



**SCOTIA COMMUNITY SERVICE
DISTRICT
NOTICE IS HEREBY GIVEN THAT A
REGULAR MEETING OF
THE *BOARD OF DIRECTORS***

**WILL BE HELD AT:
122 MAIN STREET
SCOTIA, CALIFORNIA
Thursday, November 20, 2014
6:30 P.M.
Agenda is Posted 3 Days prior to the
meeting**



**SCOTIA COMMUNITY SERVICE DISTRICT
NOTICE IS HEREBY GIVEN THAT A REGULARLY SCHEDULED MEETING OF THE
BOARD OF DIRECTORS**

WILL BE HELD AT:

122 MAIN STREET

SCOTIA, CALIFORNIA

THURSDAY, November 20, 2014

6:30 P.M.

AGENDA

A. CALL TO ORDER

The Presiding officer will call the meeting to order and call the roll of members to determine the presence of a quorum.

ROLL CALL (DIRECTORS IN ATTENDANCE)

PLEDGE OF ALLEGIANCE

ADDITIONS TO THE AGENDA

Items may be added to the agenda in accordance with Section 54954.2(b)(t) of the Government Code (Brown Act). Items will be added to the agenda only on the basis that *there is a need to take immediate action* and that the *need for action came to the attention* of the Scotia Community Services District Board of Directors *after the agenda was posted*. All documentation supporting this agenda is available for public review in the District office during normal business hours.

B. SETTING OF AGENDA

The Board may adopt/revise the agenda as presented.

C. CONSENT CALENDAR

Consent Calendar items are expected to be routine and non-controversial, to be acted upon by the Board of Directors at one time without discussion. If any Board member, staff member, or interested person requests that an item be removed from the Consent Calendar, it shall be removed so that it may be acted upon separately.

1. APPROVAL/DISAPPROVAL OF MINUTES FROM PREVIOUS MEETING(S)

October 16, 2014

SCSD Regular Board Meeting Minutes

October 22, 2014

SCSD Special Board Meeting Minutes

D. PUBLIC COMMENTS & WRITTEN COMMUNICATIONS

Regularly scheduled meetings will provide an opportunity for members of the public to directly address the SCSD Board Members-Elect on any action item that has been described in the agenda for the meeting, before or during consideration of that item, or on matters not identified on the agenda within the Board-elect's jurisdiction. Comments are not generally taken on non-action items such as reports or information.

CORRESPONDENCE

The Board will review recent District correspondence

Written correspondence is always welcome and should be used for complex issues.

E. PUBLIC HEARING

No public hearing issues.

F. REPORTS

No specific action is required on these items, but the Board may discuss any particular item as required.

Board and Staff Reports

Committee Reports/Information Review, update on staff/consultant reports.

Members of the Board may report on their respective committees.

1. Interim General Manager's Report:

The Interim General Manager may update the Board on current District projects, concerns and accomplishments.

2. Fire Chief's Status Report:

The Fire Chief may update the Board quarterly.

G. CONTINUED AND NEW BUSINESS

G1. New Business

Request for Use of Winema Theater by "Four Square/Safe Center", Religious Organization.

G2. Continued Business- Review Request for Proposals for attorney services, as submitted by the following attorneys:

Chris Neary and Jennifer M O'Brien, Attorneys at Law.

Nancy Diamond, and Tracy M. Boobar, Esq., Attorney at Law.

Board may make a motion to hire an attorney.

H. ADJOURNMENT

Notice regarding the Americans with Disabilities Act: The District adheres to the Americans with Disabilities Act. Persons requiring special accommodations or more information about accessibility should contact the District Office. Notice regarding Rights of Appeal: Persons who are dissatisfied with the decisions of the SCSD Board of Directors have the right to have the decision reviewed by a State Court. The District has adopted Section 1094.6 of the Code of Civil Procedure which generally limits the time within which the decision may be judicially challenged to 90 days.

Board Minutes

Draft Minutes of Regular Meeting of October 16, 2014

Draft Minutes of Special Meeting of October 22, 2014

DRAFT
Minutes of the Regular Meeting of
The Scotia Community Service District
Thursday, October 16, 2014,
at 5:30 PM
122 Main Street, Scotia, CA

Agenda Item A - Call to Order, Roll Call, Additions to the Agenda

The regular meeting of the Board of Directors of the Scotia Community Service District convened at 5:35 pm with the following directors and staff in attendance:

Rick Walsh,	Director - present
John Broadstock,	Director - present
Gayle McKnight,	Director - absent at start of meeting.
Diane Bristol,	Director - present
Susan Pryor,	Director - present

Mark Richardson, Interim General Manager - present

Agenda Item B -

Approval of the Agenda	Director Walsh
Seconded:	Director McKnight
Motion Summary:	Approval of Agenda as adjusted
Motion Vote:	AYES - All
	<u>Motion passed</u>

Agenda Item C - Approval/Disapproval of minute(s) from previous meeting(s)

Regular Meeting of September 18, 2014

Approval of the Agenda	Director Susan Pryor
Seconded:	Director John Broadstock
Motion Summary:	Approval of Agenda as adjusted
Motion Vote:	AYES - All present (4)
	<u>Motion passed</u>

Agenda Item D - Public Comments & Written Communications

Email correspondence received from Mt. Tamalpais Historical Railroad Committee regrading status of Scotia #9 Locomotive. No comments from SCSD Board.

Agenda Item E - Public Hearing -

No Public hearing

Agenda Item F - Staff and committee Reports:

F1. Managers report submitted to Board

Agenda Item G - Continued and New Business

G1 - New Business, Introduction of Neary & O'Brien, Attornys at Law postponed to special meeting of October 22, 2015.

No action by board.

G2 - Board has scheduled a special meeting or October 22, 2014 at 5:30 pm for the purpose of meeting prospective attorneys for District hire.

Agenda Item H - Adjournment at 8:50 pm

Board Director John Broadstock made motion to adjourn meeting to Special meeting October 22th, at 5:30 PM.

Seconded by Director Susan Pryor

Motion to Adjourn by voice vote

AYES - All Board members

DRAFT
Minutes of the Special Meeting of
The Scotia Community Service District
Wednesday, October 22, 2014,
at 6:00 PM
122 Main Street, Scotia, CA

Agenda Item A - Call to Order, Roll Call, Additions to the Agenda

The regular meeting of the Board of Directors of the Scotia Community Service District convened at 5:35 pm with the following directors and staff in attendance:

Rick Walsh,	Director - present
John Broadstock,	Director - present
Gayle McKnight,	Director - present
Diane Bristol,	Director - present
Susan Pryor,	Director - present

Mark Richardson, Interim General Manager - present

Agenda Item B -

Approval of the Agenda	Director Walsh
Seconded:	Director McKnight
Motion Summary:	Approval of Agenda as adjusted
Motion Vote:	AYES - All
	<u>Motion passed</u>

Agenda Item C - No agenda item

Agenda Item D - Public Comments & Written Communications

Agenda Item E - Public Hearing -

No Public hearing

Agenda Item F - No agenda item

Agenda Item G - Continued and New Business

G1 - Board meet and introduction, question and answer for attorney services:

Nancy Diamond, Attorney at Law. Ms. Diamond and her associate, Tracy Boobar gave an overview of their firms practice and how they would be of benefit to the start up of the Scotia CSD.

**G2 -Board meet and introduction of Neary & O'Brien, Attornys at Law.
Chris Neary and Jennifer O'Brien gave an overview of their firms practice
and how they would be of benefit to the start up of the Scotia CSD.**

**Board directed Interim General Manager to send a Request for Proposal (RFP) to
both Law Firms, with date for response to allow for the Board to review and discuss
for a decision to hire at the November 20, 2014 Board meeting.**

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Agenda Item H - Adjournment at 8:00 pm

**Board Director Rick Walsh motion to adjourn meeting to next regular
meting Novemember 20, at 6:30 PM.**

Seconded by Director Susan Pryor

Motion to Adjourn by voice vote

AYES - All Board members

Scotia CSD

General Managers Monthly Report

November 20 2014



Monthly Manager's Report Regular Meeting

Date: November 20, 2014

To: Board of Directors, SCSD

From: Mark Richardson, Interim General Manager

General: This report is a general update for the Board from the IGM. I will touch on routine and specific topics for information purposes. None of the items discussed in this report require board action at this time.

First and foremost: All actions by the SCSD shall be by ordinance (rules and regulations), resolution or motion. No other actions, discussions or decisions by the board have legal status.

IGM/Board outreach:

Rick Walsh and I met with Humboldt County LAFCo on **November 19, 2014** to review the status of SCSD with Executive Director, George Williamson. We reviewed our current status, start-up activities, schedules and time lines, and issues to follow with the TOS subdivision requirements from Humboldt County.

