



Dedicated to  
Satisfying our Community's  
Water Needs

**AGENDA**  
**MESA WATER DISTRICT**  
**BOARD OF DIRECTORS**  
**Friday, October 21, 2016**  
**1965 Placentia Avenue, Costa Mesa, CA 92627**  
**8:00 a.m. Special Board Meeting**

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

**Non-Agendized Matters:** Members of the public are invited to address the Board on matters which are not on the Agenda. Each speaker is limited to three (3) minutes. The Board will set aside thirty (30) minutes for public comments.

**Agendized Matters:** Members of the public may comment on Agenda items before action is taken, or after the Board has discussed the item. Each speaker is limited to five (5) minutes.

**ITEMS TO BE WITHDRAWN OR REORDERED ON THE AGENDA**

At the discretion of the Board, all items appearing on this agenda, whether or not expressly listed as an Action Item, may be deliberated and may be subject to action by the Board.

**ACTION ITEMS:**

1. GENERAL LEGAL COUNSEL SERVICES:

**Recommendation: Interview firms to provide General Legal Counsel Services and make final selection.**

**REPORTS:**

2. REPORT OF THE GENERAL MANAGER:

3. DIRECTORS' REPORTS AND COMMENTS:

**INFORMATION ITEMS:**

4. OTHER (NO ENCLOSURE):

*In compliance with California law and the Americans with Disabilities Act, if you need disability-related modifications or accommodations, including auxiliary aids or services in order to participate in the meeting, or if you need the agenda provided in an alternative format, please contact the District Secretary at (949) 631-1206. Notification 48 hours prior to the meeting will enable Mesa Water District (Mesa Water®) to make reasonable arrangements to accommodate your requests.*

*Agenda materials that are public records, which have been distributed to a majority of the Mesa Water Board of Directors (Board), will be available for public inspection at the District Boardroom, 1965 Placentia Avenue, Costa Mesa, CA and on Mesa Water's website at [www.MesaWater.org](http://www.MesaWater.org). If materials are distributed to the Board less than 72 hours prior or during the meeting, the materials will be available at the time of the meeting.*

**ADJOURN TO AN ADJOURNED REGULAR BOARD MEETING SCHEDULED FOR TUESDAY, NOVEMBER 8, 2016 AT 8:00 A.M.**



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## MEMORANDUM

TO: Board of Directors  
FROM: Paul E. Shoenberger, P.E., General Manager  
DATE: October 21, 2016  
SUBJECT: General Legal Counsel Services

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### RECOMMENDATION

Interview firms to provide General Legal Counsel Services and make final selection.

### STRATEGIC PLAN

- Goal #1: Provide a safe, abundant, and reliable water supply.
- Goal #2: Practice perpetual infrastructure renewal and improvement.
- Goal #3: Be financially responsible and transparent.
- Goal #4: Increase public awareness about Mesa Water® and about water.
- Goal #5: Attract and retain skilled employees.
- Goal #6: Provide outstanding customer service.
- Goal #7: Actively participate in regional water issues.

### PRIOR BOARD ACTION/DISCUSSION

At the September 8, 2016 Board meeting, the Board directed staff to schedule interviews with the four highest ranked firms (listed here in alphabetical order): Aleshire & Wynder, LLP, Bowie, Arneson, Wiles & Giannone, Meyers Nave, and Rutan & Tucker, LLP.

At the July 14, 2016 Board meeting, the Board approved the General Legal Counsel Services Request for Proposal process.

At the March 21, 2015 Board workshop, the Board directed staff to prepare a Request for Proposal (RFP) for General Legal Counsel Services.

### DISCUSSION

Mesa Water® sent the Request for Proposal (RFP) to 11 firms to submit proposals to serve as contracted General Legal Counsel (Counsel). Counsel's primary role is to provide expert legal advice to the Board and General Manager. Attendance at a variety of meetings will be required, including Board of Directors' meetings, workshops, etc., as specified in the RFP.

The following eight firms submitted proposals:

- Aleshire & Wynder, LLP
- Bowie, Arneson, Wiles & Giannone
- Kidman Law, LLP
- Lagerlof, Senecal, Gosney & Kruse, LLP
- Lemieux & O'Neil Law
- Meyers Nave
- Redwine & Sherrill
- Rutan & Tucker, LLP



The Board agreed upon the process as follows:

- Upon receipt of proposals staff will review and provide the Board with its rankings
- The Board will provide direction to staff on which firms will be interviewed
- The Board will conduct interviews and make a final selection

Each of the firms provided a qualified proposal based on the scope of work requirements. Staff ranked, in order, Aleshire & Wynder, LLP, Meyers Nave, Rutan & Tucker, LLP, and Bowie, Arneson, Wiles & Giannone as the highest based on their qualifications and experience. The Board directed staff to schedule interviews with the four highest ranked firms. The evaluation of the cost proposals will take place at the meeting at which staff will also provide the necessary interview materials.

Counsel will independently represent Mesa Water and its Board while also working closely with the General Manager and other designated staff. The selected law firm will be expected to provide a broad range of general legal services, including but not limited to Brown Act compliance, ethics, environmental law, eminent domain, contract law, public works contracts, bidding and construction law, special district operations, legislative and regulatory advocacy, recycled and desalinated water regulation and permitting, operations and procedure of Local Agency Formation Commission (LAFCO), regulation of groundwater (and associated pumping charges), and general litigation. An operational knowledge of the roles and functions of the Association of California Water Agencies (ACWA), California Department of Water Resources (DWR), State Water Project (SWP), Metropolitan Water District of Southern California (MWD), Municipal Water District of Orange County (MWDOC), Orange County Water District (OCWD), State Water Resources Control Board (SWRCB), Santa Ana Regional Water Quality Control Board (RWQCB) and the SWRCB Drinking Water Division is essential to successfully performing the role of District Counsel.

#### FINANCIAL IMPACT

In Fiscal Year 2017, \$300,000 is budgeted; \$46,000 has been spent to date.

#### ATTACHMENTS

None.

**REPORTS AND INFORMATION ITEMS:**

2. REPORT OF THE GENERAL MANAGER:

**REPORTS AND INFORMATION ITEMS:**

3. DIRECTORS' REPORTS AND COMMENTS:

There are no support materials for this item.