

LEUCADIA WASTEWATER DISTRICT
REQUEST FOR PROPOSAL
FOR GENERAL COUNSEL LEGAL SERVICES

Ref: 27-9651

The Leucadia Wastewater District (LWD) is requesting legal services proposals from qualified attorneys and law firms to serve as the Leucadia Wastewater District's General Counsel. Throughout this Request for Proposal, the term "General Counsel" is used, whether an individual or a firm is making the proposal.

The General Counsel's primary roles are to:

- Provide knowledgeable, comprehensive and practical legal advice to the General Manager and the Board;
- Independently represent LWD or make arrangements for representation on a range of transactional, advisory, and litigation matters; and
- Work with the General Manager to develop and implement proactive strategies to position LWD to best meet its legal, regulatory, and policy objectives.

The selected General Counsel will work closely through and with the General Manager, but ultimately serve the Board of Directors. LWD is the client.

1. DESCRIPTION OF THE DISTRICT

LWD is a public agency that provides wastewater services to approximately 61,000 residents in the northern portions of the City of Encinitas and the southeastern portions of the City of Carlsbad. LWD also operates a Recycled Water Treatment Facility that provides irrigation water to the Omni La Costa Resort and Spa's South Golf Course. LWD maintains approximately 20,800 service accounts and projects operating revenue of \$19 million in FY 2027.

LWD is overseen by a five-member Board of Directors that are publicly elected. LWD maintains a staff of 20 full-time employees. LWD is a member of the Encina Wastewater Authority which operates and maintains a regional wastewater treatment plant that provides treatment services to LWD and five other public agencies.

LWD accounts for its operations as an enterprise fund on the accrual basis. LWD's FY 2027 operating budget is \$10.7 million and the capital budget is \$14.3 million. More information about LWD is available on www.lwwd.org.

2. PRE-PROPOSAL CONFERENCE

A pre-proposal conference will be held at the following location on Tuesday, September 29, 2026, at 10:00 a.m. to review the Request for Proposal (RFP) and to answer any questions that prospective proposers may have regarding the RFP:

Leucadia Wastewater District
1960 La Costa Avenue
Carlsbad, CA 92009

All final proposals should also be mailed to the above address, Attn: Ryan Green, Director of Finance and Administration.

3. PROPOSAL EVALUATIONS AND SELECTION

Proposals must be received by **4:00 p.m. on Friday, October 9, 2026**. Proposals will be evaluated by a LWD selection panel based on the following criteria:

1. The firm's overall qualifications, reputation, depth and breadth of legal resources, experience representing California public agencies, ability to provide timely and responsive service, office location, and capacity to meet LWD's ongoing legal needs;
2. The qualifications and experience of the attorney proposed to serve as General Counsel, including experience advising governing boards and senior management of public agencies; knowledge of special district, wastewater, and other applicable public agency law; communication and judgment; responsiveness; and demonstrated ability to provide practical and effective legal counsel;
3. The qualifications, experience, availability, and ability of the proposed alternate General Counsel to provide continuity of service and effectively represent LWD when the designated General Counsel is unavailable;
4. The firm's demonstrated experience and expertise in the specialized areas of law relevant to LWD, including public agency governance, wastewater and recycled water regulation, public contracting and public works, employment and labor matters, environmental compliance, rates and fees, real property, claims and litigation, and other matters identified in this RFP; and
5. Other qualifications/criteria as deemed appropriate by LWD's staff and Board of Directors.

Qualifications and professional competency will be the primary basis for selection.

Based on the proposals received, the selection panel may short list qualified attorneys and law firms to participate in interviews before the Board of Directors. The interview process will allow for a brief presentation, followed by a question and answer period.

The successful firm will enter into negotiations with LWD. If the parties are unable to come to terms, LWD will enter negotiations with the second ranked firm. The final agreement will be recommended to the LWD Board of Directors for approval at a regularly scheduled meeting.

The District reserves the right to reject any and all proposals submitted and to request additional information from all proposers. All proposals submitted become the property of the District.

The Board of Directors will make the final decision. Prior to full Board's consideration the Board's Finance and Personnel Committee will review the recommended agreement.

4. SCOPE OF THE LEGAL SERVICES

General Counsel will serve as LWD's primary legal advisor and provide timely, practical, and proactive legal advice to the Board of Directors, General Manager, and staff on matters affecting LWD's operations.