The Board is tasked with numerous requirements to accomplish our start-up and to begin to function as a public agency. I have been developing a "time line" of specific activities that we will need to address to accomplish our purpose of assuming ownership and management of the various town services.

A draft of the tentative time line is include for review here in my Managers report. I will be updating it for additional review and discussion at each meeting through 2015. The specific items included in the timeline are important milestones for the SCSD to achieve, and allow us to perform as a public agency. The actual order and timing to adopt or approve any items is subject to the review and approval process, and legal review.

We have many issues and items to address, and we may wish to add additional meetings to our calendar. I suggest that we make any adjustments to our regular meeting schedule at our January 2015 Board Meeting, as required on an annual basis under our By-Laws.

We have a suggestion from TOS to schedule to go to two (2) meetings/month for the period of January 2015 through June 2015 to expedite our start up process.

Accounting: As of October 13, the District has received the original budget and spreadsheets utilized by SHN for the LAFCo approval process. I will be editing and adjusting the tables to reflect our first year operations. The initial budget will be the best estimate of the level and expense of services for the first year start up.

Water System Status: TOS Water System is in compliance with regulations.

Water Distribution: System is undergoing improvements in Phase 1 of the TOS project. TOS and our SCSD will report on the progress from time to time. TOS is planning to complete Phase I in the spring of 2015.

Wastewater System: System experienced several spikes in lab samples for bacteriological conditions during the month of September and October. The cause of the spikes was investigated and corrections are being made in the operations and maintenance. This may be a seasonal occurrence with growth in the trickling filter. Operations are being adjusted to correct for this issue.

Storm Water Management: The Storm water system is being upgraded. Phase 1 of TOS development is nearing completion. The improved drainage system should greatly improve drainage from HY 101, the School, and Church, Mill and Eddy Streets, along with improvements on B street.

Fire Department Status: Fire Chief issues quarterly reports.

LAFCo - Municipal Service Review - Fire Services.

The SCSD, through the Scotia Volunteer Fire Department, received a request for information to complete a five (5) year update review of the Municipal Service Review (MSR) for fire districts in Southern Humboldt County. This is the first time the SVFD has been included in a MSR. The survey was completed by John Broadstock and myself and submitted to LAFCo on November 11, 2014. I also discussed the report with LAFCo staff in person on November 19, 2014.

Attached for your information is a copy of a Municipal Service Review (MSR) Update and request for information. LAFCo has included the SVFD for the first time, as the SVFD will be part of the SCSD, and is now subject to the five (5) year review process.

This MSR is being done in a new format which collectively looks at all Fire Districts in both the Eel River Valley and Southern Humboldt County. I talked with staff at LAFCo about our response, and met in person to touch base on questions and issues. The updated MSR from LAFCo will be forthcoming in the winter/spring of 2015.

Parks & Recreation : This section will deal with the various properties identified as part of our Parks & Recreation Department. This includes the following facilities and properties:

CORROSPONDENSE: SCSD has received an email inquire from the Mt. Tamalpais Historical group regarding status of the #9 Train locomotive.

Winema Theater

Scotia Museum

Scotia Museum Park - Train locomotive and artifacts from logging.

Community Forest - 22+ acres of riparian habitat from Fireman's Park to the Scotia/Rio Dell bridge along the Eel River.

Soccer Field -

Carpenter Field - baseball

Fireman's Park - Barbecue and picnic grounds

Scotia CSD
November 20 2014

General Managers Monthly Report
Including:
SVFD - Municipal Service Review
Update
SCSD Start Up - Tentative Time line for
next 6 months



1125 16th Street, Suite 202, Arcata, CA 95521
 (707) 445-7508 / (707) 825-9181 fax
 www.humboldtlafo.org

Municipal Service Review Update **Request for Information**

The Humboldt Local Agency Formation Commission (LAFCo) is conducting a Municipal Service Review of fire protection services in the Eel River Valley and Lost Coast areas of Humboldt County. The following fire districts will be included in a combined Municipal Service Review:

Fire-Related Districts	Other Fire Service Providers
Bridgeville FPD Ferndale FPD Fortuna FPD Loleta FPD Petrolia FPD Rio Dell FPD Carlotta CSD (Carlotta VFD) Scotia CSD (Scotia VFD)	Honeydew VFC Redcrest VFC Ruth Lake CSD (Southern Trinity VFD)

A Municipal Service Review is a comprehensive study of services provided by public agencies—cities and special districts—whose boundaries and governance are subject to LAFCo. In this case, LAFCo is studying fire protection services provided by various special district types (fire protection districts and community service districts) as well as fire companies not associated with a local government agency. While this will be a combined Municipal Service Review for efficiency, each fire-related district will receive due consideration.

LAFCo requests that your district respond to the attached information questionnaire by **November 10th, 2014** to assist us in making the following determinations (GC §56430):

1. Growth and population projections for the affected area;
2. The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence;
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies
4. Financial ability of agencies to provide services;
5. Status of, and opportunities for, shared facilities;
6. Accountability for community service needs, including governmental structure and operational efficiencies; and
7. Any other matter related to effective or efficient service delivery.

We understand that many of the local Fire Protection Districts are staffed by volunteer departments with limited administrative support. We appreciate you taking the time to fill out this questionnaire to the best of your ability. In cases that questions are not applicable, an "N/A" response will more than suffice. If you have questions regarding the municipal service review process or need assistance completing the questionnaire, please contact the LAFCo office at (707) 445-7508.

An electronic copy of this questionnaire is available upon request. If you use a hard copy, please add more pages as needed to complete your answers. Please return the questionnaire by mail or fax, listed above, or by e-mail to administrator@humboldtlafo.org.

IDENTIFYING INFORMATION

1. Official name of special district: **Scotia Community Services District**

2. Date the district was created or established: **LAFCo approval October 13, 2010 (conditional) SCSD Board sworn into office - April 2014.**

3. District Contact Information: Please provide the names and contact information for the primary fire district contacts.

	Primary Contact	Alternate Contact
Name	John Broadstock	Mark S Richardson
Title	Chief	Interim General Manager
Address	145 Main St. Scotia, CA 95565	PO Box 104 122 Main Street Scotia, CA 95565
Phone	707-764-4322, (C) 707-845-2995	707-506-3030
Fax		
E-mail	jbroadstock@townofscotia.com	mrichardsonscsd@outlook.com

4. District Plans: Indicate which of the following documents is relevant to your agency, and enclose a copy of the most current of each:

- Two most recently adopted budgets (FY 2013-14, FY 2014-15) *No adopted budget until winter 2015*
- Most recent audited financial statement *NA*
- Current rates or fee schedule *N/A*
- Agency organizational chart *in development*
- Mission statement *in development.*

Strategic planning documents or Annual Report

Capital Improvement Plan

Maps showing locations of infrastructure or facilities

Other: ***The Scotia Volunteer Fire Department has proposed system improvements to the fire protection system. Details are planning stage. The existing domestic and separate fire systems serving the community are to be combined into a single water supply for both fire and domestic needs. An additional fire distribution system is being designed to serve the industrial and commercial parts of Scotia.***

INFRASTRUCTURE, FACILITIES AND SERVICES

1. Describe mutual aid and automatic aid agreements with other agencies and organizations, or other arrangements for sharing facilities, infrastructure or services.

The Scotia Volunteer Fire Department will be organized as part of the SCSD. SVFD is currently is member of a Master Mutual Aid with Humboldt County Agencies.

2. Describe the District's involvement in countywide emergency response coordination and planning. Provide any District-related plans or agreements.

No direct involvement at this time. We plan to coordinate more in the future.

3. What are the District's facility and apparatus needs? Provide the most recent Capital Improvement Plan and schedules for apparatus/equipment replacements and upgrades, if available.

SVFD and the SCSD are to receive nearly \$800,000 in capital improvement from the Town of Scotia Co., LLC. Issues and items to be considered and addressed with the capital funds include: New fire truck, assorted fire protection gear and related support service items.

4. Describe training and certifications for all personnel. ***First Responder; FF1; Haz-mat awareness; extraction - rope rescue; confined space and trench rescue***

5. Does the District offer public safety education or other community programs? Provide recent newsletters, bulletins or program material. What community events are held at the station?

The Fire Department has annual public relation - news release . No specific community events are scheduled at our fire station.

6. Does the District participate in any other public outreach, such as a website, blog, or social media site? Please provide any pertinent links to these sites.

The SCSD and SVFD are upgrading our web page. Previous web page that was exclusive to the SVFD is down, and the resources and information will be added to the SCSD web page.

