



Date: October 3, 2024
To: LOCSD Board of Directors
From: Ron Munds, General Manager
Subject: **Agenda Item 3B – 10/03/2024 Board Meeting**
Approval of the Release of a Request for Proposals for General Legal Services

STAFF RECOMMENDATION

President
Marshall E. Ochylski

Vice President
Christine M. Womack

Directors
Charles L. Cesena
Matthew D. Fourcroy
Troy C. Gatchell

General Manager
Ron Munds

District Accountant
Robert Stilts, CPA

Unit Chief
John Owens

Battalion Chief
Paul Provence

Motion: I move the Board:

- 1. Approve the Release of the Request for Proposals for District general legal services; and**
- 2. Appoint an Ad Hoc Committee to review the proposals in cooperation with the General Manager.**

DISCUSSION

At the September 5, 2024, Board meeting, the Board directed staff to develop a Request for Proposals (RFP) (attached) for approval at the October 3, 2024, Board meeting. Staff has prepared an RFP for the Boards consideration and is set to release the RFP at the Boards direction. When researching the District's past efforts to solicit legal counsel proposals, staff discovered a 2016 policy (attached) which outlines the process to be followed. The following is an excerpt from the policy:

Selection Process. *The process to select a Legal Counsel may include, but not be limited to, the following: 1) issuance by the Board of a Request for Proposals, 2) appointment by the President of an ad hoc Board committee, which may include the President, to review the proposals in cooperation with the General Manager, 3) selection by the committee of leading candidates to be interviewed by the Board in open session (or in closed personnel session as described below), 4) background check of the leading candidate or candidates, and 5) selection of a Legal Counsel by the Board in open session.*

A fee schedule and other conditions of employment, including provisions for evaluation shall be negotiated between the Board and the legal counsel during a Regular Board Meeting in open session. If the above negotiation must include discussion of confidential matters such as performance approach or expectations in ongoing litigation, the performance portions of the selection process may be completed in a properly noticed closed session of the Board.

Mailing Address:
P.O. Box 6064
Los Osos, CA 93412

Offices:
2122 9th Street, Suite 110
Los Osos, CA 93402

Phone: 805/528-9370
FAX: 805/528-9377

www.lososocsd.org

Per the policy, staff suggest the Board appoint an Ad Hoc Committee to review any proposals received in coordination with the General Manager. The review and selection schedule proposed in the RFP is as follows:

Date	Activity
October 4, 2024	Request for proposals issued
October 29, 2024	Due date for proposals (due by 4:00 p.m.)
October 29-31, 2024	Preliminary review and short list
November 7, 2024	Oral interviews (conducted at District's discretion)
November 7, 2024	Final review and finalist selected
November 8-22, 2024	Background Check, negotiate and finalize agreement
December 5, 2024	Agreement awarded by District Board of Directors

As indicated, the award of the agreement will be at the December 5, 2024, Board meeting.

Attachments

- General Legal Services Request for Proposals
- 2016 Select and Hire Legal Counsel Policy

Los Osos Community Services District
2122 9th Street, Suite 102
Los Osos, CA 93402

REQUEST FOR QUALIFICATIONS AND PROPOSAL - DISTRICT GENERAL COUNSEL

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

Qualified firms and/or individuals have the option of sending their RFP documents via standard mail or personal delivery. Firms and/or individuals are solely responsible for ensuring their submittal is received by the District by the following deadline. Either party will be able to cancel the contract upon 30 days written notice. **RFP documents must be received by the District no later than 4:00 p.m. Pacific Standard Time, on October 29, 2024, at the following address:**

**Los Osos Community Services District
Attention: Ron Munds, General Manager
2122 9th Street, Suite 110
Los Osos, CA 93402**

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

The award will be made based on qualifications and the best value to the District. This RFP does not obligate the District to award a contract, and the District reserves the right to cancel the solicitation if it is considered to be in the District’s best interests. If you have any questions regarding this RFP, please call the District’s General Manager, Ron Munds, at 805-528-9379 or email, rmunds@losososcsd.org, prior to the above-mentioned deadline for submissions.

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

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

DISTRICT INFORMATION

Los Osos Community Services District is located 13 miles west of San Luis Obispo, California. The District acts as the local government, providing the following essential services: water supply treatment and distribution; solid waste management, storm drainage collection, disposal and flood control; limited parks and recreation authority, and fire protection under contract with San Luis Obispo County/Cal Fire.