Governance

General Counsel will:

- Attend and actively participate in all regular and special meetings of the Board of Directors and attend Board committee meetings as requested;
- Advise the Board and staff regarding compliance with the Ralph M. Brown Act, public notice and hearing requirements, parliamentary procedure and Board policies, conflicts of interest, and other applicable governance requirements;
- Coordinate with the General Manager in advance of Board meetings regarding agenda items and legal issues requiring consideration;
- Provide legal advice during meetings as necessary or requested and, when additional research is required, provide timely follow-up;
- Draft, review and revise resolutions, ordinances, policies, contracts, staff reports, and other LWD documents; and
- Normally provide continuity through attendance by the designated General Counsel. An alternate or other qualified attorney may attend when necessary, with advance coordination with the General Manager.

General Legal and Organizational Services

General Counsel will work closely with the General Manager and staff and provide advice and assistance regarding the legal aspects of LWD's day-to-day operations, including matters involving:

- Public agency governance and administration;

- Personnel and labor relations;
- Public contracting, procurement, and public works;
- Public records requests;
- Wastewater and recycled water regulation;
- Environmental and regulatory compliance;
- Rates, fees, and other revenue matters;
- Real property, easements, rights-of-way, and related agreements;
- Risk management, claims, and insurance matters; and
- Other legal matters affecting LWD's operations.

General Counsel will research and interpret statutes, regulations, court decisions, and other legal authorities; prepare or review contracts, ordinances, resolutions, policies, agreements, and legal opinions; and advise LWD regarding changes in law, regulations, or judicial decisions that may affect District operations.

General Counsel will also assist the General Manager in identifying significant legal risks and anticipated legal costs for budgeting and planning purposes. Legal work should be assigned and performed in an economical and efficient manner appropriate to the complexity of the matter.

Litigation and Enforcement

General Counsel will advise and represent LWD regarding claims, litigation, administrative proceedings, and enforcement matters. General Counsel may directly provide such representation or, when appropriate and with LWD's approval, coordinate and oversee specialized outside counsel.

In all such matters, General Counsel is expected to provide prompt, candid, and practical advice designed to protect LWD's interests and resolve matters efficiently.

Responsiveness and Communication

General Counsel is expected to maintain regular and effective communication with the General Manager and, consistent with LWD's organizational practices, the Board of Directors. General Counsel must be reasonably available for urgent consultation outside normal business hours when circumstances require.

5. PROPOSAL REQUIREMENTS

The purpose of the proposal is to demonstrate the qualifications, competence, and capacity to undertake the work of LWD's General Counsel, in conformity with the requirements of this RFP. The proposal must provide specific answers to all questions and requests for information and shall demonstrate the qualifications of the attorney or firm.

The proposal shall be concise, clearly addressing all of the requirements outlined in this RFP, and must not exceed fifteen pages - letters of reference and individual attorney resumes do not count towards the page limitation. The following list should be used in providing the proposal:

A. FIRM QUALIFICATIONS, EXPERIENCE, AND LOCATION

The proposal shall describe the nature of the firm's practice, the size of the firm, areas of expertise of the firm, the qualifications for providing general legal services for LWD. Identify the office from which the proposed General Counsel will primarily serve LWD and describe the firm's ability to provide timely in-person and remote legal services consistent with the requirements of this RFP.

Describe how legal services will be provided for those areas of the law outside your firm's expertise. Describe how any individual attorneys have demonstrated legal expertise in substantive areas required by this RFP.

B. STAFF QUALIFICATIONS AND EXPERIENCE

The firm shall identify the General Counsel and alternate General Counsel.

Provide individual resumes of General Counsel and alternate. Resumes should include legal training and years of practice (including date of admission to the California Bar), years of experience related to providing the experience required in this RFP, types of clients and years representing each, litigation experience, and any other notable qualifications, such as scholastic honors and professional affiliations or published works by the firm or individual attorneys.

In addition to the basic experience requirements set forth elsewhere, General Counsel should have at least ten years of relevant legal experience in the following areas relating to public wastewater agencies:

1. Laws, regulations, and practices governing independent special districts and local public agencies, including but not limited to, provisions of the California Government Code, Health and Safety Code, Water Code, Cortese-Knox-Hertzberg Local Government Reorganization Act, Fair Political Practices Commission regulations, Ralph M. Brown Act, and Political Reform Act.
2. Experience and expertise in public labor and public employment laws and policies, including retirement (LWD is a member of CalPERS), workers' compensation, and labor agreements.
3. Applicable portions of CCR Titles 17 and 22 governing collection and treatment of wastewater, and production of recycled water.
4. Regulations and operating procedures of federal, state and regional regulatory agencies including, but not limited to, CalEPA, Department of Water Resources, Regional Water Quality Control Boards, San Diego Air

Pollution Control District, and State Water Resources Control Board, Federal and State Fish & Wildlife, California Coastal Commission.