FINANCE AND INSURANCE

1. Describe all revenue sources (i.e., property taxes, special taxes, service charges, fees, assessments, grants, etc.) used to finance fire protection facilities and services. Provide the most recent adopted budget and audit report.

The SCSD/SVFD have not yet adopted their first operating budget. This is anticipated in the spring of 2015. We have no authoized sources of revenue coming to the SCSD. We anticipate putting a fire assessment district on the ballet in 2015.

2. Explain the District's constraints to generate revenues to finance services. Discuss plans to increase rates, fees, taxes or other charges. Provide information on most recent proposal for a special tax or benefit assessment increase.

As a newly forming agency, we are exploring numerous avenues for revenue. Current funds to support the fire protection department are from the prior owner, Town of Scotia Co., LLC

3. Has the District established and maintained reserves?

NA

4. Describe pending grant applications or other funding opportunities under consideration.

NA

5. What types and limits of insurance coverage does the District have?

Insurance coverage will be obtained through the California Special Districts Association. 2015

6. When was the District last evaluated by the Insurance Service Office (ISO)? What was the assessed ISO rating for the District?

1985 - class 4/9 We have a request from ISO to conduct a new evaluation, pending some of the system improvements that are underway.

7. What types of activities has the District been involved in to help lower the cost of fire insurance for local homes and businesses?

Fire response equipment are identified for upgrades and new purchase under a capital improvement plan.

GOVERNANCE

1. Does the District have difficulty attracting candidates for Board elections?

NA

2. Explain compensation and benefits provided to any paid staff and board members.

NA

3. Describe rules, procedures, and programs for public notification of District operations, meetings, programs, etc.

We follow the Brown Act procedures for meetings.

4. How does the District deal with public complaints?

NA

ADMINISTRATION, MANAGEMENT, OPERATIONS

1. What are the District's personnel needs? How is the District addressing those needs?

The SVFD is in transition into the SCSD. An organizational chart and staffing needs are under evaluations.

2. Have District's personnel policies and procedures been updated in the last 5 years?
na

ADDITIONAL INFORMATION

1. Describe the District's current consideration of boundary expansion (annexation) or consolidation.
2. Explain opportunities and obstacles for future changes within the District.
3. Please provide any additional information that should be evaluated for the service review.

ATTACHMENTS

Table: Please add or clarify information about the District included in the table.

Map: Please review the District boundary and response area for accuracy. Please note any boundary changes or mapping information that could be added/ revised to improve clarity.

Scotia Community Services District/Scotia VFD					
Contact	Chief John Broadstock				
Mailing Address	145 Main St., Scotia, CA 95565				
Phone	707-764-4322, Cell: 707-845-2995				
Fax					
E-mail	jbbroadstock@townofscotia.com				
Website	www.svfdfire.com				
Governance					
Governing Body	Scotia Community Service District				
Board Members and Terms	John Broadstock - 2017 Rick Walsh - 2017 Gayle McKnight - 2017 Susan Pryor - 2015 Diane Bristol - 2015			In transition to manage the fire department	
Board Meetings					
Services					
General Areas Protected					
Services Provided	fire protection, medical, and rescue services				
District Area	2.2 sq. mi.	Population	Approx. 800 people		
Non-District Response Area					
Mutual Aid	CAL FIRE and surrounding fire departments				
Automatic Aid					
Facilities, Staffing and Equipment					
Station	fire station located at 145 Main Street				
Personnel	14 Volunteer, 0 Auxiliary				
Training Qualification	Fire Fighter I or above: 6 Wildland (CICCS): First Responder (Medical): 8 EMT: 2 Paramedic: 2 HazMat First Responder Ops: 6 Rope Rescue: 4 Swift Water Rescue: Fire Investigation & Prevention: 1			Add the number of members trained in each area:	
Volunteer Hours (2013)	Incident: 322	Training: 705	Maintenance: 80	Fund Raising: 40	
Equipment	Jaws of Life and rope rescue equipment				
Apparatus	Classification :	Year:	Type:	Pump (gpm):	Tank (gal):
Fire engine	E7014		I	1,500	1000
Fire engine	E7017		II	1,000	750
Fire engine	E7047		3	250	250
Water tender					
Water tender					
Rescue vehicle	7075				
Chief truck	7000				
Rescue trailer	7071				

Calls for Service								
Call Type	2011		2012		2013		2014	
	Calls	%	Calls	%	Calls	%	Calls	%
Structure Fire	1	1.33	8	8.51	10	9.01	3	
Vegetation Fire	0	0	2	2.13	6	5.41	5	
Other Fires	38	50.67	23	24.47	20	18.02	3	
Medical	24	32	43	45.74	59	53.15	35	
Vehicle Accident	4	5.33	10	10.64	10	9.01	10	
Public Assist	-	-	-	-	6	5.41		
Hazard Condition	1	1.33	0	0	0	0		
Other Services	7	9.33	8	8.51	0	0	49	
Total Calls	75	99.99%	94	100%	111	100.01%	109	
Response Standards and Performance								
ISO PPC Rating	4.9 to 5.9 bracket and has been in this range since 2003 (1985)							
District Response Times	% within 3 min: % within 5 min: % within 10 min: % within 15+ min:							
Financial								
Sources of Funding								
Budget	Revenues:				Expenses:			
FY 2011-12								
FY 2012-13								
FY 2013-14								
FY 2014-15								
Rate Structure	Assessment Rate:							

SCSD Start Up - Tentative Time line
November 7, 2014

November 2014 -

- Board review for hire of Interim Legal Counsel (by resolution)
- Establish Bank account with US BANK (by resolution)

December 2014 -

- Legal Review and consult to Board - LAFCO Resolution 10-09
- Legal Review and consult to Board - Convenat and Agreement to Dedicate Property and Convey other Assets to the SCSD
- Legal Review and consult to Board - Financial Assessment Report for specific compliance with relative laws and regulations for proposed rate structure of water/sewer service (Prop 218, Prop 26). This includes the proposed budget for start-up of SCSD. Dated October 2010
- Initial Board review of organizational staff structure
- Initial review for adoption - Policy and Procedures for Financial/Accounting (may be continued thru December/January session). Coordination with CPA for compliance of special district requirements for annual audit and establishment of enterprise accounts,

January 2015 -

- Board review of Draft budget for start-up -services. FY 2014 (to be defined)
- Board and legal review of Draft Regulations -
 - Article 1 Definitions; Article II - Water Service; Article III Sewer Service. First Reading of Regulations.
- Board Review and decide options for contract services or in-house for basic bookkeeping service. This includes accounts payable, accounts receivable, billing and related financial management. (County collection? Briceland CSD uses this method) (by Resolution)
- Review for Adoption of Policy and Procedures for Financial/Accounting. (by Resolution)
- Board appointment of General Manager, Treasure, Secretary (annual requirement)
- Board confirm policy for time and place of regular SCSD meetings. (annual)

February 2015 -

- Continued review, and/or Second Reading of Proposed Regulations - Article I, II, III.

- If required: Proposition 218 : Water Service Hold initial public hearing, send out 45 day written notice of public hearing and ballots.
- If required: Proposition 218 : Sewer Service - hold initial public hearing - and send out 45 day written notice of public hearing and ballots.
- Review and consult with State Water Resource Board - Drinking Water, Transfer of ownership, including TMF requirements
- Review and consult with RWQCB ie: transfer of NPDES permit, status, ectal.

March 2015 -

- Conditional on Prop 218 hearings: Adopt resolution authorizing the rate structure for: water and sewer service (separate findings)
- Acceptance of TOS Contingency funding -
- Acceptance of TOS Start-up funding
- IRS Status - application for exemption?
- Board review and development of FY Budget 2015 (July 1, 2015 to June 30, 2016).
- Board contract or hire for services - initial bookkeeping services.
- Board to review capital improvements and funding from TOS for the Fire Department - Board acceptance of capital funding for Fire Department

April 2015 -

- Board review and development of FY Budget 2015 (July 1, 2015 to June 30, 2016).
- Purchase of accounting/bookkeeping software (if needed)
- Office set-up - to include review and status of phone service, office supply services (copy machine), office space, ectal.

May 2015 -

- Review actual transfer of assets or easements, pursuant to "Convenat and Agreement to Dedicate Property and Convey other Assets to the SCSD.
- Board development of FY 2016 (July 1, 2015-June 30, 2016) Budget, rate structures and fee schedules

June 2014 -

- Board adoption of FY Budget and rate schedule (July 1, 2015 thru June 30, 2016)

Scotia CSD
November 20 2014

Agenda Report- Item G1

**Scotia Community Service District\
Board meeting - November 20, 2014**

Board Agenda Report - G1 -

Request from religious organization to schedule routine services in the Winema Theater.

