

# HEBER PUBLIC UTILITY DISTRICT

## REPORT TO BOARD OF DIRECTORS

**MEETING DATE:** May 15, 2015

**FROM:** Laura Fischer, General Manager

**SUBJECT:** Authorize the General Manager to Solicit Proposals General Legal Counsel

**ISSUE:**

Shall the Board of Directors authorize the General Manager to solicit proposals for general legal services?

**GENERAL MANAGER'S RECOMMENDATION:**

It is recommended that the Board of Directors authorize the General Manager to solicit proposals for general legal services.

**FISCAL IMPACT:**

It will cost approximately \$500 to advertise the Request for Proposal for legal services. The current hourly rate for legal services is \$110. We anticipate the cost per hour for legal services to increase should the Board decide to change legal counsel.

**BACKGROUND:**

The Board President asked this item to be placed on the agenda for discussion and possible action.

The current legal service contract with Mr. Steve Walker was executed in 2007. A copy is attached for your consideration.

**ALTERNATIVES:**

- 1) Authorize the General Manager to solicit proposals for professional legal services for the Heber Public Utility District.
- 2) Do not authorize the General Manager to solicit proposals for professional legal services and continue with the current professional legal service contract with Mr. Walker.

Respectfully Submitted,

Laura Fischer,  
General Manager

Attachment: Agreement for Legal Services – Steven Walker



## AGREEMENT FOR LEGAL SERVICES

This Agreement is entered into by and between the Heber Public Utility District (hereinafter referred to as the District), and Steven M. Walker (hereinafter referred to as the General Counsel).

The General Counsel agrees to provide legal services to, and legal representation for, the District in regard to various matters in the area of employer/employee relations, labor relations, personnel administration, general operations, and other issues when requested by the District and agreed by the General Counsel.

The District agrees to compensate the General Counsel at the hourly rate of \$110.00 per hour plus ordinary reasonable expenses. From time to time, the District and the General Counsel may agree to a single fee or other alternative arrangement for legal services, but all such arrangements must be confirmed by Steven M. Walker, in writing. The General Counsel will bill work performed in increments of one-tenth of an hour.

The maximum fee for legal services in any fiscal year will not exceed the sum of \$16,000.00 except in litigation matters, or as otherwise agreed by District and General Counsel. Litigation cases will be billed to the District at the rate of \$125.00 per hour.

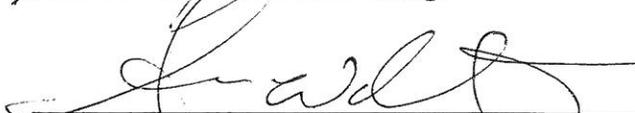
It is expressly agreed and understood that the General Counsel is an independent contractor and not an employee of the District. It is expressly agreed and understood that either the District or the General Counsel may terminate this Agreement at any time upon 30 days written notice to the other party.

In the event of a continuing dispute regarding fees or costs billed by the General Counsel, either party may resolve such a dispute by submitting it to binding arbitration. If the parties are unable to agree on a retired judge or other mediator to hear the dispute, each party will name one retired judge or mediator and the two named individuals will select a third retired judge or mediator who will not be the sole arbitrator.

The term of the Agreement shall commence on July 1, 2007 through June 30, 2008, and from month to month thereafter until terminated by either party.

HEBER PUBLIC UTILITY DISTRICT

  
John A. Jordan, General Manager

  
Steven M. Walker, General Counsel