GOVERNANCE

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

A. SCOPE OF SERVICES

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

1. Providing clear and concise legal advice and consultation (oral and written) as requested or required, to the District Board of Directors and staff on a variety of matters pertaining to all aspects of special district governance. Contacts are often made by email and telephone, and same day response is expected.
2. Researching and interpreting laws, court decisions, and other authorities in order to prepare legal opinions and to advise the Board of Directors and staff on legal matters pertaining to District matters.
3. Attending regular Board of Director meetings (open and closed sessions) as needed and advising the Board of Directors on matters on the agenda as well as procedural matters that may arise during and following the meeting. The District's General Counsel may be called upon to attend other District meetings. The District Board of Directors regular Board meeting is on the first Thursday of each month with closed session beginning at 6:00 p.m.
4. Provide guidance regarding the requirements of the Brown Act, Conflict of Interest (AB1234), CEQA, Proposition 218, the Public Records Act, and other legal requirements imposed by statute and common law.

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

B. QUALIFICATIONS

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

1. Rules of public meetings, decorum, open meeting laws, Public Record Act
2. Ethics
3. Elections
4. Public Personnel, employee discipline, labor relations, FLSA
5. Taxes and fees, Proposition 218, assessments
6. Contracts and transactions
7. Construction Law, claims, public contracting requirements
8. Insurance, liability, tort claims
9. Land use/development, CEQA, NEPA
10. Public financing
11. Regulatory matters

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

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

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

C. COMPENSATION AND REIMBURSEMENTS

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

1. Please describe how the firm/individual intends to provide legal services for the District, either on an hourly rate or on a different basis. Basic services, for the purpose of this proposal, shall include those legal services, generally understood within the field of special district law to fall within the category of "general counsel" work and shall include, but not necessarily limited to, the following:
 - a. Routine legal advice, consultation, and opinions to the District Board of Directors and staff.

- b. Assistance in the preparation and review of ordinances, agreements, contracts and related documents, resolutions, forms, notices, certificates, deeds and other documents required by the District.
 - c. Attendance at the District Board meetings, as deemed necessary, (regularly held the first Thursday of every month) at the Community Center Building in Los Osos and other meetings as deemed necessary.
 - d. Consultation with District Board members, General Manager and District staff as necessary.
 - e. Rendering of legal advice and opinions concerning legal matters that affect the District, including new legislation and court decisions. Perform research and interpret laws, court decisions, and other legal authorities in order to prepare legal opinions and to advise the District Board of Directors and Management staff on legal matters pertaining to District operations.
 - f. Legal work pertaining to property acquisitions, property disposal, public improvements, public rights of way and easements and matters relating to public utilities.
 - g. Legal support related to land use and development.
 - h. Monitor pending and current state and federal legislation in case law as appropriate.
 - i. Coordinate the work of outside legal counsel as needed and as directed and approved by the District Board of Directors or General Manager.
2. Please state the hourly rates for the key personnel, specifically the designated District General Counsel, the individual providing back-up for the District General Counsel, partners/principals, and associates for general work and for special services such as litigation, if at a different rate and estimated time per month. (Substitution of the designated key personnel will not be permitted without prior written approval of the District.) A monthly fixed fee retainer may be considered by the District if the Proposer elects to quote fixed fee services.
- a. Please define what would be considered extraordinary service to be provided over and beyond normal services and the basis for compensation thereof. (It is expected that such services would include non-routine services requiring extraordinary research and/or preparation that would be in excess of those covered by the retainer, if a retainer were the preferred method of compensation.)

The Proposer selected by the District will be required to furnish special legal services on an as needed basis when directed by the District Board of Directors or General Manager. These special services, to be provided at a specified hourly rate, include research, preparation and follow-through in matters involving litigation affecting the District. Excluded from special legal services would be litigation or defenses

furnished by self-insured programs, litigation where District General Counsel decides to retain special counsel, if separate contracts are awarded, or other work for which the Board decides to utilize special counsel.

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

D. OPERATIONAL STRUCTURES

As part of the proposal, please address the following:

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

E. TERM OF THE AGREEMENT

The term of the agreement will be five years from the date of execution of the agreement by the Board of Directors. The agreement may be renewed at the discretion of the District for up to two consecutive 12-month periods. Any request by the firm to increase pricing may not exceed national or regional CPI and must align with the Los Osos Community Services District's budget cycle.

F. INDEMNIFICATION

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

G. INSURANCE

The chosen Proposer shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work by the Proposer, its agents, representatives, employees or subcontractors, pursuant to Proposer's proposal or any subsequent contract entered into with the District. Insurance shall be of the type, in the amounts and subject to the provisions described below. All insurance coverage shall

Request for Proposals, General Legal Counsel Services

be provided by insurers authorized by the California Insurance Commissioner to transact insurance business in California and with a rating of “A” or better in the Best’s Key Rating Guide.