The TOS Co, LLC has received a request to utilize and schedule the Winema Theater on a routine basis from a religious organization. As the long term use of the Winema Theater will fall into the ownership and management of the Scotia CSD, the SCSD will need to adopt regulations and policy & procedures on the use of the facility. A draft regulation has been developed, and is yet to be reviewed for adoption by the Board or go through legal review.

Recommendation:

As the SCSD has yet to complete start-up activities, such as adoption of policy and procedures, regulations, a budget and fee schedule for the Winema Theater, I recommend the Board defer this type of decision pending the completion of our start-up process.

Scotia CSD
November 20 2014

Agenda Report- Item G2
Including:
Manager's Comments and
Recommendation
RFP and letter
Response to RFP

**Scotia Community Service District\
Board meeting - November 20, 2014**

Board Agenda Report - G2 - Review RFP Response's for Legal Services

Legal Services - An Overview: The SCSD legal council is retained by the Board to provide general legal services to the Board, and District Manager. The Agency Attorney is retained by the District Board through a contract relationship, and the Agency's Attorney's client is the District Board, not any individual Board member.

The initial start-up of the SCSD is being funded by TOS Co, LLc. Services during the start-up period will be based on specific issues necessary for the formation and development of the District.

The Agency Attorney provides general legal counsel in matters pertaining to:

Legal Review and Advice

- Advises the District Board, District Manager and District staff on legal matters impacting or affecting the District
- Attends District Board meetings, and other meetings upon request

Legal Representation

- Provides legal defense in matters pertaining to District liability and exposure
- Manages and defends the District against litigation and claims

Document Preparation

- Prepares and reviews ordinances, resolutions, contracts, agreements, and other legal documents
- Prepares legal pleadings, reports, correspondence and other legal documents

District Code Enforcement

Enforces and prosecutes violations of the District code and regulations

- Supports staff in fairly enforcing community standards and codes.

Request for Proposals and review of prospective legal services from two firms in Humboldt/Mendocino County areas.

The following attorneys have met with the Board of Directors at a Special Meeting on October 22 and have submitted proposals for legal services.

Nancy Diamond, Attorney, Arcata, CA
(SEE ATTACHED RFP AND RESPOSNE)

Christopher Neary and O'Brien Willits, CA :
(SEE ATTACHED RFP AND RESPONSE)

Discussion:

Both Firms submitted their proposals within the time line established in the RFP, and both firms have included the requested information in their proposal's.

Both firms have demonstrated experience and background to address the issues the SCSD will be facing in our initial start up period. Both have similar staff/personnel arrangements.

The primary differences between the two firms are their office location and fee schedule.

Office location: Nancy Diamond is located within 30 miles. Chris Neary's firm is located in Willits, approximately 110 miles. Both firms have indicated that travel and distance would not be an issue for them.

Fee Schedule: This is the primary difference between the two law firms. There is essentially a **60%** difference in the hour rate for Mr. Neary (high), verses Ms. Diamond rate (low) . The difference is **67%** when the rate for the staff attorney is compared with both firms.

Recommendation by Interim General Manager:

As a manager, I am looking for direct guidance and timely legal advise on a variety of start up issues, and both attorney's have the expertise and experience to bring that to the District.

Both firms have indicated that the distance to Scotia would not be an inhibiting factor in the deliver of services.

This leaves the second difference between the two firms, the fee schedule. This is a significant difference, and unless the Board has strong interest in whom we bring on board, I will have to use the cost differential as the deciding factor. Over the start-up period, this difference would be a substantial amount, and I'm not sure we would receive substantially better service's for the money.



PO BOX 104
Scotia, CA 95565
707-506-3030
mrichardsonscsd@outlook.com

November 5, 2014

Dear Mr. Neary and Ms. O'Brien,

I wish to thank you for your attendance at our Scotia CSD board meeting October 22, 2014. I believe the meeting offered the Board an opportunity to participate directly in reviewing our options for hire of interim legal counsel during our start-up phase.

Pursuant to our discussion regarding the use of an RFP to complete our solicitation process, I've included our RFP with this letter. I also sent it electronic (email) to your office on November 3rd.

Your letter and submittal of curriculum vitae appears to cover many of the issues included in the RFP.

I was in receipt of a letter sent to you from Frank Bacik, President, Town of Scotia, Co, LLC regarding our board meeting. Frank made reference to several documents that are key to our transition process. This will be a beginning in assisting our new District. Should you need to receive a hard copy of any of our documents, we can forward them to you. They are located at both the Scotia CSD web page, and on the TOS web page.

We would like to expedite our process in order to make a decision by our November 20th. Board meeting. We have set a deadline of November 14, 2014 to receive your response to the RFP. We hope this is reasonable schedule and look forward to our next step.

Should you have specific questions regarding the RFP, please do not hesitate to contact me. Phone is 707-506-3030, email is: mrichardson@outlook.com.

Again, thank you and Ms. O'Brien for your time in attending our Board meeting.

Respectfully,

Mark Richardson
Interim General Manager
Scotia SCSD



PO BOX 104
Scotia, CA 95565
707-506-3030
mrichardsonscsd@outlook.com

November 5, 2014

Dear Nancy Diamond,

I wish to thank you for your attendance at our Scotia CSD board meeting October 22, 2014. I believe the meeting offered the Board an opportunity to participate directly in reviewing our options for hire of interim legal counsel during our start-up phase.

Pursuant to our discussion regarding the use of an RFP to complete our solicitation process, I've included our RFP with this letter. I also sent it electronic (email) to your office on November 3rd.

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Should you have specific questions regarding the RFP, please do not hesitate to contact me. Phone is 707-506-3030, email is: mrichardson@outlook.com.

Again, thank you your time and that of your assistant in attending our Board meeting.

Respectfully,

Mark Richardson
Interim General Manager
Scotia SCSD



**Request for Proposal
Interim District Legal Counsel
SCOTIA COMMUNITY SERVICE DISTRICT**

**Scotia Community Service District
Box 104
122 Main Street
Scotia, CA 95565
(707) 506-3030**

**All proposal's must be received by Scotia Community Service District by:
Friday, November 14, 2014 5:00 pm**

Introduction

Scotia Community Service District (District) is seeking to contract with an attorney and/or legal firm to serve as the Interim District General Legal Counsel during our start-up period.

The District invites interested law firms or individuals with a minimum of seven (7) years of public law experience representing special districts, water districts or other local governments to submit a written proposal to provide interim general legal services.

As Interim General Legal Counsel (Legal Counsel), the selected law firm or individual will be expected to provide a broad range of general legal services to the District. The District's Legal Counsel is selected to work as an independent contractor by the Board of Directors and works closely with the General Manager and other staff. The Legal Counsel's primary role is to provide expert legal advice to the District's Board of Directors, General Manager. The selected firm or individual will perform the tasks as specified in the scope of services.

Background

- The formation and operation of the Scotia CSD was a condition of County approval of the Scotia Subdivision.
- the primary reason and purpose the District was authorized and formed, interim funding has been provided, and the Interim General Manager has been employed by Town of Scotia Company, LLC (TOS) since June 2012 is to timely provide utility services to subdivided homes and lots in Scotia so that they may be marketed and sold promptly upon realignment and completion of lineal infrastructure upgrades (pipes and lines), in phases.
- That construction in Phase 1 of the subdivision is now underway and scheduled to be completed, and Final Partial Subdivision Map for Phase 1 of the Scotia Subdivision is scheduled to record, in June of 2015 -- approximately 8 months from now.

Currently:

- all LAFCo-required conditions precedent to CSD formation have been Certified by LAFCo as completed or sufficiently secured by covenant and agreement, and a Certificate of Completion was recorded by LAFCo on March 17, 2014.
- a full slate of Directors has been elected or appointed, seated and sworn, and the SCSD Board of Directors has been meeting regularly for five or six months.
- TOS is now ready and able to confer required funds, relinquish operation and control of utility facilities and has dedicated all LAFCo-specified property and assets for transfer to the District.

Qualified counsel should be available, and represent that they have the time, staffing and ability to assist the District to accomplish these operational goals, by

June, 2015, over the next 8 months. This should be more than ample time and opportunity to accomplish this key task, and participating prospective legal counsel are requested to acknowledge same.

The Scotia Community Service District (SCSD), formally sworn into office April 2014, has been approved and authorized as a new public agency in the community of Scotia, Humboldt County, California, to provide the following services: water; wastewater; limited storm drainage; limited street lighting; parks and open space management; recreation; limited road maintenance; landscape maintenance within public right of way; and fire protection.

