

INVERNESS PUBLIC UTILITY DISTRICT

FIRE DEPARTMENT  WATER SYSTEM

50 INVERNESS WAY NORTH • P.O. BOX 469 • INVERNESS CA 94937 • (415) 669-1414

Board of Directors

AGENDA

Special Meeting

Wednesday, January 16, 2019

9:00 a.m.

Inverness Firehouse

Opening

1. **Call to Order and Roll Call**
2. **Public Expression:** Opportunity for members of the public to address the Board on matters under the Board's jurisdiction but not on the Agenda. Members of the public may comment on any item on the Agenda at the time the item is considered by the Board. Please note that, in general, the Brown Act precludes the Board members from responding to comments made by the public during Public Expression.

The Business of the District

3. **Confirmation and Acceptance of Administrator's Action Agreeing to Terms of Engagement of Ragghianti|Freitas LLP for Legal Services:** The Administrator has executed an agreement with Ragghianti|Freitas LLP for Mr. Riley F. Hurd III, Esq., to represent IPUD in a matter constituting a potential for significant exposure to litigation against the District. The Board is being asked to confirm and accept the agreement.
4. **Closed Session:** Conference with legal counsel regarding Significant Exposure to Litigation pursuant to California Government Code Section 54956.9(d)(2). Number of potential case(s): One.
5. **Reconvene in Open Session**

Closing

6. **Adjournment**

Posted: January 11, 2019

Material provided in the meeting packet is available to the public by contacting the District Office or by visiting www.invernesspubd.org.
Items may not be taken up in the order shown on this Agenda.

For assistance in participating in this event due to a disability as defined under the ADA, please call in advance to (415) 669-1414.

THE PUBLIC IS CORDIALLY INVITED TO ATTEND THIS MEETING

**BOARD OF DIRECTORS: KENNETH J. EMANUELS, PRESIDENT • DAKOTA WHITNEY, VICE PRESIDENT
KATHRYN DONOHUE, TREASURER • BRENT JOHNSON • DAVID PRESS**



WADE B. HOLLAND, ADMINISTRATOR

**JAMES K. FOX, CHIEF OF OPERATIONS (FIRE CHIEF, WATER SYSTEM SUPERINTENDENT)
KAAREN GANN, CONTROLLER • SHELLEY REDDING, ASSOCIATE ADMINISTRATOR**



Board Agenda Item Staff Report

Subject: Engagement of Ragghianti|Freitas LLP for legal services
Meeting Date: January 16, 2019
Date Prepared: January 8, 2019
Prepared by: Wade Holland, Administrator
Attachments: December 22, 2018, letter from Riley F. Hurd III

Recommended Action: Confirm and accept Administrator's action agreeing to the terms of engagement of Ragghianti|Freitas LLP to represent IPUD with respect to rendering legal services.

On December 13, 2018, an email was received personally by President Emanuels and Vice President Whitney (but not directly by the District) that could reasonably be interpreted to constitute a potential for a significant exposure to litigation against the District. Moreover, the matter required within a very short timeframe a response from (or on behalf of) the District. In staff's opinion, professional legal assistance was needed immediately. The Administrator, with the advice of the Board's Personnel Committee, contacted Riley F. Hurd III of the firm of Ragghianti|Freitas LLP in San Rafael about engaging his services to represent the District. Mr. Hurd submitted the attached proposal on December 22, which the Administrator executed electronically on the same date on behalf of the District (and after consulting with President Emanuels).

Your Board is being requested at this time to confirm and accept the Administrator's action agreeing to the terms of engagement of Ragghianti|Freitas LLP to represent IPUD in the matter at issue.

As part of today's meeting, your Board will be meeting in closed session with Mr. Hurd to discuss this potential exposure to litigation and, as necessary, to provide direction to Mr. Hurd.



Ragghianti|Freitas LLP

Attorneys at Law

1101 5th Avenue, Suite 100
San Rafael, CA 94901
telephone 415.453.9433
facsimile 415.453.8269
www.rflawllp.com

Riley F. Hurd III
rhurd@rflawllp.com

December 22, 2018

Via E-Mail Only

Inverness Public Utilities District
c/o Wade Holland, Administrator
P.O. Box 469
Inverness, CA 94937

Re: Employment Issues

Dear Mr. Holland:

This letter will set out the terms of Ragghianti Freitas LLP's engagement to represent the Inverness Public Utilities District with respect to the rendering of legal services you have requested. I make it a practice to send all my clients these agreements at the beginning of an engagement in order to explain the applicable hourly rates and responsibilities. I invite your questions at any time to ensure that we have a full and complete understanding on these issues.

The legal fees you will incur are based on the time spent on your case. At the present time, our billing rate is \$400 per hour (discounted from \$600). Travel time is billed to and from our office in San Rafael, CA.

Each of the professionals who perform work on your case maintains time records of the services performed. This results in a monthly statement showing the work performed and the dollar amount charged. In addition, it may be necessary for our office to incur additional expenses on your behalf for filing fees, deposition services, etc. These items will appear on your monthly statement as "Costs Advanced."

All bills are due in full upon their receipt and must be paid in full within thirty (30) days of the date of billing. Should any bill remain unpaid after thirty (30) days, further work will not be performed on your case until the account is paid in full. A retainer in the amount of **WAIVED** will be required for this matter. (**Please make retainer check payable to "Riley F. Hurd III, Client Trust Account."**) Your fees and costs will be paid from this retainer until it is exhausted, or until the matter is concluded. Any retainer amount remaining after the conclusion of our representation



Ragghianti|Freitas LLP

Page 2 of 2

will be returned. Please be aware, the retainer amount is not an estimate of the costs of handling your matter and if this matter progresses to arbitration, litigation, or expands in scope, an additional retainer will be required.

You have the right to terminate our representation at any time. I have the same right, subject to my obligation to give you reasonable notice to arrange alternative representation. Upon any such termination and our presentation of a final bill, all fees and costs previously advanced are due and payable in full immediately. In any action to enforce this agreement the prevailing party shall be awarded their reasonable attorneys' fees and costs.

Nothing in this agreement and nothing in our statements to you shall be construed as a promise or guaranty about the outcome of this engagement.

This agreement will take effect when executed by both of us, but its effective date will be retroactive to the date I first provided services. The date at the beginning of this letter is for reference only.

I am looking forward to assisting you in this matter. If this engagement letter meets with your approval, please date and sign it in the spaces provided below and return it to me. Thank you.

Very Truly Yours,

A handwritten signature in blue ink that reads "Riley F. Hurd III".

Riley F. Hurd III

I have read and understand the foregoing terms and agree to them:

DATED: 12/24/2018.

Signed: 
4A392DD76F3C4A5...
Wade Holland for
Inverness Public Utilities District



Ragghianti|Freitas LLP

Attorneys at Law

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Riley F. Hurd III
rhurd@rflawllp.com

January 9, 2019

Via E-Mail Only

Board of Directors
Inverness Public Utilities District
c/o Wade Holland, Administrator
P.O. Box 469
Inverness, CA 94937

Re: Closed Session Request

Dear Board Members:

The purpose of this letter is to recommend that you conduct a closed session during your meeting on January 16, 2019, to discuss potential exposure to litigation involving the District. In my professional opinion, public discussion of this matter would prejudice your position.

The specific reason and legal authority for the closed session is Government Code Section 54956.9(d)(2), which states that a legislative body may hold a closed session when a point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

In my opinion, a point has been reached where there is significant exposure to litigation against the District, thereby warranting a closed session.

Please contact me if you have any comments or questions. Thank you.

Very Truly Yours,

Riley F. Hurd III