

BB&K EVENT | APR 24, 2018

The Bill is Due: Now What? Infrastructure, Pensions and the Environment

A BB&K Premier Event

Throughout history, successful governments have created and maintained infrastructure that has allowed for growth, innovation and prosperity. From the massive road and water systems of the Romans to the complex civil service system of ancient China, strategic and long-term investment in both physical and human infrastructure has been a key aspect of success.

The Bill is Due. Now What?

What happens, however, when governments do not continue to make long-term and strategic investments in infrastructure? How can governments maintain current levels of success and prosperity when the bill for failing to invest in infrastructure, or prepare for climate change, start to come due? Compounding the physical infrastructure challenge are the rising costs of pensions that maintain our government's human infrastructure.

Best Best & Krieger LLP brought together innovators and leaders from a variety of disciplines to explore the extent of this infrastructure crisis, discuss options for addressing it and consequences for failing to do so. The one-day event on April 24, 2018 at the Richard Nixon Presidential Library and Museum in Yorba Linda, Calif. provided a lively and thought-provoking way to understand the challenges and opportunities we face now that our deferred infrastructure bill is coming due.

Join the Conversation: #BBKFundtheFuture

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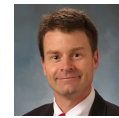
Welcome and Opening Remarks [VIDEO]

- **Eric Garner**, Managing Partner, Best Best & Krieger
- **Michael Rogers**, Program M.C., Practical Futurist

Infrastructure, Pensions and the Environment – The Complex Puzzle of Funding Our Future [VIDEO]

The discussion kicks off with a look at common threads and challenges we all

People



Shawn D. Hagerty

PARTNER

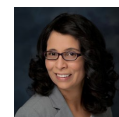
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Related Practices

Employee Benefits & Executive Compensation

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face.

- **Martin Wachs**, Distinguished Professor Emeritus of Civil & Environmental Engineering and City & Regional Planning at the University of California, Berkeley ([See Martin Wach's presentation \[PDF\]](#))
- **Tom Kirk**, Executive Director, Coachella Valley Association of Governments ([See Tom Kirk's presentation \[PDF\]](#))
- **Karol K. Denniston**, Partner, Squire Patton Boggs ([See Karol Denniston's presentation \[PDF\]](#))
- Moderator: **Adie Tomer**, Fellow, Brookings Institution's Metropolitan Policy Program

Supplemental Material:

- [“Pension Math: Public Pension Spending and Service Crowd Out in California, 2003-2030,”](#) Stanford Institute for Economic Policy Research
- [“More than Money: Infrastructure and Governance,”](#) co-authored by Martin Wachs, Public Works Management & Policy, Sage Publications
- [“Not Everything is Broken: The Future of U.S. Transportation and Water Infrastructure Funding and Finance,”](#) co-authored by Martin Wachs, RAND Corp.

[The Price of an Aging Infrastructure on the Environment \[VIDEO\]](#)

In this interview-style discussion, State Water Contractors General Manager **Jennifer Pierre** sits down with Best Best & Krieger Partner **Stefanie Morris** to discuss impacts of the State's aging infrastructure on our ecosystem. The Water Fix, Oroville Dam, habitat restoration and endangered species, flood control and water quality are among the issues that are explored in this engaging discussion.

[\(See Jennifer Pierre's presentation \[PDF\]\)](#)

[Is the Road Forward Even a Road? Transportation, Infrastructure and Innovation \[VIDEO\]](#)

An engaging question-and-answer session with experts in merging infrastructure and advanced transportation technology. Audience members asked their most pressing questions about our infrastructure roadblocks, and the panelists discussed how we can drive through them.

- **Anne Mayer**, Executive Director, Riverside County Transportation Commission
- **Thomas Bamonte**, Program Manager, North Central Texas Council of Governments
- **Austin Brown**, Executive Director, Policy Institute for Energy, Environment, and the Economy at the University of California, Davis
- Facilitator: **Gregory Rodriguez**, Of Counsel, Best Best & Krieger

Keynote: A Glimpse at the Future: [VIDEO] by **Michael Rogers**, Practical Futurist

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Pensions: The Problems, Perspectives and Possibilities

Hear from those fighting in the pension trenches, as well as the latest legal and financial developments.