The Town of Scotia Company, LLC, (TOS) the current private owner of all public facilities will be addressing upgrade, replacement and rehabilitation of the majority of the water, sewer and storm drainage infrastructure prior to transferring ownership and management to the SCSD. In addition, a select set of assets will be transferred to the new SCSD, including lands, buildings, equipment and related items.

At this time, SCSD is soliciting qualifications/proposals from qualified legal firms who specialize in special district governance. SCSD is in the development phase of a newly forming public agency. As such, we are developing By-Laws, Regulations, Policy and Procedures, ect., for all functions of a community service district that is tasked with the above listed responsibilities. Prior experience working directly with small rural special districts with multiple responsibilities is given priority.

The District's Board of Directors consists of five members; each elected or appointed for four-year overlapping terms.

The Interim General Manager has been hired by the Town of Scotia, Company, LLC, to implement the formation of a new community service district. All day to day operations of the community of Scotia are currently managed by the TOS, pending planned and required upgrades to the infrastructure, as a part of LAFCO requirements for the Scotia CSD formation.

Scope of Services

The District is seeking proposals from qualified legal firms or individuals with a comprehensive understanding of the public sector and applicable laws to assist the District with the following:

- Advice to the Board of Directors and District management staff on special district government legal matters including the Brown Act and parliamentary procedures for running meetings, public official conflict requirements, ethics, risk avoidance, and legal compliance.
- Attend Board meetings or other meetings as requested by the President or the General Manager.

- Prepare and/or review ordinances, resolutions, contracts, joint powers agreements, and other agreements and contracts entered into by the District as requested by the Board of Directors and/or Interim General Manager.

Initial document's for review include:

- Scotia Community Services District Formation; LAFCO RESOLUTION NO. 10-09
- Covenant and Agreement to Dedicate Property and Convey Other Assets to The Scotia Community Service District.
- Municipal Service Review - October 2010
- Review Draft District Regulations - Initial review to include:
 - Article 1 - Definitions;
 - Article II - Water Service;
 - Article III - Sewer Service;

Availability of documents: LAFCO Resolution 10-09, Municipal Service Review and Covenant and Agreement to Dedicate Property and Convey Other Assets to the SCSD can be found on the Scotia CSD Web page, and by request we can forward an electronic version to you.

<http://scotiacsd.com/document-library>. Draft District Regulations, Article 1-II & III will be available by December 31, 2014, and included in the document library of the SCSD Web page.

- Research and submit legal opinions on special district or other legal matters as requested by the Board of Directors or the Interim General Manager.
- Perform legal work pertaining to land use issues including but not limited to property acquisitions, easements, public improvements, dedications and rights-of-way.
- Promptly return all calls and emails from the Board of Directors and staff.

Firms and individuals are hereby invited to submit a proposal based upon the requirements and conditions set forth in the RFP.

Proposal Requirements and Requested Information

The District requires the applicant to submit a concise proposal clearly addressing all of the requirements outlined in this RFQ/RFP. To be considered responsive, the proposal must provide specific answers to all requests for information.

1. Describe the nature of your law firm's practice and your qualifications for providing general legal services for the District. Please provide a professional chronology of the individual who will be designated to serve as primary legal counsel as well as for others who you anticipate will be involved in providing legal services to the District.
2. Provide the overall capabilities, qualifications, training and areas of expertise for each of the principals, partners and associates of the law

- firm, including the length of employment for each person and his/her area of specialization for those involved in the assignment.
3. For the person whom you propose to designate as primary legal counsel, and for each person or firm you propose to designate as a deputy, supporting counsel for special services or backup, please provide the following:
 - a. Legal training and years of practice (including date of admission to the California Bar.)
 - b. Years of municipal (general law or charter city) or other local public sector law practice as a full-time local government attorney and/or in a private law office specializing in the representation of special districts or general law cities.
 - c. Knowledge of, and experience with, California special district, water law and codes or other public sector experience.
 - d. Types of clientele represented and years representing each.
 - e. Litigation experience and demonstration of a good track record. Cite examples of public agency litigation experience.
 4. Demonstrated legal expertise in the following areas as it relates to special districts or municipal governments:
 - a. Laws and regulations governing California special districts, and operating procedures relative to the conduct of special district business.
 - b. Experience and knowledge of Public Contracting Code, Labor Code, and other California statutes governing the bidding, awarding, contracting, and construction of public works and improvements.
 - c. Environmental law including: California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA).
 - d. Contracts, joint powers authorities, memorandums of understanding, including risk transfer provisions.
 - e. Preparation and review of ordinances and resolutions.
 - f. Real estate law, easements, rights-of-way, and other related agreements and negotiations.
 - g. California Public Act, the Ralph M. Brown Act, Fair Political Practices Commission regulations and public official conflict statutes, and the California Elections Code.
 - h. Formation of assessment and improvement districts.
 - i. Law pertaining to fees and taxes, including Proposition 218.
 - j. Other relevant areas pertaining to special district/water district or municipal law.
 - k. Intended office location and accessibility to the Scotia Community Service District.
 5. If the firm/individual, or any of the attorneys employed by the firm, have ever been sued by special districts, local governments, or other clients 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

nature of the incident, the dates of which the matter began and was concluded, and the results of the situation.

Current Clients/Conflict of Interest

Please include all current or former clients (including *pro bono*) with real property ownership, residence, or principal place of business within the boundaries of the Scotia Community Service District within the past three years. Include all public clients for which you or your firm currently provides services under a fee for services basis or on a retainer basis. Identify any foreseeable or potential conflicts of interest, which would result from such representation and the manner in which you would propose to resolve such conflicts.

Compensation, Reimbursement, Risk Transfer

- a. The selected firm will be asked to provide your standard fee/rate schedule. The District prefers that legal services be provided at an hourly rate based on the individual attorney billing rates.
- b. Provide the limits of your professional liability insurance coverage. The District will require risk transfer provisions in the contract.

Evaluation and Selection Process

All proposals must be received by the District by end of business (5:00 PM) on Friday, November 14, 2014.

Proposals will be screened by the Executive Committee of the Board and the Interim General Manager. Qualifications for top candidates will be verified and references will be checked. Top candidates will be submitted to the full Board for decision or to conduct interviews, if needed.

In reviewing the proposals, the District will consider:

- a. Depth and breadth of experience and expertise in the practice of law, most specifically in those areas most often encountered in special district/water district operations;
- b. Capability to perform legal services promptly and in a manner that permits the District and staff to meet established deadlines and to operate in an effective and efficient manner.
- c. Degree of availability for quick response to inquiries that arise out of day-to-day operating questions or problems;
- d. Degree to which firm and individual attorneys stay current through continued professional development and active communication with practitioners in special districts/water district law;
- e. Communication skills;
- f. Cost of services; and
- g. Other qualifications/criteria as deemed appropriate by the Board of Directors.

The Board of Directors and Interim General Manager will negotiate the final contract and appoint the next legal counsel for the Scotia Community Service District.

The District also reserves the right to:

- a. Request clarification or additional information from any proposing firm at any time;
- b. Waive immaterial defects or minor irregularities in a proposing firm's response to this request for proposals;
- c. Suspend or reopen the request for proposals process;
- d. Reject any or all responses and terminate the process at any time.
- e. Initial funding for legal counsel is being provided by The Town of Scotia Company, LLC, as provided for within the LAFCO approval documents. All actions,

Acceptance of Proposal

Any consultant submitting a proposal thereby automatically agrees to each and all of the terms and conditions, provisions, and requirements set forth in this RFQ/RFP.

No fax submittals will be accepted and late submittals will not be considered.

Additional Information to be Submitted by Selected Legal Firm

All firms submitting a proposal will be expected to have or obtain and if selected, to submit the following additional information and qualifications as a condition of the District accepting and executing an engagement letter. The additional information and qualifications are as follows:

- The proposer represents that its key personnel listed in the proposal are licensed by the State of California and that all key personnel hold licenses to practice that are in good standing and that all such licenses will be kept in good standing during the term of the engagement letter.
- All legal services will be performed in compliance with all applicable federal, state and local laws and regulations. The firm must possess and maintain all licenses, certificates and permits necessary to perform the legal services.

Proposal Submittal

Interested and qualified firms must submit five (5) copies of their proposal by November 14, 2014 to the Scotia Community Service District. All proposals shall be submitted in sealed envelopes and marked "RFP for Interim Legal Services - Scotia Community Service District".

Submittals must be addressed to:

(US Mail)
Scotia Community Service District
PO BOX 104
122 Main Street
Scotia, CA 95565
attention: Mark Richardson, Interim General Manager

(Electronic Delivery)
mrichardsonscsd@outlook.com

C. Deadline

November 14, 2014 - 5:00 PM

Scotia CSD
November 20 2014

Agenda Report- Item G2

Proposal for Legal Services
Nancy Diamond, ESq.

