

SANTA YNEZ COMMUNITY SERVICES DISTRICT

8B. INFORMATION ITEM

To: Board of Directors
Santa Ynez Community Services District

From: Loch A. Dreizler, General Manager
Rick Battles, Legal Counsel

Subject: General Counsel Recruitment and Selection

Date: May 15, 2023

In early 2000, Rick Battles was retained as general counsel to the Santa Ynez Community Services District. In that capacity, I have represented the District on legal issues that have arisen occasionally and have attended meetings of the Board of Directors as requested. I will be retiring from law practice on June 30, 2023. This memo aims to identify the issues the District will need to address concerning the recruitment and selection of an attorney/law firm to serve as the District's new general counsel following my retirement.

Formation of Ad Hoc Committee

The Board may wish to consider the formation of an ad hoc committee; however, the final selection of the attorney/firm to serve as general counsel should be a Board decision. The Ad Hoc Committee would consist of less than a quorum of the Board for (i) deciding upon the recruitment and selections process, (ii) working with District staff to develop an RFP (if that approach is decided upon), and any written materials or other information to be provided to general counsel candidates, and (iii) screening and interviewing candidates. Ad hoc committees are not subject to the Brown Act's open meeting requirements, which would avoid noticing requirements for meetings of the committee and could expedite the process. In addition, the full Board might consider participating in the screening and interview process.

Two Approaches for General Counsel Recruitment and Selection

This could be a decision made by the Ad Hoc Committee

1. **Request for Proposals** As a preliminary matter, the Board can decide whether to issue a formal proposal request ("RFP") to identify qualified candidates. Board members and District staff can recommend candidates to whom RFPs should be sent. Mr. Battles can also provide recommendations in that regard.
2. **Direct Contacting of Candidates** Instead of issuing a formal RFP, the District could directly contact candidates that Board members, District staff, and I have recommended. In that case, it would be helpful to provide those candidates with information regarding (i) the District, the services it provides, and its organizational structure, (ii) the qualifications and requirements that apply to the general counsel position, and (iii) the application, interview, and selection process.

3. **Other Considerations** In connection with the recruitment process, the Board will need to consider the following issues:
- A. Is it essential to have a local attorney?
 - B. Should out-of-town firms focusing on the representation of special districts be considered?
 - C. Is it essential for the new general counsel to be available to attend Board meetings in person, or is attendance by teleconference or video conference (e.g., Zoom) an option?
 - D. It is not unusual for a local attorney to serve as general counsel, while another firm is used when specialized expertise is required. This describes the current arrangement where I represent the District on most legal matters. Nate Kowalski of Atkinson, Andelson, Loya, Ruud & Romo in Cerritos represents the District on labor and employment matters.

Retainer with Mr. Battles

Following my retirement on June 30, I can continue to be available on a retainer basis for some time to assist District staff and the District's new general counsel with the transition process. The purpose of that arrangement would be to (i) facilitate the transfer of institutional knowledge to the District's new attorney/law firm, (ii) answer questions about how legal matters have been addressed at the District in the past and provide background information about such matters, and (iii) assist in locating information contained in legal files and computer records. Mr. Battles has provided retainer language that could also be reviewed by the Ad Hoc committee and presented to the Board for their consideration.

Rick Battles

Representing the District for the past 23 years and working with its Board members and staff has been a privilege. I very much appreciate the confidence the District placed in me by allowing me to serve as its legal counsel. I will be available to assist with recruiting and selecting the District's new general counsel as needed.