- **Mary Beth Redding**, Vice President, Bartel Associates, LLC: *Pension Liability by the Numbers* (See Mary Beth Redding's presentation [\[VIDEO\]](#) [\[PDF\]](#))
- **Isabel Safie**, Partner, Best Best & Krieger: *Legal Update: Is the California Rule in Flux?* (See Isabel Safie's presentation [\[VIDEO\]](#) [\[PDF\]](#))
- **Chuck Reed**, Special Counsel, Hopkins & Carley; Former Mayor of the City of San Jose: *Lessons Learned from San Jose and other Attempted Solutions* (See Chuck Reed's presentation [\[VIDEO\]](#) [\[PDF\]](#))
- **David Mastagni**, Managing Partner, Mastagni Holstedt and **Scott Ochoa**, City Manager, City of Ontario, Calif. and moderated by **Isabel Safie**, Partner, Best Best & Krieger: *Perspectives: The Practical Effects of Today's Pension Programs* ([\[VIDEO\]](#))

Supplemental Material:

- ["League of California Cities' Retirement System Sustainability Study and Findings," January 2018](#)
- ["A Right to Future \(Reasonable\) Pension Benefits,"](#) by Isabel Safie, *Daily Journal*, Sept. 1, 2016 (subscription required)
- ["It Could Be a While Before we Get Vested Pension Rights Answers,"](#) by Isabel Safie, *Daily Journal*, Jan. 22, 2018 (subscription required)

Federal Legislative Discussion - Where Do We Invest [\[VIDEO\]](#)

Best Best & Krieger attorney **Gregory Rodriguez** sat down with **Tim Walsh**, Chief of Staff, Rep. Juan Vargas, to discuss the latest finance opportunities available from the federal level.

Closing Remarks [\[VIDEO\]](#)

- **Eric Garner**, Managing Partner, Best Best & Krieger
- **Michael Rogers**, Program M.C., Practical Futurist

Speaker Bios

Thomas Bamonte, *Senior Program Manager, Automated Vehicles, North Central Texas Council of Governments*

Tom Bamonte is Senior Program Manager for Automated Vehicles for the North Central Texas Council of Governments. At NCTCOG, he works on automated vehicle pilot programs, the regional data infrastructure for automated vehicles and related transportation technology and planning issues. Before joining NCTCOG, he served in senior legal positions at the Chicago Transit Authority and toll highway authorities in Illinois and Texas. Previously, he handled corporate takeover litigation at a private law firm. He is a graduate of the University of Chicago and Northwestern University School of Law.

Austin Brown, *Executive Director, Policy Institute for Energy, Environment,*

and the Economy at the University of California, Davis

Austin Brown is Executive Director of the Policy Institute for Energy, Environment, and the Economy at the University of California, Davis. In this role, he builds strong connections between the research and policy communities at the local, state and national levels with a focus on clean energy and sustainable transportation. Prior to joining UC Davis in June 2017, he spent nine years in Washington, D.C., working for the Department of Energy, the National Renewable Energy Laboratory and as Assistant Director for Clean Energy and Transportation at the White House Office of Science and Technology Policy in the Obama Administration.

Karol K. Denniston, *Partner, Squire Patton Boggs*

Karol K. Denniston, a bankruptcy and restructuring lawyer for more than 30 years, has extensive experience representing debtors, creditors, bondholders and other parties in a wide variety of litigated bankruptcy cases and out-of-court transactions. Karol has a strong interest in mediation and has been a mediator since 1992. She has deep experience working with all asset types: real estate, intellectual property, regulated industries including banks, infrastructure, utilities, oil and gas, gaming and nonprofits.

Eric L. Garner, *Managing Partner, Best Best & Krieger*

Best Best & Krieger Managing Partner Eric Garner has practiced water law for nearly 30 years. For the past two decades, he has worked extensively on groundwater matters. He was involved in the Mojave Groundwater adjudication and represented the lead parties in the Santa Maria and Antelope Valley groundwater adjudications. He advised clients throughout California on groundwater issues and was involved in drafting the Sustainable Groundwater Management Act. Eric co-authored "California Water" and "California Water II."

