



Hanson Bridgett Practice Group Public Agency

Public agency law has been a principal specialty of Hanson Bridgett for more than 40 years. We serve as general counsel to transportation districts, cities, water districts, community service districts, fire districts, hospital districts, joint powers authorities, associations of local governmental agencies and sanitation districts. We also work with public agencies on individual assignments or as on-going counsel in specific areas of the law. Our engagements span labor and employment, municipal finance, litigation, environmental laws, rate setting, real estate, land use, government reorganization, complex procurements and contract negotiations.

Just like our clients, we are creative, resourceful and dedicated to providing the best service possible. We take pride in understanding the business of our public agency clients and in finding ways to implement their goals and objectives on a sound legal basis and in a cost-effective manner.

Areas of Expertise

General Public Agency Issues

As a result of our long-term involvement in the public sector, we are naturally familiar with the broad range of municipal law issues that agency officials must confront on a daily basis. We frequently assist with the development of administrative codes and rules of procedure, draft ordinances and resolutions, and provide advice regarding election law procedures. In addition, we are alert to the possible application of the United States and California constitutions.

Labor, Employment and Benefits Law

We have experience in all legal aspects of the public employer-employee relationship. Our expertise covers employer-employee resolutions, union recognition proceedings, collective bargaining agreements, administrative due process hearings, grievance arbitrations and wrongful discharge and employment discrimination litigation.

Our attorneys also advise clients on personnel issues to prevent problems before they occur and manage inevitable controversies when they arise. We offer several innovative and effective training programs.

Hanson Bridgett is also a recognized leader in public employment benefit matters. We represent many public plan sponsors and independent retirement boards.

Trial and Appellate Advocacy

Our trial and appellate attorneys frequently represent public agencies involved in politically sensitive, complex and/or high-risk litigation. While most of our public agency litigation is for clients whom we also serve as general counsel, we are increasingly called upon for single litigation assignments where the critical nature of the outcome necessitates retaining lawyers with special skill and expertise.

Contracts

There are many specialized considerations when public agencies enter into contracts, and we have experience in all phases of public contracting. We have assisted clients with formal competitive bidding, competitive negotiation and informal solicitation for government procurements. Our experience also includes high-technology purchases and software programs with complicated licensing and copyright issues.

We are well versed in all phases of the public construction contract process as related to preparation of plans and specifications, review of bids and bonds, payment, performance and acceptance issues, and warranty claims and litigation.

We also have considerable experience in representing local government agencies and joint powers authorities in negotiating and administering long-term contracts with other government agencies and private sector firms for the delivery of services. Some examples include the contractual framework for the extension of BART to the

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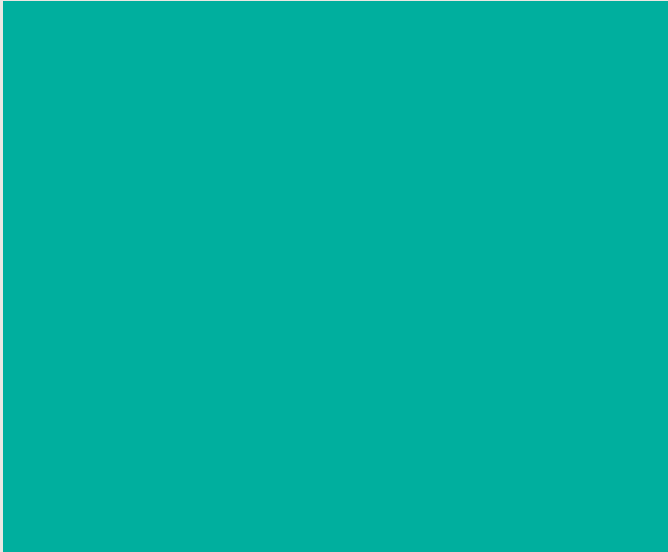
San Francisco International Airport and the supply of water by San Francisco to 30 cities and water districts in the Bay Area.

