with clients to ensure that they are complying with their enabling statutes. For example, depending upon the type of special district, one district may have different public bidding requirements than another, may have different powers and authorities regarding the services they may provide, or may have different rules about Board composition and elections. These enabling statutes are the rules by which special districts must operate and our team advises on these laws as part of our regular legal practice.

# STATEMENT OF QUALIFICATIONS TO MENDOCINO CITY COMMUNITY SERVICES DISTRICT

For more details on the specific scope of services requested, please see below and visit [www.bbklaw.com](http://www.bbklaw.com).

## GENERAL COUNSEL SERVICES

- Ralph M. Brown Act
- Public Records Act
- Public Contract Law / Bidding
- Public Agency Ordinances, Resolutions, Policies and Procedures
- Public Agency Assessment and Fee Setting (Prop 218)
- Conflict of Interest and Ethics
- Risk Avoidance Including Claims Processing and Management
- Grant Management and Compliance
- Labor and Employment
- EMPLOYEE BENEFITS
- Environmental Law including California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA)

## NON-ROUTINE SPECIAL LEGAL SERVICES

- Groundwater Law and the Sustainable Groundwater Management Act (SGMA)
- Water Rights
- Groundwater Banking
- Use of Reclaimed and Recycled Water
- Wastewater Treatment and Discharge Compliance

## ADDITIONAL LEGAL SERVICES

- Public Finance
- Public Private Partnerships
- Public Procurement

**REFERENCES**

Please do not hesitate to contact any of the following references for a more in-depth discussion of our ability to provide general counsel legal services to MCCSD.

BBK References	
<p>Esperanza Colio Warren, City Manager                      City of Calexico                      608 Heber Avenue                      Calexico, CA 92231  <a href="mailto:ecolio@calexico.ca.gov">ecolio@calexico.ca.gov</a></p>	<p>Dates of Engagement: 2012-present                      Summary of Provided Services: Seth serves as Assistant City Attorney.</p>
<p>Jennifer “Jenn” Hogan                      Mitigation Director, California Earthquake Authority and the California Residential Mitigation Program (CRMP)                      801 K Street, Suite 1000                      Sacramento, CA 95814                      916.661.5000  <a href="mailto:hogan@calquake.com">hogan@calquake.com</a></p>	<p>Dates of Engagement: 2016-present                      Summary of Provided Services: Seth serves as General Counsel to the CRMP.</p>
<p>Warren Wellen, Principal Deputy County Counsel                      County of Los Angeles                      500 West Temple Street                      Los Angeles, CA 90012                      213.974.8407  <a href="mailto:wwellen@counsel.lacounty.gov">wwellen@counsel.lacounty.gov</a></p>	<p>Date of Engagement: Since at least 2010                      Summary of Provided Services: Wendy represents the County in groundwater rights and Sustainable Groundwater Management Act (SGMA) matters, including litigation regarding water rights and well permitting issues.</p>
<p>Gary Miller GMiller@wmwd.com; Administrator of Western Riverside County Regional Wastewater Authority (WRCRWA)                      16451 El Sobrante Rd                      Riverside, CA 92503                      951.789.5165  <a href="mailto:GMiller@wmwd.com">GMiller@wmwd.com</a></p>	<p>Date of Engagement: Since at least 2015                      Summary of Provided Services: Wendy represents WRCRWA in air quality and water quality matters, including administrative proceedings and settlement discussions regarding alleged permit violations and public nuisance claims.</p>
<p>Brian Gerving, Director of Public Works                      City of Eureka                      531 K Street, 3rd Floor                      Eureka, CA 95501                      707.441.4203  <a href="mailto:bgerving@ci.eureka.ca.gov">bgerving@ci.eureka.ca.gov</a></p>	<p>Date of Engagement: Since at least 2022                      Summary of Provided Services: Anya represents the County in litigation matters relating to Clean Water Act, coordinating responses and deliverables for consent decrees, and assist the City with legal matters relating to per- and poly-fluorinated alkyl substances.</p>

BBK References	
Shannon Foutz, Human Resources/Risk Manager City of Paso Robles 821 Pine Street, Suite A Paso Robles, CA 934446 805.237.3962 <a href="mailto:sfoutz@prcity.com">sfoutz@prcity.com</a>	Date of Engagement: Since at least 2015 to present.  Summary of Provided Services: For the City of Paso Robles, Laura provides day-to-day public sector labor law and employment law advice (leaves, accommodations, performance management, discipline); responding to employee complaints; directing workplace investigations.