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

H. EVIDENCE COVERAGE

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

I. ADDITIONAL INSURED

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

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

Date	Activity
October 4, 2024	Request for proposals issued
October 29, 2024	Due date for proposals (due by 4:00 p.m.)
October 29-31, 2024	Preliminary review and short list
November 7, 2024	Oral interviews (conducted at District’s discretion)
November 7, 2024	Final review and finalist selected
November 8-22, 2024	Background Check, negotiate and finalize agreement
December 5, 2024	Agreement awarded by District Board of Directors

K. AFFIDAVIT OF NON-COLLUSION

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

L. EVALUATION AND SELECTION PROCESS

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

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

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

RESOLUTION NO. 2016-12

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE LOS OSOS COMMUNITY SERVICES DISTRICT
APPROVING POLICIES FOR THE SELECTION, HIRING, SETTING PERFORMANCE STANDARDS FOR
AND THE EVALUATION OF THE DISTRICT LEGAL COUNSEL AND THE DISTRICT ENGINEER**

WHEREAS, Government Code Section 61060 authorizes the Board to engage (legal) counsel and other professional services necessary for the efficient and effective implementation of the authorized services; and

WHEREAS, the District desires to adopt policy guidance to ensure that the District receives the highest level of competent legal advice and professional services from its consultants; and

WHEREAS, said policies shall set forth the process for the selection, appointment, setting performance standards for and the evaluation of performance for both District Legal Counsel and District Engineer; and

WHEREAS, proposed policy language has been developed and included herein for consideration by this Board.

NOW, THEREFORE, BE IT RESOLVED that the Los Osos Community Services District Board of Directors does hereby adopt and approve policies for the selection, appointment, setting performance standards for and the evaluation of performance for District Legal Counsel and District Engineer.

BE IT FURTHER RESOLVED that said policies shall become effective upon their adoption.


On the motion of Director Storm, seconded by Director Cesera, and on the following roll call vote, to wit:

Ayes: Storm, Cesera, Tomatzky, Wright, Dckyeski
Nays: _____
Absent: _____
Conflicts: _____


The foregoing resolution is hereby passed, approved, and adopted by the Board of Directors of the Los Osos Community Services District this 7th day of April 2016.



Marshall E. Ochylski
President, Board of Directors
Los Osos Community Services District

ATTEST:


Peter J. Kampa
Interim General Manager and Secretary to the Board

APPROVED AS TO FORM:


Michael W. Seitz
District Legal Counsel

District Legal Counsel

PURPOSE: This policy establishes the process to select and hire a Legal Counsel for the District, and sets forth the duties of the Legal Counsel.

Method. The Board by resolution shall employ by contract or other appropriate means an attorney to serve as Legal Counsel for the District.

Selection Process. The process to select a Legal Counsel may include, but not be limited to, the following: 1) issuance by the Board of a Request for Proposals, 2) appointment by the President of an ad hoc Board committee, which may include the President, to review the proposals in cooperation with the General Manager, 3) selection by the committee of leading candidates to be interviewed by the Board in open session (or in closed personnel session as described below), 4) background check of the leading candidate or candidates, and 5) selection of a Legal Counsel by the Board in open session.

A fee schedule and other conditions of employment, including provisions for evaluation shall be negotiated between the Board and the legal counsel during a Regular Board Meeting in open session. If the above negotiation must include discussion of confidential matters such as performance approach or expectations in ongoing litigation, the performance portions of the selection process may be completed in a properly noticed closed session of the Board.

Annual Review. District Counsel's performance will be measured based on how well he/she met the duties as legal advisor as described herein. The following general performance measurements will be addressed in the review as applicable:

- A. **Litigation or other legal action.** Did the District face any unforeseen legal action? Could/should the action have been avoided? Could the situation have been avoided with appropriate advice in advance by Counsel? How well did Counsel address this situation? Was the Board fully advised on the options? Is Counsel thorough and effective in addressing existing litigation, while respecting the District budget?
- B. **Accuracy of work.** Are the recommendations of Counsel facilitating the District's full compliance with law? Are their recommendations correct, clear and implementable? Is their written work correct and to the appropriate professional standard? Has the District seen any problems associated with implementing Counsel's recommendations?
- C. **Timeliness of work and availability.** Is Counsel's work delivered on time or on an appropriate schedule? Is Counsel able to perform on short notice when necessary? Does legal Counsel make themselves or acceptable alternate personnel available at all hours of the day; non-business hours and weekends? Is Counsel available to attend Board and Committee meetings as requested?
- D. **Advice on general governance and administrative matters.** Is Counsel competent and responsive in the general legal, contracting, personnel and other issues associated with the general administrative matters of the District, including Brown Act, Public Records Act, Meyers-Milias-Brown Act, tort claims and others? Are recommendations of Counsel typically adopted?

- E. **Proactive Work.** Does Legal Counsel recommend the adoption of policies and procedures to reduce District liability, avoid grievances and maintain compliance with laws and standards when adopted or updated?
- F. **Advice specific to services and operations.** Is Counsel competent in the general legal, contracting, personnel and other issues associated with the services provided by the District?

