



LEGAL BRIEFING & CLE WORKSHOP

Dec. 3, 2019 • Manchester Grand Hyatt San Diego

Earn up to
5.5
California
State Bar
MCLE
credits

AGENDA

Location: Harbor Ballroom G, Second Level Harbor Tower

9:00 - 9:05 AM

Introduction and Orientation

Jennifer Buckman, ACWA Legal Affairs Committee Chair

9:05 - 10:35 AM

Government Code Section 1090: How to Stay Out of the Headlines (and Out of Jail)

Government Code Section 1090 prohibits public officials from having financial interests in contracts that they have a hand in. Sounds simple, right? But who is a public official? Sure it is someone elected or appointed to a Board. But it also can include staff members of an agency, and can even include consultants. And what is a financial interest? In many cases it is easy to know, but in others you might be surprised at what counts as a financial interest. Join us for this panel that will cover the black letter law, but also wrestle with a number of hypotheticals that could come to life in your world.

Moderator:

Scott Shapiro, Managing Partner, Downey Brand

Panelists:

Steve Churchwell, Partner, Churchwell & White

Olivia Clark, Associate, Kronick Moskowitz Tiedemann & Girard

J. Kevin Moore, Senior Attorney, Bold, Polisner, Maddow, Nelson & Judson

Gary Schons, Of Counsel, Best Best & Krieger

10:35 - 10:45 AM

Break

10:45 - 11:45 AM

The New Rules of Professional Conduct: What Water Lawyers Need to Know

The State Bar of California recently overhauled its ethics rules for the first time in nearly 30 years. Attorneys representing public water agencies should be informed of these changes given the unique conflict and ethical issues water law practice presents. In this program, we will discuss some of California's new Rules of Professional Conduct in the context of water law, and analyze potential scenarios under the new rules.

Speaker:

Sherry Haus, General Counsel, Downey Brand

Noon - 1:00 PM

Networking Luncheon

Grand Hall D, Lobby Level

AGENDA continued

PROGRAMS ARE SUBJECT TO CHANGE WITHOUT NOTICE

1:00 - 2:30 PM

Legislative, Legal, and Local Responses to PFAS

Many agencies have questions concerning PFAS, what AB 756 requires, and how public agencies will be affected by the regulation of PFAS. A panel of specialists will provide a general overview of the regulatory scheme and answer questions regarding PFAS. Our speakers will include (1) a partner from the Water Law Group at Aleshire & Wynder, LLP, who will provide an overview of the legal issues, including a discussion of AB 756 and proposed federal legislation, and will moderate; (2) Director of Water Quality from Orange County Water District, who will provide an overview of notification levels and testing requirements; (3) Assistant Deputy Director from the State Water Resources Control Board who will provide a general overview on PFAS and updates on PFAS regulation from the State Water Board perspective; and (4) the General Manager of Santa Clarita Valley Water Agency, who will discuss practical steps they are taking to prepare for compliance and implementation of AB 756.

Moderator:

Christine Carson, Partner, Aleshire & Wynder, LLP

Panelists:

Shahla Farahnak, Assistant Deputy Director, State Water Resources Control Board

Mark Grajeda, General Manager, Pico Water District

Matthew Stone, General Manager, Santa Clarita Valley Water Agency

Patrick Versluis, Director of Water Quality, Orange County Water District

2:30 - 2:45 PM

Break

2:45 - 4:15 PM

Inverse Condemnation: What it Means for Public Water Agencies

The once-obscure legal doctrine of inverse condemnation has featured prominently in the center of the recent public debate over liability issues arising out of major wildfire disasters in California. However, all public entities in the state that construct or maintain public improvements, including public water agencies, may also find themselves subject to inverse condemnation claims for more routine incidents where private property is damaged as well. These inverse condemnation claims differ procedurally and substantively from negligence and other traditional tort claims. It is important for your agency to understand the legal risk and ensure that you have taken the appropriate steps towards addressing it. This presentation provides an overview of the legal doctrine of inverse condemnation, how claims under the doctrine often arise for water agencies, and different strategies for managing the risk, including through appropriate insurance coverage.

Moderator:

Brad Kuhn, Partner, Nossaman LLP

Panelists:

Paul Fuller, CEO, Allied Public Risk, LLC

Marc Marcantonio, General Manager, Yorba Linda Water District

Lorilee Medders, Joseph F. Freeman Distinguished Professor of Insurance, Appalachian State University