5. Laws and regulations governing the public procurement process including the bidding, awarding, contracting, and construction of public works and improvements, and the California Labor Code and Public Contracting Code.
6. Laws and regulations pertaining to the compliance with and enforcement of prevailing wage requirements.
7. Proposition 218 and related laws and regulations pertaining to rate setting.
8. Requirements for compliance with emergency response and emergency management preparedness.
9. Experience in claims processing and tort liability, including familiarity and experience with the Government Tort Claims Act, as well as both defense and prosecution of civil or criminal matters arising under waste discharge law.
10. CEQA, NEPA-related regulations, case law and compliance documentation.
11. Knowledge of insurance law and litigation.
12. Understanding of the preparation, review, and the adoption process of ordinances and resolutions, and experience with public hearing and other special LWD board action.
13. Knowledge of real estate and property law including experience with easements, encroachment permits, licenses, rights-of-way, and other real property agreements and negotiations.
14. Experience in response to proposed or pending state legislative enactments, including reviewing current and developing proposed legislation and regulations.
15. Experience coordinating and managing other attorneys or firms which may provide service to LWD from time to time.
16. Experience with the California Association of Sanitation Agencies and/or its member agencies.

Disclose any adverse action against attorneys or firms by any governmental entity, whether civil, criminal, or disciplinary, and a brief description of the matter and the outcome.

C. CONFLICTS OF INTEREST

The attorney or firm shall:

1. List all current or former clients (including pro bono) with real property ownership, residence, or principal place of business within the jurisdictional boundaries of LWD within the past three years.
2. List all public clients for which you or your firm currently provide services under a fee for services basis or on a retainer basis.
3. 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.

D. LICENSE TO PRACTICE

All attorneys assigned to perform legal services for LWD, whether solely or as a firm, must be actively licensed to practice law in California and be in good standing with the State Bar of California and any other state bar to which he/she has been admitted.

All attorneys and firms are responsible for complying with the Code of Professional Conduct, the California Business and Professions Code, and any other applicable professional standards to avoid conflicts of interest.

An affirmation statement shall be included indicating that the firm and all assigned key professional staff are and will comply with this requirement.

E. SIMILAR ENGAGEMENTS WITH OTHER GOVERNMENT ENTITIES

Identify at least three California public agencies, preferably wastewater or water agencies, for which the proposed General Counsel has provided services within the past five years. For each, identify the scope and dates of service and provide the name, title, telephone number, and email address of a client reference.

F. COST PROPOSAL

Leucadia Wastewater District will pay on a time and materials basis based on an agreed fee schedule. With your proposal, include a separate sealed envelope marked "Cost", with your firm's fee schedule that indicates the hourly rate LWD would be billed by attorney and/or type of service.

Proposals submitted which involve firms or more than one attorney shall include a discussion of billing arrangements with an objective of economy and efficiency, taking advantage of the skills necessary for the work and the level of expertise appropriate for such work, and making the maximum efficient use of secretarial, paralegal, associate and partner time in minimizing costs to the LWD.

G. ESTIMATED SCHEDULE

EVENT	DATE
Solicit Proposals	September 14, 2026
Pre-proposal Meeting	10:00 a.m., September 29, 2026
Proposals Due	4:00 p.m., October 9, 2026
Interview Shortlist (If determined necessary)	TBA - Week of November 16, 2026
Select Apparent Successful Firm	December 9, 2026
Award Contract	December 10, 2026

H. EXCEPTIONS TO THIS RFP

The proposer shall certify whether it takes any exceptions to this RFP, including, but not limited to, the LWD's Standard Agreement for Professional Services, which is attached as Attachment A. If the proposer does take exception(s) to any portion of the RFP, the specific portion of the RFP to which exception is taken shall be identified and explained.