The District Counsel's evaluation will be prepared by the General Manager for the Board's consideration. After the Board's consideration and concurrence, the evaluation will be presented to District Counsel. This performance evaluation should occur at the Regular Board Meeting in April of each year. The performance evaluation is likely to contain sensitive, confidential information related to the handling of specific District legal matters and should be considered in a properly noticed closed session.

Adviser. The Legal Counsel shall advise the Board and General Manager concerning their respective legal responsibilities for full compliance with all laws pertaining to the governing, administering, and operating of the District. The Legal Counsel shall review and comment on all appropriate District matters that come before the Board or other District matters as requested by the General Manager

Duties. Specific duties of the Legal Counsel shall include, but not be limited to, preparing and reviewing contracts, leases, deeds, agreements, and other legal documents; handling legal aspects of land and right-of-way actions; preparing and processing petitions and other documents involved in annexations; handling legislative matters of interest to or affecting the District; making all necessary preparations for Board elections and reviewing election procedures and returns; bringing to the Board's attention matters of interest or concern; advising the Board on labor-law requirements; performing other tasks as requested by the Board.

Attendance. The Legal Counsel shall attend all meetings as needed. Meeting attendance may not be necessary as determined by the General Manager, in consultation with the Board President.

Relationship to General Manager. The Legal Counsel shall advise the General Manager on appropriate legal matters and shall perform other duties as requested by the General Manager.

District Engineer

PURPOSE: This policy establishes the process to select and hire a consulting civil engineer to serve as the Engineer for the District, and sets forth the duties of the Engineer.

Method. The Board by resolution shall employ by contract or other appropriate means an engineer to serve as the Engineer for the District.

Selection Process. The process to select the Engineer may include, but not be limited to, the following: 1) issuance by the Board of a Request for Proposals, 2) appointment by the President of an Ad hoc Board committee, which may include the President, to review the proposals in cooperation with the District Manager, 3) selection by the committee of leading candidates to be interviewed by the Board in closed personnel session, 4) background check of the leading candidate or candidates, and 5) selection of the Engineer by the Board in open session. A fee schedule and other conditions of employment, including specific scopes of work, performance criteria and provisions for evaluation shall be negotiated between the Board and the Engineer in open session.

Annual Review. The District Engineer's evaluation should be conducted during a regular Board Meeting in April of each year. The District Engineer's evaluation will be prepared by the District Manager for the Board's consideration. After the Board's consideration and concurrence and/or modification, the evaluation will be presented to the Engineer.

Adviser. The Engineer shall review, comment and advise the Board and District Manager concerning all engineering matters that come before the Board or other District matters as requested by the District Manager

Duties. Specific duties of the Engineer shall may include, but not be limited to the following services: reviewing contracts, leases, deeds, agreements, annexations, ordinances and other legal documents with the District's Legal Counsel; reviewing applications for service and plans and specifications for proposed extensions of the District's infrastructure; reviewing planning and or environmental documents forwarded by the County planning departments for potential impacts on the District and reporting these to the General Manager and the Board; performing land surveys and preparing and establishing legal descriptions and plat maps as requested by the General Manager or the Board; preparing and establishing Standard Specifications and Details for additions to or for the rehabilitation of the District's water system; updating maintaining maps of the District's water system; assisting the Manager and District staff with the maintenance of the District's Geographical Information System (GIS); preparing plans, specifications and estimates for improvements to the District's water system when requested by the General Manager or the Board; assisting with the General Manager with the engagement and coordination of the services of other professional consulting engineers retained by the District to study or design improvements to the District's source water, wells, pumps, pumping, treatment and disposal systems; coordinating, soliciting and obtaining and assisting the General Manager and the Board with public bids for Contract's for improvements to District facilities; assisting the General Manager and Staff with the preparation and maintenance of the permits required for operation and improvement of the District's water system and for maintenance of the distribution system, stormwater pumping system; assisting the General Manager and Staff with the

reports to the State Water Boards; assisting the General Manager and Staff with the preparation and implementation of an annual budget, with the District's Long Range and 5-Year Capital Improvement Plans and other financial matters; assisting the General Manager, Staff and the Board with the establishment of water rate structures and other funding; assisting the General Manager and Staff with source control and pollution prevention measures; attending public meetings and representing the District before public agencies and the community when requested by the General Manager or the Board; preparing staff reports and assisting the General Manager with scheduling matters to be brought before the Board; and performing other tasks as may be requested by the General Manager or the Board.

Attendance. The Engineer shall attend all meetings of the Board and Committees of the Board as requested. Meeting attendance may not be necessary as determined by the General Manager.

Relationship to General Manager. The Engineer shall advise the General Manager on appropriate engineering matters and shall perform other duties as requested by the General Manager.