PROPOSAL FOR LEGAL SERVICES

**PRESENTED TO THE SCOTIA COMMUNITY SERVICES
DISTRICT**

November 14, 2014

**Nancy Diamond, Esq.
Tracy M. Boobar, Esq.
822 G Street, Suite 3
Arcata, California 95503
Phone: (707) 826-8540
Fax: (707) 826-8541**

Government Law Firm Profile

Local governments, especially small, rural communities, face numerous challenges today. Increased and ever-changing regulations, reduced revenues, and increased public expectations are just a few. As a newly formed community services district, Scotia has the additional tasks of completing the requirements set by LAFCo and moving the community into a secure, responsive and successful future. At the Law Offices of Nancy Diamond we have an extensive range of practical experience, legal knowledge and political understanding to help governmental entities face the many challenges they face. We communicate promptly, effectively and comfortably with appointed and elected officials. We pride ourselves in giving thorough answers, in a timely and cost effective manner.

The firm represents a wide range of cities, special districts, transit authorities, development agencies and community services districts. We have experience in zoning, real estate, environmental, public improvements, labor and employment, ordinance enforcement, water and sewer, litigation and other general municipal matters. We regularly perform work on such land use issues as property acquisition, easements, dedications, rights-of-way, and subdivisions.

Our attorneys have served on local boards and commissions giving them real world insight which enhances our abilities to serve municipal clients. We are very knowledgeable on issues of ethics, parliamentary procedures, public official conflict requirements and other meeting related concerns. In fact, Ms. Diamond has given numerous 2-hour mandatory ethics training sessions, and will be presenting a more extensive workshop on these topics to newly elected officials in January, 2014.

The Law Offices of Nancy Diamond represents a number of public sector clients including: City of Arcata, City of Blue Lake, Orick Community Services District, North Coast Unified Air Quality Management District, Humboldt Waste Management Authority, Humboldt Transit Authority, and Border Coast Regional Airport Authority. Our long term representation of these clients demonstrates not only their satisfaction with our prompt service, attention to detail and positive working relationships, but also gives us a solid, up-to-date working knowledge of the Ralph M Brown Act, Community Services District Law (Govt §61000) Freedom of Information Act, Political Reform Act, Proposition 218, public employment, and a wealth of other statutory and transactional issues which confront public entities.

Our attorneys attend board meetings, review contracts, provide legal opinions, draft ordinances, resolutions, respond to department heads as needed and represent the municipalities or entities in all legal proceedings before administrative bodies. We also represent public agencies in federal and state litigation matters involving motion practice and occasionally trials. The Law Offices of Nancy Diamond has also been involved in environmental mitigation and contamination issues including the transactions and lawsuits involving detection, clean up, and compensations for hazardous waste.

We recognize the Scotia Community Services District is ready to accomplish the transfer of assets and LAFCo-specified property from TOS. We understand the SCSD hopes to accomplish these goals in approximately 8 months. Fortunately, we have the time and resources to assist the District in accomplishing these goals and would make every reasonable effort to complete them in a timely manner. Our offices are located in Arcata, California which is 40-45 minutes or 36 miles from Scotia, California. We have no former or current clients in the Scotia Community Service District and foresee no potential conflicts of interest. If such a conflict of interest should arise, a special counsel would be located and asked to complete the work in our place.

While each public agency has its own questions and concerns, the Law Offices of Nancy Diamond has advised other cities, community service districts, and special districts, and feels qualified to answer the District's questions as they arise. The most critical component is a good working relationship and dedication to finding the best solution for the community.

Our Attorneys

As primary legal counsel to the SCSD we propose Tracy M. Boobar. Ms. Boobar has been a member of the California Bar for 12 years. She graduated with honors from Loyola Law School of Los Angeles and has specialized in municipal and eminent domain law. While employed by Oliver, Vose, Sandifer, Murphy, and Lee, Ms. Boobar acted as Assistant City Attorney to several cities in the Los Angeles area, attending board meetings and addressing Brown Act and other questions, drafting and reviewing ordinances, responding to statutory questions and drafting and reviewing transactional materials. In addition, as a litigator, Ms. Boobar regularly drafted and successfully argued numerous motions for seven cities. Ms. Boobar defended the cities in front of several administrative boards including Cal Trans and Labor Relations Board. She was also highly instrumental in the negotiations for municipal franchise agreements. Ms. Boobar moved to beautiful Humboldt with her family and now pursues a similar practice here. She is

highly motivated, knowledgeable, easy to work with and consistently available to assist with the day to day concerns of Scotia Community Development District.

As supporting legal counsel we propose Nancy Diamond. Ms. Diamond has an extensive experience with local communities and public agencies. She has been a member of the California Bar for 27 years. She graduated from the University of Oregon Law School in 1987, with certificates in environmental, ocean and coastal law. She specializes in municipal, public agency, environmental, and real estate law. Ms. Diamond's specific experience with community services districts includes assisting in formation of the Westhaven Community Services District, and advising it for several years after as it established a framework for providing water services; and she is General Counsel to the Orick Community Services District where she has advised on and assisted with activating latent powers, utilized Proposition 50 grant financing for wastewater treatment system development, and provided general counsel. Her greater experience enhances the knowledge and availability of Ms. Boobar by providing insight and guidance.

Together these attorneys provide knowledge, experience and promptness to assist the Executive Committee of the Board and the Interim General Manager as Scotia moves forward. For more detail, the resumes of both attorneys have been attached.

Fee Structure

The Law Offices of Nancy Diamond will provide the client with detailed billings by the principal attorney, associate, and paralegals, broken down by date, type of work performed, time expended, and any associated costs. Our professional liability coverage has a limit of \$2,000,000.00.

We propose an hourly rate of \$195.00 for Ms. Diamond, \$150.00 for Ms. Boobar and \$95.00 for paralegal services. We would not request a minimum retainer.

We generally would charge for travel time and costs at the IRS approved mileage rate. We charge for copying costs at \$.20 per page and actual out-of-pocket expenses, without markup.

CURRICULUM VITAE

NANCY DIAMOND
LAW OFFICES OF NANCY DIAMOND
822 G Street, Suite 3
Arcata, CA 95521
(707) 826-8540
(707) 826-8541 (fax)
ndiamond@ndiamondlaw.com

PUBLIC AGENCY APPOINTMENTS

- 2001-
PRESENT City Attorney. City of Arcata. Contract city attorney to general law city, population approximately 17,000. Assistant City Attorney 1990-2001.
- 2001-
2012 Agency Counsel. Arcata Community Development Agency. Contract counsel to redevelopment corporation. Assistance Agency Counsel 1990-2001.
- 2004-
PRESENT General Counsel. North Coast Unified Air Quality Management District. Contract counsel to tri-County regional air district.
- 2004-
PRESENT General Counsel. Humboldt Waste Management Authority. Contract counsel to joint powers authority comprised of six public agencies created for waste management purposes.
- 2010-
PRESENT City Attorney. City of Blue Lake. Contract city attorney to general law city, population approximately 1135.
- 2012-
PRESENT General Counsel. Humboldt Transit Authority. Contract counsel to joint powers authority comprised of five public agencies formed to operate public transit systems.
- 2011-
2012 Special Counsel. Humboldt Transit Authority. Contract special counsel to joint powers authority comprised of five public agencies formed to operate public transit systems, retained to assist with personnel hiring.
- 2012-
PRESENT Special Counsel. Border Coast Regional Airport Authority. Contract special counsel to joint powers authority comprised of six public agencies and tribal governments formed to operate the regional airport, retained to assist in environmental mitigation and land acquisition.
- 2011-
PRESENT General Counsel. Orick Community Services District. Contract counsel to community services district formed for water and wastewater purposes.
- 2007-
2011 Special Counsel. Orick Community Services District. Special contract counsel to community services district, retained to assist in establishing wastewater treatment facility.

2003- General Counsel. Redwood Coast Regional Energy Authority. Contract
PRESENT counsel to joint powers authority comprised of eight public agencies.

2000- General Counsel. Westhaven Community Services District. Contract
2003 counsel to services district, 200+ service recipients.

1998- City Attorney. City of Trinidad. Contract city attorney to general law
2002 city, population approximately 350.

EMPLOYMENT HISTORY

CURRENT Owner. Law Offices of Nancy Diamond. Law firm specializing in public
agency, real estate and small business law.

1996- Partner. Gaynor and Diamond, Attorneys at law. Two person law firm
2004 specializing in public agency, real estate, general business law.

1990 - Associate. Law Offices of Bryan Gaynor. Associate attorney in general
1996 civil law firm, specialized in real estate and municipal law.

