

Heber Public Utility District REPORT TO THE BOARD OF DIRECTORS

MEETING DATE: April 10, 2025

FROM: Madeline Dessert, General Manager

SUBJECT: Discussion/Action to Ratify Amendment to Agreement for Legal Services with Steven M. Walker, Walker and Driskill, PLC

ISSUE:

Shall the Heber Public Utility Board of Directors Ratify Amendment to Agreement for Legal Services with Steven M. Walker, Walker and Driskill, PLC?

GENERAL MANAGER RECOMMENDATION:

It is recommended that the Heber Public Utility Board of Directors Ratify Amendment to Agreement for Legal Services with Steven M. Walker, Walker and Driskill, PLC.

FISCAL IMPACT:

Contract hourly rate would increase to \$200/hour for general legal services and \$250/hour for litigation services effective July 1, 2025.

DISCUSSION:

Heber Public Utility District's contract for legal services with Walker and Driskill. PLC last increase was approved September of 2015.

CONCLUSION:

It is recommended the contract amendment is accepted as proposed.

Respectfully Submitted,

Madeline Dessert, General Manager

Attachments: Agreement for Legal Services with Steven M. Walker, Walker and Driskill, PLC

AGREEMENT FOR LEGAL SERVICES

This Agreement is entered into by and between the Heber Public Utility District (hereinafter referred to as "HPUD"), Steven M. Walker, and Walker & Driskill, PLC (hereinafter referred to as the "Attorney").

Attorney agrees to provide legal services to, and legal representation for, the HPUD.

The HPUD agrees to compensate the Attorney at the hourly rate of two hundred dollars [\$200.00] per hour for legal services, including, but not limited to:

- ✓ Attendance at regular and special meetings of the Board of Directors.
- ✓ Attendance at meetings with outside agencies.
- ✓ Attendance at annual strategic planning, budget, team building, or similar sessions.
- ✓ Agenda review, including back-up materials.
- ✓ Initial review and evaluation of Tort Claims filed against the HPUD.
- ✓ Drafting, review and negotiation of contracts.
- ✓ Review of employment agreements and evaluation materials.
- ✓ Periodic meetings with the HPUD General Manager and staff as directed by the General Manager.
- ✓ Review and respond to periodic communication from Directors.
- ✓ Communication to the Board of Directors.
- ✓ Review and direct responses in compliance with Public Records Act requests.
- ✓ Monitor and report to the Board on pending and current applicable state and federal legislation and court cases.
- ✓ Four hours of annual training on mutually agreed upon subjects, for example, the Brown Act, AB 1234 Ethics Training, and/or harassment.

The HPUD agrees to compensate Attorney at the hourly rate of two hundred fifty dollars [\$250.00] per hour plus ordinary reasonable expenses for litigation services.

From time to time, the HPUD and the Attorney 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.

Attorney will bill work performed in increments of one-tenth of an hour.

It is expressly agreed and understood that Attorney is an independent contractor and not an employee of the HPUD. It is expressly agreed and understood that either the HPUD or Attorney may terminate this Agreement at any time upon sixty (60) days written notice to the other party.

The term of the Agreement shall commence on July 1, 2025 through June 30, 2026 and from year to year thereafter until terminated by either party,

HEBER PUBLIC UTILITY DISTRICT

Madeline Dessert Martinez, General Manager

Date:

WALKER & DRISKILL, PLC

Steven M. Walker, Attorney

Date: