



Board of Commissioners Special Meeting
Friday, April 15, 2022, 4:30 PM
17661 Pilkington Road, Lake Oswego OR

AGENDA ITEMS

- | | | |
|------|---|---------|
| I. | Call to Order | 4:30 PM |
| II. | Public Comment (2 Minute Limit) | 4:31 PM |
| III. | New Business | 4:35 PM |
| | <ul style="list-style-type: none">• Introduction of Tommy Brooks, Esq., Cable Huston• District Volunteers - Clackamas County Coordinating Committee (C-4)<ul style="list-style-type: none">○ Commissioner James Johnson○ Commissioner Grant Howell• Board Chair Voting Representative for Clackamas County Water Districts | |
| IV. | Executive Session | 4:55 PM |
| | <ul style="list-style-type: none">• To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent - ORS 192.660(2)(a) & (f) | |
| V. | Reconvene in Open Session/Continue New Business | 5:00 PM |
| | <ul style="list-style-type: none">• Hiring Practices & Authority | |
| VI. | Adjournment | 5:10 PM |

Next Regular Meeting: Monday, April 25, 2022 at 4:30 P.M.
Budget Committee Meeting, April 25, 2022 at 5:30 P.M.

Join Zoom Meeting

<https://us06web.zoom.us/j/86887198748?pwd=V1RpbW95eFJsd1Q2RGRJdUhBaGdJZz09&from=addon>

Meeting ID: 868 8719 8748 Passcode: 583018

One tap mobile:

+13462487799,,86887198748#,,,,*583018# US (Houston)

+16699006833,,86887198748#,,,,*583018# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston) +1 669 900 6833 US (San Jose) +1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago) +1 929 205 6099 US (New York) +1 301 715 8592 US (Washington DC)

Find your local number: <https://us06web.zoom.us/j/kckqz8cZcC>

**CALL
TO
ORDER**



PUBLIC COMMENT



Introduction

Mr. Tommy Brooks, Esq.

Cable Huston LLP.

+
CABLE HUSTON LLP

JAMES S. KINCAID

jkincaid@cablehuston.com

April 6, 2022

VIA EMAIL (jcasey@rivergrovewater.com)

Rivergrove Water District
Janine Casey, General Manager
17661 SW Pilkington Road
Lake Oswego, Oregon 97035

Re: Legal Representation Agreement

Dear Ms. Casey:

It has been a pleasure talking with you about Rivergrove Water District selecting Cable Huston LLP to provide legal services to the District as its general counsel.

As Tommy Brooks and I mentioned, this letter and the accompanying General Terms of Engagement set forth the terms governing Cable Huston's representation. Please review both documents and, if the terms are acceptable, please have a copy of this letter signed and returned to me. A copy of the letter with a scanned signature sent by e-mail in .pdf format is sufficient.

Tommy Brooks and Laura Westmeyer will be the primary attorneys working on this matter. Tommy's rate for this matter is \$350 per hour and Laura Westmeyer's rate is \$275 per hour. As we discussed, Tommy and Laura likely will draw from the expertise of other Cable Huston attorneys. For example, Tommy and Laura may draw from the expertise of other attorneys on real estate, employment and environmental matters that may arise during our representation. Also, it may make economic sense to use another attorney or a paralegal to assist with providing legal services for the District. The following is Cable Huston's rate schedule for our attorneys and paralegals that could potentially assist in providing legal services for the District.

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Level	Hourly Rate
Senior Partner	\$425.00
Partner	\$350.00
Senior Associate	\$275.00
Junior Associate	\$250.00
Paralegal	\$190.00

Senior Partner: Cable Huston's Senior Partners lead their practice areas at the firm. Senior Partners have at least twenty years of experience as a practicing attorney and more than ten years of experience at the partner level.

Partner: A Cable Huston Partner typically has at least ten years of experience as a practicing attorney and is a leader in their field.

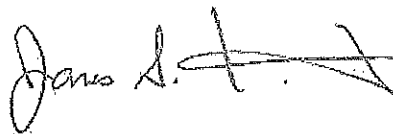
Senior Associate: A Senior Associate has more than three years of experience as a practicing attorney. Senior Associates continue to operate under the close supervision of a partner-level attorney, but with much greater autonomy.

Junior Associate: A Junior Associate has up to three years of experience as a practicing attorney. Cable Huston primarily utilizes Junior Associates to conduct cost-effective research and analysis.