1989 - Lecturer. Department of Natural Resources Planning and Interpretation,
1994 Humboldt State University, Arcata, CA 95521. Instructor of required
course in natural resources and environmental law.

1987- Adjunct Professor, Department of Fisheries, Humboldt State University.
2001

1987 - Associate Attorney. Ronald M. Sinoway, Inc., Redway, CA. Practice
1989 devoted to civil rights and liberties law, criminal defense and
environmental law.

1985- Research Assistant. Ocean and Coastal Law Center, University of Oregon
1987 Law School, Eugene, OR. Conducted research on salmon fishery
allocations, Indian fishing rights, the Magnuson Fisheries Conservation
Management Act, and limited entry.

1986 Law Clerk. Oregon Department of Justice, Appellate Division, Salem,OR.
Wrote appellate briefs; appeared before Oregon Court of Appeals
representing cases for which briefs were written. Eight decisions, three
reported.

1985 Research Assistant. Department of Fisheries and Wildlife, Oregon State
University, Corvallis, OR. Developed computerized record-keeping
system for Oregon-Washington oyster industry.

PROFESSIONAL AND COMMUNITY SERVICES

- 2010 - Member. League of California Cities Legal Advocacy Committee.
2013 Twenty member committee appointed by City Attorneys Department of League of California Cities to review pending appellate litigation and advise whether League should take a position on behalf of municipalities statewide.
- 1990 - Chairperson, North Coast Unified Air Quality Management
2003 District Hearing Board. 2389 Myrtle Avenue, Eureka, CA 95501.
Five-member appointed board grants variances from state and local air quality regulations.
- 2001 - Member. League of California Cities Legal Advocacy Committee.
2003
- 2002 - Member. Board of Governors, Northcoast Regional Land Trust.
2011 Invited position. Board provides long term goals and direction to regional land trust non-profit corporation directors.

EDUCATION

J.D. 1987.

University of Oregon, School of Law, Eugene, Oregon.
Ocean and Coastal Law Certificate.
Environmental Law Certificate.
Admitted to California State Bar, 1987.

M.S. Natural Resources: Fisheries, 1983.

Humboldt State University, Arcata, CA.
Thesis: Demographic Statistics and Annual Molting Probabilities in the Adult Female Dungeness Crab (*Cancer magister*) in Northern California.

B.A. Biology, 1980.

University of California, Berkeley, CA.

AWARDS AND SCHOLARSHIPS

BV Distinguished, Very High. 2013. Martinedale Hubble peer review rating of general ethical standards and legal ability.

National Sea Grant Association Student Research Award. 1984. For original research in population dynamics of Dungeness crab. (One of four awarded nationally.)

William W. Stout Scholarship. University of Oregon. 1984-1985. For scholarship and academic achievement.

SYMPOSIA, SEMINAR AND WORKSHOP PRESENTATIONS

AB 1234 Ethics Training. Provide two-hour mandatory ethics training courses periodically as requested by City of Arcata and by North Coast Unified Air Quality Management District.

City of Arcata Zoning Standards For Medical Marijuana: An Example of Comprehensive Regulation. Paper presented at League of California Cities City Attorneys Department Annual Conference, Santa Barbara, CA. 5-7 May 2010.

Medical Marijuana – The Spectrum from Prohibition to Local Permitting. Panelist. League of California Cities City Attorneys Department Annual Conference, Santa Barbara, CA. 5-7 May 2010

Endangered Species Act Workshop. Keynote speaker. Hosted by Humboldt Chapter, American Fisheries Society, Arcata, CA. 25 April, 1997.

Trinity River Restoration Program Colloquium. Moderator. Hosted by the Humboldt Chapter of the American Fisheries Association, Weaverville, CA, 9 March, 1995.

Introduction to the Endangered Species Act. Fisheries Seminar, Humboldt State University, Arcata, CA. 1 February, 1995.

Legal Perspectives of Legislating Biodiversity. 18th Annual Conference on Wildlife and Fish Biology, sponsored by the Humboldt Chapters of the American Fisheries Society and Wildlife Society, Arcata, CA. 4 April, 1992.

Indian Fishing Rights and Management of the Klamath River's Fall Chinook Salmon: Can Negotiation Achieve a Lasting Peace (of the Pie)? Institute for Marine Studies, University of Washington, Seattle, WA. 9 May, 1989.

Limited Entry. Conference on Gulf and South Atlantic Fisheries Law and Policy. LSU and Miss. – Alabama Sea Grant Legal Programs, New Orleans, LA. 19-20 March, 1987.

Biases in Crab Tag-Recovery Data. Symposium on Dungeness Crab Biology and Management. University of Alaska Sea Grant, Anchorage, AK. 9-12 October, 1984.

The Life History of the Dungeness Crab: Presumptions v. Reality. American Fisheries Society and Wildlife Society Joint Technical Symposium. Humboldt State University, Arcata, CA. 21 May, 1983.

PUBLICATIONS

Legal:

Sinoway, R. M., N. Diamond. 1989. The constitutionality of warrantless searches of buildings in the open fields. *The Champion*, J. of the National Association of Criminal Defense Lawyers, May: 36-39.

- Diamond, N. 1987. Indian fishing rights and the Klamath River. Ocean Law Memo Issue 30. Ocean and Coastal Law Center, Oregon State University Sea Grant.
- Diamond, N. 1987. Limited entry. In Proceedings of the Conference on Gulf and South Atlantic Fisheries Law and Policy. LSU and Miss. – Ala. Sea Grant Legal Programs, New Orleans, LA. 18-20 March, 1987.
- Diamond, N. 1987. Update 1, March 1987. Revision to Jacobson, J., D. Conner and R. Tozer (eds.). 1985 Federal Fisheries Management: A Guidebook to the Magnuson Fishery Conservation and Management Act, Ocean and Coastal Law Center, University of Oregon Law School.

Scientific:

- Hankin, D.G., N. Diamond, M. Mohr and J. Ianelli. 1989. Growth and reproductive dynamics of the adult female Dungeness crab (*Cancer magister*) in northern California. J. Cons. Int. Explor. Mer, 46: 94-108.
- Diamond, N. and D.G. Hankin. 1985. Movements of adult female Dungeness crabs (*Cancer magister*) in northern California based on tag recoveries. Can. J. Fish. Aquat. Sci. 42: 919-926.
- Diamond, N., D.G. Hankin and R. Tubb. 1985. An oyster grower's record-keeping system: User's manual. Project Report, Oregon Sea Grant, Project R/AQ-53-PD, Corvallis, OR. 68 pp.
- Diamond, N. and D.G. Hankin. 1984. Biases in crab tag recovery data. In Proceedings of the Symposium on Dungeness Crab Biology and Management. University of Alaska Sea Grant, Anchorage, AK. 9-12 October, 1984.
- Hankin, D.G., N. Diamond, M. Mohr and J. Ianelli. 1984. Molt increments, annual molting probabilities, fecundity and survival rates of adult female Dungeness crabs in northern California. IN Proceedings of the Symposium on Dungeness Crab Biology and Management. University of Alaska Sea Grant, Anchorage, AK. 9-12 October, 1984.
- Hankin, D.G. and N. Diamond. 1984. A data compilation of marked releases and recoveries of fall chinook salmon from the Klamath River system: 1977-1983. Contract Report, Bureau of Indian Affairs, Northern California Agency, Hoopa, CA. 102 pp.

PROFESSIONAL SOCIETY MEMBERSHIPS

State Bar of California; Public Agency Section State Bar, California, Environmental Law Section, State Bar of California; Humboldt County Bar Association;

TRACY M BOOBAR

SKILLS & ABILITIES

- Outstanding Leadership Skills
- Excellent Oral and Written Communication Skills
- Staff Development Trainer
- Small Business Experience
- Strong Legal Background
- Analytical and Research Skills

EXPERIENCE

ASSOCIATE, LAW OFFICES OF NANCY DIAMOND – 2014

Associate attorney specializing in municipal, public agency, small business and real estate law. Providing prompt responses to questions regarding statutory compliance, transactional and litigation work.

SCHOOL BOARD MEMBER, CUTTEN SCHOOL DISTRICT – 2013- PRESENT

In addition to commitment to public service and improving conditions for the students in my community, serving on a local school board has given unique insight further enhancing my ability to serve municipal clients.

GENERAL COUNSEL, AIR MANAGEMENT TECHNOLOGY, INC – 2008-2012

Research advised and prepared documents for corporate start-up including articles of incorporation, bylaws, and shareholder agreements. On-going review and drafting of contracts, leases, letters of intent and nondisclosure agreements. Advised and prepared documents for employee hiring, conflict resolution and disputes. Trained HR on legal and ethical concerns.