Shawn Hagerty, *Partner, Best Best & Krieger (Program Chair)*

Shawn Hagerty, a Partner at Best Best & Krieger and Chair of the "The Bill is Due," works with public agencies in California and throughout the United States to solve complex legal problems, with an emphasis on federal and state water quality and water supply laws. He is the City Attorney for the City of Santee, Calif. and provides corporate counsel services to Civic San Diego. Shawn is a member of BB&K's Executive Committee.

Tom Kirk, *Executive Director, Coachella Valley Association of Governments*

Tom Kirk is the Executive Director of the Coachella Valley Association of Governments. Before joining CVAG in June 2009, Tom served in both the private and public sectors, including serving as Executive Director of the Salton Sea Authority and getting elected a city councilman in the City of La Quinta. He also has extensive experience working for real estate development companies and for planning/engineering consultants.

David Mastagni, Founder and Managing Partner, Mastagni Holstedt

David E. Mastagni, the Founder and Managing Partner at Mastagni Holstedt, focuses on labor representation for public safety employees. David handles complex litigation, including pension, MMBA, POBR and FLSA matters. He represented the Stockton Police Officers' Association throughout the City's bankruptcy, and overturned the City of Los Angeles' retiree medical freeze. He represents the Alameda County Deputy Sheriffs Association in their challenge of PEPRA, and is serving *amici curiae* in the Marin and Cal Fire Supreme Court appeals. David graduated from the University of California, Berkeley Law School in 1999 and is AV rated by Martindale-Hubbell. He has been named to Super Lawyers, Top Lawyers in Sacramento and *Sacramento Business Journal's* Best of the Bar.

Anne Mayer, Executive Director, Riverside County Transportation Commission

As the Executive Director of the Riverside County Transportation Commission , Anne Mayer leads a staff of 50 with an annual budget of \$782 million. Under Anne's leadership, RCTC has delivered on promises made to the voters of Riverside County's Measure A half-cent sales tax and ensured that transportation projects and programs support quality of life and the economy in Riverside County. Anne spearheaded the initiation of inland Southern California's first innovative finance and project delivery efforts, which are coming to fruition on State Route 91 and Interstate 15.

Stefanie Morris, Partner, Best Best & Krieger

Best Best & Krieger Partner Stefanie Morris served four years as the in-house general counsel for the State Water Contractors before rejoining the firm in 2017. Stefanie has practiced almost exclusively in the area of water rights, but also has experience with environmental litigation. Her water experience includes working on complex Sacramento Delta water issues and surface water rights matters throughout California. In addition, Stefanie has extensive groundwater experience, including the massive adjudications of the Santa Maria and Antelope Valley groundwater basins. Stefanie also helped to negotiate and draft parts of the Sustainable Groundwater Management Act on behalf of the Association of California Water Agencies.

Scott Ochoa, City Manager, City of Ontario, Calif.

Scott Ochoa, the City Manager for the City of Ontario, served as City Manager for the City of Monrovia from 2004-2012 and the City of Glendale from 2012-2017. During both tenures, Scott focused on sound financial management, innovative and resourceful leadership and outstanding public service to help cities recover from the Great Recession's impacts. He was appointed Ontario City Manager in October 2017. Scott holds a master's degree in public administration from the University of Southern California, with an emphasis in

public sector entrepreneurship.

Jennifer Pierre, *General Manager, State Water Contractors*

Jennifer Pierre is an expert in water supply and restoration management. As General Manager of the State Water Contractors, Jennifer oversees the execution of the SWC's objectives and overall operations. Jennifer leads SWC's participation in developing the framework for the State's management of water supply and ecological issues within the Delta. Additionally, she manages coordination with the California Department of Water Resources regarding daily State Water Project operations, statewide water supply management, and the programs, policies and regulations affecting the SWP. Prior to SWC, Jennifer served as a principal of ICF International, where she led critical elements of CA WaterFix, Suisun Marsh Plan and other Delta environmental planning efforts.