Real Property

We have assisted local agency clients in virtually all aspects of real property acquisition, development and disposition. Our experience includes negotiating options, purchase and sale contracts, leases, licensing arrangements, easements, and joint development agreements, as well as the exercise of eminent domain powers. We are no strangers to large-scale real property projects.

Environmental Law

We are experienced with the California Environmental Quality Act (CEQA) and the companion federal statute, the National Environmental Policy Act (NEPA). We have advised on categorical exemptions, negative declarations and full-scale EIRs for several major public agency construction projects. We are experienced in many of the environmental laws pertaining to specific media, including air quality, water quality, hazardous waste and the Endangered Species Act. We are intimately experienced in the oversight of Phase I and Phase II hazardous waste investigations associated with real property purchases. We are also familiar with historic preservation legislation and the emerging "brownfields" development area.



Construction

Our nationally-recognized construction practice focuses on complex commercial and infrastructure projects. Our attorneys participate in project formation, contracting, financing, execution and claims. Clients include major private sector developers, public owners, “ENR Top 50” designers, and contractors. Our group has significant experience in alternative project delivery systems including turnkey, design/build, build/own/transfer, and similar variants.

Financial and Rate Matters

We are familiar with the public sector budget process and state laws dealing with investment of public funds. As counsel to many special districts that rely primarily on user fees rather than taxes, we have considerable experience in local government rate setting, including capacity charges. We are conversant with public utility rate making principles and procedures employed by the California Public Utilities Commission and the Surface Transportation Board.

We also have counseled clients in developing special taxes which received voter approval. We have worked on a variety of individualized and successful revenue-generating projects involving concessions, surplus property sales and public-private sector cooperative ventures.

Administrative Law

Public agency clients are frequently involved with other government agencies seeking financial assistance,

permits and other approvals. We have represented clients in both informal negotiations and formal administrative proceedings before federal and state agencies, as well as local and regional authorities.

Legislation

Our attorneys are as comfortable in the legislative arena as in the judicial. We have a solid understanding of the principles of legislative drafting, have prepared ordinances with the force of law for many local agency clients, and have submitted draft legislative language to members of Congress and the State Legislature. We have assisted clients in securing important amendments to their enabling legislation, as well as favorable treatment in both federal and state legislation authorizing grant support. We have worked directly with elected officials and their staffs to advocate our clients’ positions on pending legislation.

Insurance Recovery

Our attorneys assist the firm’s public agency clients in developing, reviewing and/or negotiating contract requirements for insurance for projects and services. We evaluate insurance policies, certificates and endorsements to determine whether they comply with contract requirements and insurance needs. In the event of a loss and/or claim, we advocate for the agency so as to maximize its insurance coverage potential and conserve public funds.

Industry Experience

The firm has substantial (in some cases unsurpassed) experience with issues unique to agencies providing services in certain fields, principally transportation, water supply and solid waste management.

Transportation

Our role as general counsel to five major public transportation agencies and as special counsel to several other such agencies involves us in federal Section 13(c) labor protection statute issues, legislation that regulates competition with private enterprises, elderly and disabled accessibility requirements, alcohol and drug testing mandates, charter and school bus services, affirmative action and disadvantaged business enterprise programs and federal and state procurement regulations.

Water Supply

Our ongoing representation of water agencies (and a regional water suppliers association) has familiarized us with water rights, evolving water quality standards, water conservation and rationing programs, water recycling, water transfers and banking arrangements, and water pricing policies. We have represented public sector and private clients in water law matters, including a statutory adjudication of a stream system in San Mateo County.

Solid Waste Management

Attorneys in the Public Agency Section have assisted cities, districts and joint powers authorities responsible for aspects of solid waste handling in a variety of projects, including: awarding of long-term franchises for solid waste collection and disposal; construction and operation of transfer stations and materials recovery facilities; initiation of a curbside recycling program; and securing long-term landfill disposal capacity. We have defended lawsuits by franchisees challenging City Council rate setting and by private haulers challenging exclusive franchise ordinances.