



STAFF REPORT

Meeting Type: Board of Directors
Title: Legal Services Agreement with Wood, Smith, Henning & Berman LLP for Legal Defense Representation Services
From: Molly MacLean, General Counsel
Through: Ben Horenstein, General Manager
Meeting Date: July 1, 2025

TYPE OF ITEM: X Action Information

RECOMMENDATION: Approve a Legal Services Agreement with Wood, Smith, Henning & Berman LLP in an amount not to exceed \$150,000 for Legal Defense Representation Services

SUMMARY: The General Counsel's Office issued a Request for Qualifications for Legal Defense Representation Services and received five responses. Legal staff reviewed all proposals and interviewed two firms and from this process selected the firm of Wood, Smith Henning & Berman LLP (Wood Smith) to move forward with a new legal services agreement.

DISCUSSION: The District has worked with the firm of Bertrand, Fox, Osman & Wenzel, attorney Tom Bertrand, for many years in dealing with litigation filed against or on behalf of the District. Mr. Bertrand has a very good understanding of District operations and the surrounding community and has successfully represented the District in many cases filed against the District. In order to ensure a competitive process, as well as to augment available legal defense services in the event of conflicts or the need for additional resources, legal staff felt the need to proceed with a RFQ.


On May 8, 2025, the District issued a Request for Qualifications for Legal Defense Representation Services and received five responses, all of which were evaluated by the General Counsel and Staff Attorney. The District received a proposal from the firm of Bertrand, Fox, Osman & Wenzel and determined it would serve the interests of the District to continue to work with Mr. Bertrand and maintain the legal services agreement already in place with his firm, which has a not to exceed amount of up to \$50,000 remaining. Additionally, the District conducted interviews of two other finalists. Legal staff was impressed with the firm of Wood Smith. While this firm has a deep bench and locations nationwide, the attorneys identified to provide litigation support services to the District are mainly located in the Petaluma Office. The firm offers competitive rates and attorneys with the necessary experience, as well as the motivation, to provide legal services for the District.

Legal Staff is proposing to move forward with a Legal Services Agreement with Wood Smith with an initial not to exceed amount of \$150,000, which would be utilized on an as needed basis. It is anticipated that these funds would cover services for approximately the next one to three years, depending on the level of services needed.

ENVIRONMENTAL REVIEW: Not Applicable.

FISCAL IMPACT: Funding for these services will be included in the District General Counsel's Office budget in fiscal years 2026 and 2027 and would be identified as needed in future budget requests.

ATTACHMENT(S): None.

DEPARTMENT OR DIVISION	DIVISION MANAGER	APPROVED
General Counsel's Office	 Molly MacLean General Counsel	 Ben Horenstein General Manager