I. SUBMITTAL REQUIREMENTS

One executed original, clearly marked on the cover, and five copies of the Proposal shall be submitted. Only one sealed "Cost" envelope is to be submitted to:

Attn: Ryan Green, Director of Finance and Administration
Leucadia Wastewater District
1960 La Costa Avenue
Carlsbad, CA 92009

The Proposal shall be signed by an individual(s) authorized to execute legal documents on behalf of the proposer.

J. QUESTIONS CONCERNING RFP

All questions regarding the RFP should be addressed to Paul Bushee, General Manager, at info@lwwd.org or (760) 753-0155.

6. OTHER INFORMATION

Submission of a proposal constitutes acceptance by the firm of the conditions contained in this RFP unless clearly and specifically noted in the proposal submitted and confirmed in the agreement between the District and the firm selected.

ATTACHMENT A

DRAFT

STANDARD PROFESSIONAL SERVICES AGREEMENT

**AGREEMENT FOR LEGAL SERVICES
LEUCADIA WASTEWATER DISTRICT**

The LEUCADIA WASTEWATER DISTRICT, hereinafter referred to as the "District" and _____, hereinafter referred to as "Attorney," hereby agree that Attorney will provide professional legal services to the District on the following basis:

1. **COMPENSATION:**

a. **Hourly Compensation.** The District will pay General Counsel and Senior Attorneys at the rate of \$_____ per hour for all work performed.

Associates Attorneys & Paralegals. The District shall compensate Attorney for work performed by associate attorneys at a rate of \$_____ per hour for all work performed. Paralegals shall be compensated at a rate of \$_____ per hour for all work performed. All associate attorneys and paralegals will work under the direct supervision and control of the Attorney. Compensation for other support services including law clerks and administrative staff shall be billed at Attorney's standard billing rate for those services.

Overhead. Attorney shall provide all of its own overhead, including office space, secretarial, library, telephones, insurance, etc., at no additional cost to the District.

b. **Billing.** Attorney shall provide District with detailed monthly statements indicating all work performed and time spent on District business. Costs advanced, if any, shall be shown as separate entries.

2. **DUTIES:**

Attorney's duties and responsibilities shall include the follows:

a. Attendance at (1) all regular and special meetings of the Board of Directors of the District; (2) "pre-meeting" meetings at the direction of the Board President or District General Manager; and (3) any and all other meetings of any kind at the direction of the Board, Board President or District General Manager.

b. Preparation of ordinances, resolutions, contracts and the like, concerning District business;

c. Preparation of legal opinions on matters concerning the District at the request of the Board, District Manager or Board Committees;

d. Consultation with Board members and staff regarding matters of District business;

e. Defense of the District in any litigation in which the District is named as a party Defendant, subject to the direction and control of the Board;

f. Preparation and prosecution of any litigation at the direction of the Board where the District is to be Plaintiff; and

g. Any other activities as directed by the Board, the President, Board Committees or the District General Manager.

3. **KEY CONTACTS:**

District has a primary interest in maintaining the individual services of the following key contacts:

1. _____ – Primary Attorney
2. _____ – Alternate Attorney

Neither key contact shall be removed from the team or reassigned by the Attorney without prior approval of District. Such approval shall not be unreasonably withheld or delayed. Attorney shall be required to immediately inform District if any of the key contacts become unavailable. The credentials for substitutes for key contacts must be submitted to District for review and approval. An interview may also be required if so desired by District.

4. **RESTRICTION:**

Attorney shall not initiate, compromise, settle or release any litigation in which the District is involved except as directed by the Board. Attorney shall not represent the District before any other governmental entity whether federal, state, or local unless so directed by the Board, the President, Board Committees or the District General Manager.

5. **ATTORNEY IS INDEPENDENT CONTRACTOR:**

Attorney acknowledges and agrees that Attorney and its agents are independent contractors and not employees of the District, for all purposes. As such, Attorney acknowledges and agrees that neither Attorney nor its agents are entitled to any of the benefits of the District's employee compensation plan, the sole compensation to Attorney and its agents being as provided in this Agreement.

5. **PRIOR AGREEMENTS**

This contract replaces and supersedes all previous contracts for legal services.

6. **TERMINATION AND MODIFICATION:**

This Agreement may be terminated by either party on thirty (30) days notice to the other party. This Agreement may be modified at any time by written amendment signed by both parties.

Executed this ____ day of December, 2026 at Carlsbad, California.

LEUCADIA WASTEWATER DISTRICT

By

Matthew Brown, President

By