Our firm policy is to require a retainer deposit from a new client. We will, however, waive the retainer requirement for Rivergrove Water District. Our firm will send an invoice monthly to you for legal services performed in the preceding month. Payment is to be made within thirty (30) days after receipt of the invoice. Tommy or I will review the invoice each month to make sure it accurately and fairly reflects the work performed. If you have any questions about an invoice, please call Tommy or me. If payment is not timely made for an invoice, our firm reserves the right to withdraw from its representation. If a substantial amount of work will be involved with a matter, the firm reserves the right to request a retainer before performing any further work.

If you have any questions about this letter or the General Terms of Engagement, please give me a call. Thank you for asking Cable Huston to serve as general counsel for the District. We very much appreciate the opportunity to work with you.

Very truly yours,

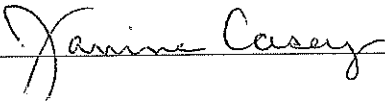


James S. Kincaid

JSK:ko
Enclosure

IT IS SO ACCEPTED AND AGREED ON BEHALF OF:

Rivergrove Water District



By: Janine Casey _____

Title: General Manager _____

Date: April 6, 2022 _____

GENERAL TERMS OF ENGAGEMENT

1. Professional Undertaking. James S. Kincaid will have primary responsibility for legal work undertaken on your behalf. Other attorneys and paralegals in the office may be used in this matter in the best exercise of our professional judgment. We will endeavor to assist you in a professional manner and to the best of our abilities, but we cannot guarantee the outcome of any given matter.

2. Fees. When establishing fees for services that we render, we are guided primarily by the time and labor required. We internally assign to each lawyer an hourly rate based on the ability and experience of the lawyer or lawyers in our firm who perform the services. The hourly rates established for the principal lawyers involved in representation of the client are provided in your legal representation agreement letter.

Our internal hourly rates change periodically to account for increases in our cost of delivering legal service, other economic factors, and the augmentation of a particular lawyer's ability and experience. Any such changes in hourly rates are recorded on monthly bills without any separate notice, and are applied prospectively, as well as to unbilled time previously expended. We record and bill our time in one-tenth-hour (six minute) increments.

3. Out-of-Pocket Expenses. In addition to legal fees, our bills will include out-of-pocket expenses that we have advanced on your behalf and our internal charges (which may exceed direct costs and allocated overhead expenses) for certain support activities. Advanced expenses generally will include such items as travel, postage, filing, recording, certification, and registration fees charged by governmental bodies. Our internal charges typically include such items as courier services, certain charges for terminal time for computer research and complex document production, and charges for photocopying materials sent to the client or third parties or required for our use. We may request an advance cost deposit (in addition to the retainer deposit) when we expect that we will be required to incur substantial advanced costs on behalf of the client.

During the course of our representation and with your specific authorization, it may be determined to hire third parties to provide services on your behalf. These services may include such things as consulting or testifying experts, investigators, providers of computerized litigation support, and court reporters. Because of the legal "work product" protection afforded to services that an attorney requests from third parties, in certain situations our firm may assume responsibility for retaining the appropriate service providers. Even if we do so, you will be responsible for paying all fees and expenses directly to the service providers or reimbursing us for these expenses.

4. Retainers. For new clients, we require a retainer deposit. Any such advance payment is held by us in our client trust account. You agree we have the right, without notice and in our own discretion, to apply all or a portion of such funds against past due billings or other amounts owing to us. In the event we draw against an advance payment, we reserve the right to suspend work on your behalf until such time as the deposit is replenished in full. The balance of any advance payment against future billings remaining at the conclusion of a matter

for which we have been paid in full will be refunded to you.

5. Trust Account. All trust deposits from clients (including retainer) are held in a client trust account. By court rule in Oregon, funds deposited to a trust account are subject to IOLTA (Interest on Lawyer's Trust Account) participation. The only exception is when the deposit is large enough to earn interest in excess of bank and administrative costs. IOLTA funds are used to support law related charitable and educational activities.

The firm's trust account is held at the Bank of America. Our trust account is an FDIC insured account. Your funds being held in our trust account count towards the maximum FDIC insurance amount of \$250,000 available for accounts held at the Bank of America. If you have additional funds in the same institution approaching or exceeding the insurable limit, you may wish to make other arrangements so that all of your deposits there will remain insured.

6. Billings. We bill periodically throughout the engagement for a particular matter, and our periodic bills are due when rendered. If our fees are based primarily on the amount of our time devoted to the matter, our bills will be rendered monthly. Our bills contain a concise summary of each matter for which legal services are rendered and a fee is charged.