## CURRENT PUBLIC AND PRIVATE CLIENTS

BBK has not identified any current public agency or private clients that directly or indirectly affect the proposed performance of work or creates the appearance of a conflict of interest with the anticipated assignment as counsel for MCCSD. The firm has not identified any relationships with either the County of Mendocino and any departments or committees therein nor any outside organizations represented by one or more of the MCCSD Board of Directors.

The firm discloses that it has represented the Mendocino County Resource Conservation District since 2010 in various matters and as general counsel and personnel counsel since 2016 and 2023, respectively. In addition, Mendocino County appears to be a member in various joint powers authority clients of the firm including the Golden State Finance Authority, California County Assessor’s Information Technology Authority, the California Assessors’ Association and Sonoma Clean Power Authority.

## CONFLICTS OF INTEREST

BBK maintains a detailed database of client information. Before proposing to represent a new client, the database is accessed to determine whether any conflicts of interest exist. Additionally, each attorney is emailed a description of the proposed representation and asked to comment on any potential conflicts. This database is overseen and managed by our firm’s Billing and Client Information Department. After checking the database and consulting our attorneys, we have concluded that BBK does not have any actual or potential conflicts of interest that would disqualify us from serving as legal counsel for the District.

## SUBCONSULTANTS

BBK does not propose to include subconsultants at this time. Should a subconsultant be necessary for specialized services such as rate setting or groundwater or wastewater management, the proposed subconsultants would be engaged only after approval of the District.



**FEE SCHEDULE**

In order to provide the District with predictability in legal spend, we offer the following choice in a monthly retainer. We propose either monthly retainer for general contract work, plus hourly rates as defined below.

**Retainer Option A**

In line with the RFQ, a monthly retainer of \$8,500.00 per month, or \$102,000.00 per year, for General Counsel services which include but not limited to monthly meeting attendance including travel to/from the District, general contract work for all day-to-day legal services, regulatory contracts and Human Resources matters excluding non-routine special legal services (as discussed below and in Attachment 1) and litigation.

Or, if the District would like a lower monthly retainer and is open to discussing alternative forms of meeting attendance or less meetings during the year with virtual attendance, we can offer an alternative arrangement, such as Option B.

**Retainer Option B**

A monthly retainer of \$7,000.00 per month, or \$84,000.00 per year, for General Counsel services which include but not limited to monthly meeting attendance with fewer in-person meetings with the use of Zoom, reduced travel to/from the District, general contract work for all day-to-day legal services, regulatory contracts and Human Resources matters excluding non-routine special projects (as discussed below and litigation. This would also allow for an as-needed special project budget of \$15,000-20,000 for use by the District to stay within budget.

Regardless of which monthly retainer option the District chooses, BBK offers to revisit this arrangement after 4 – 6 months of service to evaluate and “right-size” the retainer arrangement to fit the District’s needs. By that time, we will have more specific information and hands-on experience regarding the pace and scope of work needed to accomplish this work effectively and efficiently.

**PROPOSED HOURLY RATES FOR SPECIAL LEGAL SERVICES**

For litigation and other non-routine special projects such as but not limited to the establishment of a community water system and updates to the wastewater treatment plant, the following hourly rates:

<b>Personnel</b>	<b>Hourly Rate</b>
Partners and Of Counsel	\$395 per hour
Associates	\$325 per hour
Paralegals, Law Clerks, Analysts	\$180 per hour

**ANNUAL ADJUSTMENTS**

We strive to offer a compelling value proposition of competitive rates for great client service. In order to continue to provide this value to our public agency clients, our proposal includes a nominal annual increase in the form of a cost of living adjustment (COLA) which follows the Consumer Price Index provided by the U.S. Department of Labor for the local area, with advanced written notice to the District, to begin July 1, 2025. In light of the volatility of the current economic climate, BBK will agree to limit the increase to ensure it will not exceed 5%.

**BUSINESS INFORMATION**

BBK is a limited liability partnership that has been in business for more than 130 years. We are a full-service law firm with 250 attorneys in offices throughout California and in Oregon, Texas and Washington, D.C. We deliver effective, timely and service-oriented solutions to complex legal issues facing public agencies, businesses and individuals across the U.S. and internationally.

