

HEBER PUBLIC UTILITY DISTRICT

REPORT TO BOARD OF DIRECTORS

MEETING DATE: August 20, 2015

FROM: Laura Fischer, General Manager

SUBJECT: Approve the Agreement for Legal Services with Walker & Driskill, PLC

ISSUE:

Shall the Board of Directors approve the agreement for legal services with Walker & Driskill, PLC as presented?

GENERAL MANAGER'S RECOMMENDATION:

It is recommended that the Board of Directors approve the agreement for legal services with Walker & Driskill.

FISCAL IMPACT:

Prior agreement with Mr. Walker was for \$110 per hour.
Proposed agreement with Mr. Walker is for \$150 per hour.

Increase in hourly rate of \$40.

In FY 2014-15 Mr. Walker billed 76.20 hours for a total of \$8,334.00. It is projected that with the same number of hours for services in FY 2015-16 the expenditures will increase by \$3,048.00. The agreement states a not to exceed amount of \$23,000.00 in FY 2015-16, which is the current budget amount.

BACKGROUND:

In May, the Board President asked that item to be placed on the agenda for discussion and possible action. At that meeting, it was decided to establish an Ad-Hoc Committee to meet with the District Counsel, Mr. Steve Walker, to review his performance and report back to the HPUD Board of Director their desire to either renew the contract with Mr. Walker or to solicit proposals for legal services.

The HPUD Board President and Vice-President were assigned to the Ad Hoc Committee. The Committee met with Mr. Walker and requested that staff include an item on the August agenda to approve the agreement for legal services with Walker & Driskill.

DISCUSSION:

The Board President and/or Vice President may have more information as to the meeting discussion and proposed agreement amount and terms.

ALTERNATIVES:

- 1) Approve the agreement for legal services with Walker & Driskill with modifications.
- 2) Do not approve the agreement for legal services and provide alternate direction to staff.

Respectfully Submitted,

Laura Fischer,
General Manager

Attachment: Proposed Agreement for Legal Services with Walker & Driskill
Current Agreement for Legal Services with Mr. Steve 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.

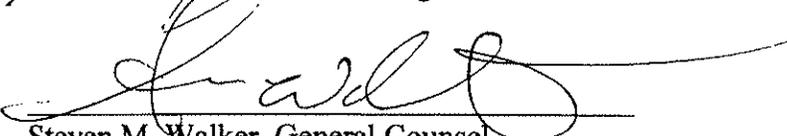
It is expressly agreed and understood that the General Counsel is an independent contractor and not an employee of the District. It is expressly agreed and understood that either the District or the General Counsel may terminate this Agreement at any time upon 30 days written notice to the other party.

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

AGREEMENT FOR LEGAL SERVICES

This Agreement is entered into by and between the Heber Public Utility District (hereinafter referred to as the District), and Walker & Driskill, PLC (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 \$150.00 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 Walker & Driskill, PLC, in writing. The General Counsel will bill work performed in increments of one-tenth of an hour.

The maximum fee for legal services in fiscal year 2015-16 will not exceed the sum of \$23,000.00 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 \$150.00 per hour.

District agrees to conduct annual evaluation of General Counsel, in closed session.

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.

The term of the Agreement shall commence on September 1, 2015 through September 30, 2016, and from month to month thereafter until terminated by either party.

HEBER PUBLIC UTILITY DISTRICT

Laura Fischer, General Manager

WALKER & DRISKILL, PLC

Steven M. Walker, General Counsel