If our bills are not paid in a timely manner, we reserve the right to discontinue services. Additionally, if a bill has not been paid within 30 days from the date of the bill, we may impose a late charge of 1.5 percent per month (an 18 percent annual percentage rate) from the 30th day after the date of the bill until it is paid in full. Late charges apply to specific monthly bills on an individual bill basis. Any payments made on past due bills are applied first to the oldest outstanding bill. We are entitled to attorneys' fees and expenses if collection activities are necessary.

7. Questions About Our Bills. We invite you to discuss freely with us any questions that you have concerning a fee charged for any matter. We want our clients to be satisfied with both the quality of our services and the reasonableness of the fees that we charge for those services. We will attempt to provide as much billing information as you require and in such customary form that you desire, and are willing to discuss with you any of the various billing formats we have available that best suit your needs.

8. Relationships with Other Clients. Because we are a full-service law firm with many clients, we may be (and often are) asked to represent a client with respect to interests that are adverse to those of another client who is represented by the firm in connection with another matter. Just as you would not wish to be prevented in an appropriate situation from retaining a law firm that competes with Cable Huston LLP, our firm is not prevented from representing other persons who may be competitors in your industry or who may have interests that are potentially adverse to yours, but with respect to matters that are not related in any way to our representation of you.

9. Termination. You have the right to terminate our representation at any time. We have the same right, subject to our obligation to give you reasonable notice to arrange alternative representation and, if required, to obtain permission of the judge before whom a litigation matter is pending.

10. Files. You have the right to the contents of your files at any time; however, your rights are subject to our statutory lien for unpaid attorney fees and costs. You consent to and agree that we can destroy your file if ten or more years have passed since your last contact with this firm. If we represent you on an ongoing basis involving different matters, you consent to and agree that we can destroy the file for any particular matter if it has been completed for ten or more years provided we first notify you that we intend to destroy the file and you have not given us contrary instructions within thirty days. "Files" for this purpose include electronic and paper files.

11. Privacy/Confidentiality Policy. Attorneys have been and continue to be bound by professional standards of confidentiality that are even more stringent than other privacy laws. We have always protected your right to privacy and will continue to do so.

In the course of providing legal advice to you, we may receive significant personal financial information about you, which we retain to assist you with your professional needs and in, some cases, to comply with professional guidelines. We want you to know that all information that we receive from you is held in confidence, and is not released to people outside the firm, except as agreed by you, or as required under applicable law. To accomplish this, we maintain physical, electronic, and procedural safeguards that comply with our professional standards.

12. Acceptance of Terms of Engagement. Your agreement to this engagement constitutes your acceptance of the foregoing terms. If any of these terms are unacceptable to you, please advise us now so we can resolve any differences and proceed with a clear, complete and consistent understanding of our relationship.



17661 Pilkington Rd.
Lake Oswego
OR 97035

p: 503.635.6041
f: 503.699.9423

www.rivergrovewater.com

April 5, 2022

Rivergrove Water District
17661 Pilkington Road
Lake Oswego OR 97035

Jordan Ramis PC
Attn: Mr. Steve Shropshire
2 Centerpointe Drive
Lake Oswego OR 97035

Steve

Dear Mr. ~~Shropshire~~,

On behalf of the Rivergrove Water District, we would like to terminate legal representation between the District and Jordan Ramis PC effective this date. We appreciate the dedicated service Jordan Ramis PC has provided to us over the past 25 years and are grateful for the close association we shared. Please know this termination of services is in no way an expression of dissatisfaction. As the District moves forward, we have decided to explore new legal representation with Cable Huston, LLP.

Please ensure we are invoiced for any outstanding services rendered to date. Thank you again for serving our legal needs.

Warmest regards,

Christine K Roth

Christine K. Roth
Chair

Clackamas County Coordinating Committee (C-4)

Nominees

Commissioner James Johnson

Commissioner Grant E. Howell

Voting Representative

Appointment of Board Chair

as the Voting Representative for the District

at the Clackamas County Water District Zoom Meeting

Janine Casey

From: Todd Heidgerken <theidgerken@crwater.com>
Sent: Wednesday, April 13, 2022 7:36 AM
To: byrdkelli@gmail.com; mulinowater@molalla.net; laurapatty@msn.com; boringwater@att.net; saidee@mckaycsi.com; Wade Hathhorn; cwd@colton.com; wintermute_j@yahoo.com; margebraker@comcast.net; Janine Casey; venuto76@aol.com; tammy@lakegrovewater.com; Sarah Jo Chaplen; Kim Anderson
Cc: Wilson, Trent; gbarth@sunrisewater.com; Sherry French; Todd Heidgerken
Subject: Re: Water District Representative to the Clackamas County Coordinating Committee (C-4)

Water Districts in Clackamas County,

Since we have multiple elected officials who have expressed interest in serving as the Water District Representative to the C-4 we will hold a Zoom meeting on Tuesday, April 19 at 5:30 pm. Please look for an invite to the virtual meeting from Trent Wilson. Since this is a Clackamas County Committee, Trent will walk us through the process on the 19th. The goal is to identify a representative to the C-4. We can also identify an alternate representative.