While our scope of practice is national, serving California communities is where we started and our commitment to these communities is unwavering. With offices in Walnut Creek and Sacramento, BBK provides general and special services to numerous local public agencies throughout California including several coastal communities such as Fort Bragg, Mendocino County Resource Conservation District, Soquel Creek Water District, Diablo Community Services District, among others.

<b>Business Information</b>	
Length of time the firm has been in business	132 years
Length of time at the local business address	The Sacramento office of BBK was established in 2001.
List the type and number of any business licenses	Various city business licenses and California State Bar
Names and titles of all officers of the firm	BBK is a limited liability partnership made up of 52 equity partners and managed by an executive committee and other administrative directors.
Any other names under which the firm has conducted business	Best, Best & Krieger, LLP (the commas were taken out of name in 1996)
If a sole proprietorship, the name of the sole proprietor	Not applicable
If the firm is incorporated, the type of corporation and the jurisdiction where incorporated	Limited Liability Partnership (LLP) State of California
Provide the appropriate federal tax ID number	95-2157337
Provide the name and remittance address for any invoices	Best Best & Krieger LLP 3390 University Avenue, Suite 500 Riverside, CA 92501-3369
Provide the location of the offices from which key staff are assigned	Best Best & Krieger LLP 500 Capitol Mall, 25 <sup>th</sup> Floor Sacramento, CA 95814

## CONTRACTUAL TERMS

In line with the District's request, BBK would request section 2 of the legal services agreement be revised as to compensation as follows:

2) Compensation. Subject to the provisions of subsections (a)-(b) below, MCCSD shall pay compensation to \_\_\_\_\_ for the services rendered hereunder as follows:

a) All services to be performed by \_\_\_\_\_ pursuant to this Agreement shall be performed by \_\_\_\_\_ at the following rates: a monthly retainer of \_\_\_\_\_ per month, or \$ \_\_\_\_\_ per year, for General Counsel services covering meeting attendance and all the day to day legal services excluding litigation and other highly specialized services as needed. For litigation and other special counsel legal services such as but not limited to \_\_\_\_\_, the hourly rates will be \$395.00 per hour for Partners and Of Counsel attorneys, \$325.00 per hour for Associates, and \$180.00 per hour for Paralegals, Law Clerks, and Analysts. This retainer amount and hourly rates are subject to a nominal annual increase in the form of a cost of living adjustment (COLA) which follows the Consumer Price Index provided by the U.S. Department of Labor for the San Francisco-Oakland-Hayward area, with advanced written notice. ~~hourly rates be for attorneys' time for advisory services, for attorneys' time for litigation services, and for the time of paralegals and legal assistants as identified in the applicant required rate sheet attached hereto as Attachment 1. Any change in this rate range must be approved in writing by the MCCSD Board before being applied.~~ MCCSD shall not be responsible for the cost of services provided by any other individuals unless such services and the rate of compensation are approved in advance and in writing by the MCCSD Board. Compensation under this Agreement shall be limited to no more than \$XX,XXX per fiscal year. \_\_\_\_\_ shall advise the Superintendent, in writing, when expenditures have reached 70% of the total contract amount.

b) MCCSD shall not be charged for secretarial or other support services.

## ATTACHMENT 1 – BIOGRAPHIES

### Seth Merewitz

Seth Merewitz provides advisory and transactional services to public agencies, developers, landowners and other private entities. He is a partner in the Municipal Law practice group and heads the Public-Private Partnership group at BBK.

Seth provides advisory and transactional services to public agencies and private entities. His practice focuses on municipal, land use, public-private partnerships and military base reuse.

Seth was involved with the Three Rivers Levee Improvement Authority's \$400 million jointly funded (state, local and private) P3 levee improvement project. In this effort, Seth represented the joint landowners group comprising developers and more than a dozen national homebuilders. The funding included state grants, revenue bonds and other debt supported by special taxes. This innovative financing has received several national awards and is highly regarded as delivering not just the needed public safety improvements, but also extensive environmental benefits.

Prior to joining the firm in 2010, he was a shareholder with McDonough Holland & Allen in Sacramento. He served as contract city attorney for the City of Marysville, and was an appointed Planning Commissioner in Yolo County.



