

Municipal & Public Agency

Government is big business in California, and not only in Sacramento. Across California, private sector clients need to understand how to interact effectively with local governments and state agencies in order to accomplish their business purposes. Local governments require counsel that can help them navigate the thicket of public disclosure and accountability laws and, at the same time, meet the public's demand for effective governmental services without increased revenues. We can meet both needs.

For private sector clients, we understand the myriad of special laws that apply when seeking a permit or approval for a project. Whether it is a real estate development project, a solar farm, or a discharge permit, our lawyers know how to use the Ralph M. Brown Act (Open Meetings) and the Public Records Act to best advantage in obtaining the information needed for a project. We also know how to work with state agencies and local governments so that they are able to issue permits or other approvals in an expeditious manner.

For local governments, our experience with the Brown Act, the Public Records Act, Proposition 218, CALPERS and CALSTRS, Mello-Roos bonds and other financing instruments gives us the ability to figure out ways to serve the public at the lowest possible cost. We regularly serve as general counsel to special districts and as special counsel to a number of cities, counties and special districts. We are known for handling high-profile, high-risk matters, where our vast subject matter expertise and our comprehensive knowledge in municipal law bring our clients large dividends.

Selected Experience

- *Northstar Community Services District*. Serves as general counsel to the District in connection with the operation of a major ski and resort area. Oversaw the issuance of approximately \$100 million in Mello-Roos bonds for new capital projects. Advised the District on financing options and a variety of foreclosure and workouts in the wake of the economic downturn.
- *Three Rivers Levee Improvement Agency*. Formed and serves as general counsel to the Agency, which has a record of successfully completing a levee improvement program totaling almost \$1 billion, notwithstanding significant environmental constraints.
- Successfully defended – by winning a motion for summary judgment – the County against a series of whistleblower claims by employees. The County also received an award of costs and fees equal to all defense costs and attorneys' fees incurred in defending the action.
- Successfully defended a public irrigation district General Manager in a two week trial against claims of workplace violence.
- *Regional Water Quality Control Board v. Riviera West Mutual Water Company*. Downey Brand successfully defended a small water company against prosecution by the Regional Board for alleged water quality violations that had occurred several years prior to the prosecution.

- *Save the Plastic Bag Coalition v. City of Manhattan Beach*. Downey Brand successfully represented the City and amicus curiae California League of Cities and California State Association of Counties in appeal to the California Supreme Court challenging the City's ban on plastic bags.
- *City of Santee v. County of San Diego*. Downey Brand served as counsel to the California Department of Corrections and Rehabilitation in a case that established the ability of a government agency to plan for future development without first preparing an environmental impact report. This was the first reported case to successfully defend preliminary planning efforts against a CEQA challenge in the wake of the California Supreme Court's decision in *Save Tara v. City of West Hollywood*.
- Represented the City of Riverside in a case that involved a water districts acquisition of the Temescal Water Company through a "friendly" eminent domain action. There were some interesting Brown Act issues because of the "friendly" nature of the litigation, but the case eventually settled. *City of Riverside v. Elsinore Valley Municipal Water District*, Riverside Superior Court, Case No. 200763.
- Litigating a case where the General Manager of the public entity did not obtain the proper authority from the board to sign a contract, but signed it anyway. The case seeks rescission, and there are Brown Act issues involved. *Lassen Municipal Utility District v. Kinross Gold USA, Inc.*, US Eastern District, Case No. 2:110CV000255-MCE-CMK.
- Represented Valley Slurry Seal International (VSSI) related to a bid award the Town of Moraga where there were allegations that the Town violated the Brown Act by acting to take up off agenda business. Downey Brand demanded rescission of the vote, and consideration of a protest by VSSI to preclude the award of the contract to the low bidder. The Town quickly rescinded the award to the low bidder, allowed a protest to be filed, and ultimately awarded the contract to VSSI.
- Act as General Counsel to several municipal entities and regularly advise those clients on the rules under the Brown Act. Many of these clients have not been sued or had a significant legal challenge related to Brown Act compliance.

Trade Groups

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- Association of California Water Agencies (ACWA)
- Bay Area Clean Water Agencies (BACWA)
- California Association of Sanitation Agencies (CASA)
- League of California Cities (LCC)
- National Association of Flood and Stormwater Management Agencies (NAFSMA)
- Tri-TAC (a Technical Advisory Committee representing three California associations: LCC, CWEA, and CASA)
- Southern California Association of Publicly Owned Treatment Works (SCAP)