Mary Beth Redding, *Vice President, Bartel Associates, LLC*

With more than 30 years in employee benefits, Mary Beth Redding has served as retirement consultant for a wide range of public agencies, specializing in pension and retiree medical benefits. She speaks on current topics including CalPERS contribution rates and supplemental pension trusts, as well as the new GASB OPEB accounting rules to retirement boards, city councils, boards of directors, and employee and professional groups. Mary Beth is a Fellow of the Society of Actuaries, a member of the American Academy of Actuaries and an enrolled actuary under ERISA

Chuck Reed, *Special Counsel, Hopkins & Carley; Former Mayor of the City of San Jose*

As Mayor of San Jose from 2007 through 2014, Chuck Reed's top priority was saving the City from insolvency and fiscal disaster. After 10 years of cutting services to balance the budget, his Fiscal Reform Plan was implemented in 2011, which included a nationally regarded pension reform ballot measure that voters overwhelmingly supported. The story of his work in San Jose is noted in books ("Boomerang," Michael Lewis; "Fate of the States," Meredith Whitney). Chuck is a founder of Retirement Security Initiative, a national, bipartisan advocacy organization focused on protecting and ensuring the fairness and solvency of public sector retirement plans. He is now a member of the real estate group of the law firm of Hopkins & Carley's San Jose office.

Gregory Rodriguez, *Of Counsel, Best Best & Krieger*

Working out of BB&K's Washington, D.C. office, Greg uses his unique experience working on Capitol Hill and as in-house counsel for a transportation planning agency to provide legal and regulatory guidance concerning federal grant and contracting requirements, and monitors, counsels and advocates for clients on federal legislation, rulemakings and funding opportunities related to transportation infrastructure. Greg's practice includes providing strategic

guidance, policy tracking and legal assistance on the regulation and incorporation of emerging technologies into our transportation network, including on-demand mobility, automated and connected vehicles, and drones. Greg is a co-host on the @MobilityPodcast and can be found on Twitter at @smartertranspo.

Michael Rogers, *Practical Futurist*

Michael Rogers is an author and futurist. He recently served as futurist-in-residence for *The New York Times* and has worked with companies ranging from FedEx and NBC Universal to Microsoft and Shell. Michael was a writer for *Rolling Stone* and co-founded *Outside* magazine. He then launched *Newsweek's* technology column and was vice president of The Washington Post Company's new media division, earning patents for his work. He is also a best-selling novelist whose books are published worldwide. Michael studied physics and creative writing at Stanford University, with additional work at the Stanford Business School Executive Program.

Isabel Safie, *Partner, Best Best & Krieger*

Best Best & Krieger Partner Isabel Safie is a versatile attorney, whose practice focuses on employee benefits, including issues related to pensions and other post-employment benefits, as well as tax, with an emphasis on employment, income and excise taxes, and tax-exempt entities.

Adie Tomer, *Fellow, Brookings Institution's Metropolitan Policy Program*

Adie Tomer is a Fellow at the Brookings Institution's Metropolitan Policy Program, where he directs the Infrastructure and Built Environment portfolio. His work focuses on metropolitan transportation usage patterns, broadband and the intersections between infrastructure and technological development. His work has received coverage and citations in academic journal articles and international print publications, including *The Economist*, *Wall Street Journal* and *New York Times*. He holds a master's degree in public policy from American University and a bachelor's degree from the University of Florida.

Martin Wachs, *Distinguished Professor Emeritus of Civil & Environmental Engineering and City & Regional Planning at the University of California, Berkeley*

Martin Wachs is Distinguished Professor Emeritus of Civil & Environmental Engineering and City & Regional Planning at the University of California, Berkeley, where he directed the Institute of Transportation Studies. He earlier spent 25 years at the University of California, Los Angeles, where he was Chairman of the Department of Urban Planning for 11 years. After retiring from UCLA, Wachs became the Director of the Transportation, Space, and Technology Program at the RAND Corporation in Santa Monica. He is semi-retired, teaching courses and conducting research at UCLA in transportation

policy and working on transportation policy projects at RAND.

Tim Walsh, *Chief of Staff, Rep. Juan Vargas*

Tim Walsh is Chief of Staff to Congressman Juan Vargas (D-CA 51st District). He manages the District and legislative offices in San Diego and Imperial counties and in Washington, D.C. Tim is responsible for media relations, crisis communications, legislative negotiations and constituent outreach. He has more than 15 years of experience in local, state and federal government that includes extensive experience with large development projects and complex municipal finance.