SETH MEREWITZ | Partner/Proposed Lead Counsel  
seth.merewitz@bbklaw.com | [Biography](#)

### Wendy Y. Wang

Wendy Y. Wang works with public and private clients on matters involving water law, Sustainable Groundwater Management Act, the Endangered Species Act, the Comprehensive Environmental Response, Compensation and Liability Act, the Resource Conversation and Recovery Act, Proposition 218 and public works projects.

Wendy regularly represents water suppliers. She was a part of the successful team that earned a Daily Journal Top Verdict recognition in 2018 for a jury verdict that favored water agencies in a first-of-its-kind groundwater rights trial. That trial is believed to be the first jury trial over groundwater rights in California.

Wendy was also part of the team of attorneys that secured a trial court judgment in the Antelope Valley groundwater adjudication, the largest groundwater rights case ever in California and perhaps in United States history. After 16 years of litigation involving approximately 70,000 landowners, including two separate classes, a judgment was entered determining who has the right to pump water from the Antelope Valley groundwater basin and establishing a long-term sustainable management plan.



WENDY Y. WANG | Partner/Proposed Groundwater Counsel  
wendy.wang@bbklaw.com | [Biography](#)

## Anya Kwan

Anya Kwan is an associate in BBK's Environmental and Natural Resources Law practice group. With previous experience as a chemist, Anya brings her interest and background to her practice, including assisting cities and water districts understand the scientific basis of mandated water quality standards. Although Anya primarily works on matters involving per- and poly- fluorinated alkyl substances and HF183, she also monitors which chemicals are likely become an emerging contaminants before regulations are implemented.

In addition, Anya is also involved with water supply planning for our clients. She handles reviewing any water supply assessments, water supply verifications, water shortage contingency plans, and the urban water management plans.

Anya externed at the Los Angeles Department of Water and Power. Prior to law school, Anya was a flavor chemist working to design natural and artificial flavors for various food and beverage companies. She did research at the California State Polytechnical University, Pomona on flavored nanoemulsions to help beverage companies reduce the amount of flavor added to products; this research was published and presented at a variety of conferences



**ANYA KWAN** | Associate/Environmental & Natural Resources  
anya.kwan@bbklaw.com | [Biography](#)

## Laura J. Fowler

Laura J. Fowler is a partner in the Labor & Employment Law practice group of BBK. Laura represents employers in a variety of court and administrative proceedings.

She defends both public and private employers in lawsuits for wrongful termination, breach of contract, unpaid wages, harassment, failure to accommodate, retaliation and discrimination. Laura represents public and private employers in administrative proceedings filed with the Equal Employment Opportunity Commission, the Department of Fair Employment and Housing, the Labor Commissioner and the Workers' Compensation Appeals Board. She also drafts employee handbooks, policies, employment agreements and severance agreements. Laura provides employers with day-to-day advice regarding wage and hour issues, leaves of absence, disability accommodations and decisions regarding discipline and termination.



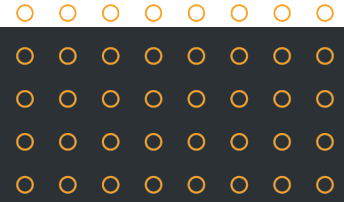
**LAURA J. FOWLER** | Partner/Proposed Employment Counsel  
laura.fowler@bbklaw.com | [Biography](#)

Kyler Rayden

Kyler Rayden is an associate in BBK’s Municipal Law practice group. Kyler assists municipalities and public agencies with transactional matters, with a focus on water, environmental and land use law.

Before joining BBK, Kyler worked as an associate at Somach Simmons & Dunn in Sacramento where he provided guidance and advice to special districts on water and environmental issues, as well as Ralph M. Brown Act and Public Records Act compliance. Kyler was also the lead associate on the trial team representing the State of Texas in Texas v. New Mexico and Colorado (Original No. 141), which is currently pending before the United States Supreme Court.

Kyler attended the University of the Pacific, McGeorge School of Law, where he obtained a law degree with a focus on water law. While in law school, Kyler served as president of the Public Legal Services Society and volunteered with OneJustice. He worked on the Justice Bus Project providing immigration and naturalization legal assistance. Kyler is admitted to practice in the United States District Court for the Northern and Eastern districts of California.



KYLER RAYDEN | Associate/Municipal Law  
kyler.rayden@bbklaw.com | [Biography](#)