

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Indra Winquest  
District General Manager

Tim Callicrate  
Chairman, Board of Trustees

**SUBJECT:** Review, discuss options and potentially provide direction to Staff and the Board Chairman on a preferred option for District Legal Services; Vendor: Best, Best and Krieger (BB&K)

**DATE:** November 9, 2020

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As directed by the Board of Trustees, BB&K has provided the following three (3) options for consideration by the Board of Trustees for District Legal Services. The purpose of this general business item is to allow the Board of Trustees to discuss these options and potentially provide direction to staff and the Board Chairman on a preferred option. The District General Manager and Board Chairman would then bring back a contract to the Board of Trustees for potential approval at the December 9, 2020 Board of Trustees meeting. After careful review by the District's General Manager and the Board of Trustees Chairman, the recommended option would be Option 3 with Option 2 being second choice. It is further recommended that after a period of six months, the selected option be reviewed to assure that it is meeting the District's needs.

### **Option 1**

Unlimited Retainer. BB&K would provide all non-litigation and Advanced Record Center (ARC) services for a \$15,500 monthly retainer. All non-litigation and ARC services would be at the rates below shown under the header "Note".

### **Option 2**

Capped Retainer. BB&K could provide a lower monthly retainer amount if work within the retainer is capped at a maximum number of hours per month. Work beyond the retainer would be charged at a blended attorney rate of \$265 and a paralegal rate of \$170. All non-litigation and ARC services would be at the rates below shown under the header "Note". There are two potential options: (1) \$12,500 per month for a cap of 50 hours and (2) \$10,000 per month for a cap of 40 hours.

**Option 3**

**Hourly Only.** BB&K would charge a blended attorney rate of \$265 and a paralegal rate of \$170. Up to two monthly Board/Audit Committee meetings would be a charged a flat rate of \$750 per meeting. Board/Audit Committee meetings held on the same day would count as a single meeting. All non-litigation and ARC services would be at the rates below shown under the header "Note".

**Note**

**Litigation & ARC Work.** Under all options, BB&K would charge hourly rates for litigation and ARC services. Litigation would be charged at a blended attorney rate of \$295 and a paralegal rate of \$185. ARC services would be charged a blended rate of \$220 per hour for attorneys, paralegals, and litigation support staff.