Rivergrove Water District has two commissioners who are interested so they will be holding a meeting this Friday to identify who they will be forwarding for consideration. The others who have expressed interest are Sherry French of Clackamas River Water and Gary Barth of Sunrise Water Authority. The assumption is that those interested will attend the meeting, provide some brief background and share why they are interested.

Please contact Trent if you have any questions (Office: 503.655.8206 | Cell: 971.263.4183).

Thank you,

Todd

On Thu, Mar 31, 2022 at 4:50 PM Todd Heidgerken <theidgerken@crwater.com> wrote:
Water Districts in Clackamas County,

Just an update on the status of the process to select a water district representative to the Clackamas County Coordinating Committee (C-4). We have more than one elected official who has expressed interest in serving on the C-4. Just a reminder that the deadline to forward a name is Monday, April 11. Since we have more than one person interested, we should schedule a brief Zoom meeting to select the representative. We can also choose and alternate. I propose that the Zoom meeting be held on Tuesday, April 19 at 5:30 pm. Please let Trent and me know if there are any issues with that timing.

Thanks,

Todd Heidgerken

On Mon, Mar 7, 2022 at 11:54 AM Todd Heidgerken <theidgerken@crwater.com> wrote:
Water Districts in Clackamas County,

I am reaching out to your District to help coordinate the selection of a "Water District Representative" to the Clackamas County Coordinating Committee (C-4 for short). If you are not familiar with the C-4, you can find out more

information at the County's website: <https://www.clackamas.us/c4> or contact Trent Wilson who is copied on this email.

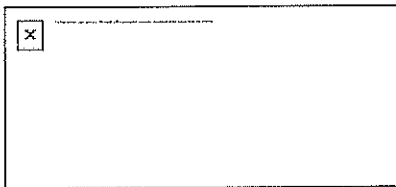
The water district representative position has been vacant for nearly a year due to the passing of Clackamas River Water (CRW) Commissioner Hugh Kalani.

CRW does have another Commissioner who is interested in serving as the representative, however, I wanted to reach out to all of you to see if you had an elected official who might be interested as well. If we have multiple Commissioners that are interested, then we will work with Trent (Clackamas County) to coordinate a "virtual" meeting so someone can be selected. It would also be helpful to know if you don't have anyone interested in serving (then it makes it easier to proceed).

My request is that you notify Trent and myself before **Monday, April 11** of **if you do or do not** have an elected official from your organization interested in serving. I am providing a little over a month to respond just in case you need to bring this to your Board's attention. If we don't hear anything, we will assume that you don't have a person who is interested and will proceed accordingly.

Thanks,

Todd Heidgerken



Todd Heidgerken General Manager

Ph: 503.722.9250 | 16770 SE 82nd Drive
Fax: 503.656.6799 | Clackamas, OR 97015-2439
www.crwater.com

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EXECUTIVE SESSION



EXECUTIVE SESSION

All documents are considered privileged information, contents shall not be discussed with any person outside of Executive Session, and all documents shall be returned with respective Board binder.

Status of HR Answers Investigation

- To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent
 - ORS 192.660(2)(a) & (f)

RECONVENE

REGULAR SESSION

(Board to consider action on any items referred from Executive Session or continue with New Business)



Hiring Practices & Authority

(No documents)

ADJOURNMENT



NOTICE

THE RIVERGROVE WATER DISTRICT BOARD OF COMMISSIONERS

**WILL HOLD A SPECIAL MEETING ON
FRIDAY, APRIL 15, 2022**

**AT 4:30 PM VIA ZOOM. THE
PUBLIC MAY ATTEND. THE
MEETING AGENDA IS POSTED AT
WWW.RIVERGROVEWATER.COM
WITH A LIVE MEETING LINK.**

**THIS MEETING WILL CONTAIN AN
EXECUTIVE SESSION**

IAW ORS 192.660(2)(a) & (f)

Posted:

Rivergrove Water District Website, Jean Road/Pilkington Road
Childs Road/Bryant Road, River Run Road/Childs Road
Childs Road/Pilkington Road, Indian Springs Road / Childs Road
65th/McEwan Road