CENSUS FIELD REPRESENTATIVE AND SUPERVISOR – 2009, 2010

Conducted field interviews, trained employees on collection of data, ethics and legal aspects of our task, scheduled and allotted work, reviewed quality of work and interviewed unsuccessful employees regarding problem areas and retrained to enable success. Conducted "difficult" field interviews with noncompliant citizens using tact and the ability to diffuse charged situations where citizens perceived the violation of their privacy.

CEO AND GENERAL COUNSEL, RENTAL RX – 2007-2009

Small business experience as CEO and General Counsel to start-up internet apartment rental service. Oversaw incorporation process, day-to-day management of employees and clients, facilitation of bi-weekly meetings, development and maintenance of budget, drafting of business plan, terms and conditions for use of website, and drafted and reviewed contracts.

ATTORNEY, OLIVER, VOSE, SANDIFER, MURPHY AND LEE – 2002-2004

Associate attorney representing public agency clients in litigation and transactional matters. Duties included: investigation, research, analysis and presentation on possible litigation of tort claims; acting as a municipal liaison in the negotiation of utility agreements; analyzed and clarified procedures regarding enforcement of municipal ordinance; reviewed and drafted contracts, leases and settlement negotiations; and analyzed and advised clients about legislative changes and how they would affect the day-to-day dealings of the public entity.

TEACHER, LOS ANGELES UNIFIED SCHOOL DISTRICT – 1994-1999

Developed and presented curriculum in literature, writing and critical thinking. Evaluated and maintained records on student progress. Organized, planned and taught professional development workshops on classroom management, lesson plan development and organization.

EDUCATION

CALIFORNIA STATE UNIVERSITY, NORTHRIDGE – ENGLISH, WRITING OPTION – BA 1992

LOS ANGELES UNIFIED SCHOOL DISTRICT, DISTRICT INTERN PROGRAM – CALIFORNIA TEACHING CREDENTIAL – 1995

LOYOLA LAW SCHOOL OF LOS ANGELES, JURIS DOCTOR 2002

- International and Comparative Law Review – Staff Member (2000-2001) Chief Production Editor (2001-2001)
- Ranked Top 25% of class
- First Honors Award, Introduction to Appellate Advocacy (2000)
- Best Brief Award, 2001 Scott Moot Court Competition
- National Moot Court Team Member (2000-2001)

Scotia CSD
November 20 2014

Agenda Report- Item G2

Proposal for Legal Services
Neary and O'Brien, Attorneys at Law

CHRISTOPHER J. NEARY
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JENNIFER M. O'BRIEN
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NEARY AND O'BRIEN

ATTORNEYS AT LAW

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November 14, 2014

Scotia Community Service District
Box 104
122 Main Street
Scotia CA 95565

Re: **Response to Request for Proposals**

1. Nature of Law Firm Practice. Neary and O'Brien was founded in 1976 in Willits. The firm has a dual focus on providing general representation to longtime clients in Northern Mendocino County and representing clients throughout the Redwood Empire region. The firm's regional practice centers on municipal law, water law, real estate law, clean water act issues and civil litigation.

2. Attorneys. The firm consists of Christopher J. Neary and Jennifer M. O'Brien. The firm's office is in Willits.

Christopher J. Neary. Christopher J. Neary received his Juris Doctorate degree from Humphreys College Laurence Drivon School of Law and was admitted to the California State Bar in June 1976 after an internship in the Calaveras County Counsel's Office. Mr. Neary was raised on the family ranch in Willits which he now owns and operates and has been in full time legal practice since 1976. Mr. Neary has also been elected to three terms as a trustee of the Willits Unified School District. Mr. Neary was appointed by Governor Davis to the North Coast Regional Water Quality Control Board in 2002, but does not presently serve as a member of that board.

Mr. Neary has represented public agency clients since 1976 and serves as general counsel to Brooktrails Township Community Services District, Covelo Community Services District, Millview County Water District and a regional state agency, North Coast Railroad Authority. He also represents numerous other public agencies and mutual water companies on a consulting basis. Mr. Neary is experienced in all matters related to public agencies including providing advice on public contracting, the Brown Act, the conflict of interest laws, rate setting, CEQA, issues related to public projects, the operation of fire departments, the operation of sanitation facilities and the operation of water treatment facilities. Mr. Neary also has extensive experience in representing public agencies in litigation matters.

Jennifer M. O'Brien. Jennifer M. O'Brien was admitted to the California State Bar in December 2011, after completing a law office study program mentored by Christopher J. Neary. Prior to passing the Bar, Ms. O'Brien worked as a legal assistant to Mr. Neary and has worked closely with and assisted Mr. Neary since 1995. Ms. O'Brien has represented public agency clients in litigation matters, including: tort claims defense and property right issues (easement claim). Ms. O'Brien has represented private clients with regard to real estate and land use matters (primarily easement/boundary matters, and some CEQA issues), and is familiar with public contracting issues, having represented contractor/bidder clients with regard to public contract issues. Ms. O'Brien is familiar with the Brown Act, conflict of interest laws, public contracting laws, Government Tort Claims Act, and the Public Records Act.

We propose that Mr. Neary would be the primary interface for Scotia Community Services District and he would personally attend board meetings. Ms. O'Brien would be available on an on-call basis.

4. Demonstrated Expertise.

Expertise is best exemplified in the firm's long-time client relationships with its public agency clients. Mr. Neary has represented Brooktrails Township Community Services District since 1976, North Coast Railroad Authority since 1993 and Millview County Water District since 2000. The firm has numerous other long-term client relationships spanning back to the 1970's and early 1980's.

Another measure of expertise is successful representation of public agencies in litigation matters. In this regard we point to three recently published cases where Mr. Neary successfully represented public agencies in cases which were considered to be of such importance to be published in the official reports of the State of California:

1. Paland v. Brooktrails Township Community Services District (2009) 179 Cal. App. 4th 1358 a case involving a Proposition 218 challenge to rates established by the public entity.
2. Friends of the Eel River vs. North Coast Railroad Authority (2014) 230 Cal. App. 4th 85 in which project opponents attempted to enjoin operation of a public project under the California Environmental Quality Act.
3. Millview County Water District vs. State Water Resources Control Board (2014) 229 Cal. App. 4th 879 in which an order issued by the SWRCB was overturned at the request of the plaintiff.

The full text of these opinions is available on the firm's website under Mr. Neary's profile.

It should also be noted that Mr. Neary successfully assisted Brooktrails Community Services District in transitioning from a Resort Improvement District managed by the developer to a free standing community services district and therefore has experience in the task presently at hand for the District.

Specifically, Mr. Neary has supervised the public contracting for a \$35 million dollar public project, including the CEQA process, successfully defending the project in litigation; and including the bidding, award and supervision of the project. In the course of 39 years of representing public entities Mr. Neary has supervised numerous public projects, both large and small.

Mr. Neary is familiar with both CEQA and NEPA both in its implementation and its defense from challenge in court. Likewise, Mr. Neary has extensive experience in public rates setting, especially with reference to Proposition 218, and now Proposition 26. Mr. Neary has drafted resolutions and ordinances for over 40 years going back to working in the Calaveras County Counsel's office which advised the special districts in the county.

Although Mr. Neary has never formed assessment or improvement districts he is familiar with them as his oldest client Brooktrails is an amalgamation of three improvement districts.

Additionally, as to real estate, a primary focus of the firm since its founding in 1976 is representation of clients in real estate matters including acquisition and sale, boundaries and easements.

5. Malpractice/Complaints. Neither Mr. Neary nor Ms. O'Brien has been sued by any client for malpractice, nor have they been the subject of any complaints or discipline actions with the State Bar of California.

6. Current Clients/Conflict of Interest. The firm has no clients known to have real property interests, residence, or principal place of business within the boundaries of the Scotia Community Services District in the past three years. It is disclosed, however, that the NCRA, of which Mr. Neary has been General Counsel since 1992, does store some rail cars in Scotia pursuant to an arrangement with the former PALCO.

The firm has no actual or foreseeable potential conflicts of interest in representing the Scotia Community Services District.

7. Compensation/Reimbursement.

The District's Request for Proposal indicates a preference for an hourly billing arrangement as opposed to a general counsel retainer arrangement. Mr. Neary's hourly rate under this proposal is \$325 per hour and Ms. O'Brien's regular hourly rate is \$225 per hour. Rates are itemized in tenth/hour increments. The firm will tender invoices on a monthly basis. A draft and negotiable legal services agreement is attached for reference.

The firm would be pleased to provide a proposal for a general counsel retainer agreement at the request of the District.

8. Errors and Omissions Insurance.

The firm is covered by professional liability insurance issued by Carolina Casualty Insurance Company with policy limits of \$1 million.