



Meeting of the PSERN Operator - Board of Directors

Location: To be conducted virtually: Microsoft Teams Meeting

Date: Thursday, July 22, 2021

Time: 4:00 p.m. – 5:00 p.m.

Teams Call: Members of the public are invited to participate in the virtual meeting by telephone or video by using the following phone number and meeting ID: 1-425-653-6586 Meeting ID: 357 391 827#

Directors: Lora Ueland, Harold Scoggins, Brenda Bauer, Kurt Triplett, Chris Elwell, Dan Yourkoski

Alternates: Brad Miyake, Kristin Meitzler, Mark Schmidt, Matt Morris, Dwight Dively, Shawn Hayes

Agenda Details:

1. Call to Order – Board Chairperson 4:00 p.m.
2. Roll Call – All 4:01 – 4:03 p.m.
3. Approve the Minutes – Board Chairperson 4:04 – 4:05 p.m.

(Decision: Motion to approve the minutes from the 6-24-21 meeting)

4. Public Comment – Board Chairperson 4:06 – 4:09 p.m.

Board Chairperson to open floor for public comment. Members of the public are invited to address the Board of Directors for a period of time not to exceed three minutes

5. Executive Director Recruitment Update – David Mendel 4:10 – 4:18 p.m.

(Discussion)

6. PSERN Operator Board of Directors Officer Report – Board Officers 4:19 – 4:25 p.m.

(Discussion)

7. Legal Representation – David Mendel 4:26 – 4:37 p.m.

(Decision: Motion to approve a law firm to represent the PSERN Operator)

8. Future Topics – David Mendel 4:38 – 4:49 p.m.

(Discussion)

9. Review Action Items – Board Chairperson 4:50 – 4:54 p.m.

10. Executive Session – (If needed) 4:55 – 5:00 p.m.

Next Meeting: August 26, 2021



Meeting of the PSERN Operator - Board of Directors - Minutes

Location: To be conducted virtually pursuant to Governor Inslee's proclamation: Microsoft Teams Meeting

Date: Thursday, June 24, 2021

Time: 4:00 p.m. – 5:00 p.m.

Teams Call: Members of the public are invited to participate in the virtual meeting by telephone or video by using the following phone number and meeting ID: 1-425-653-6586 Meeting ID: 357 391 827#

Directors: Lora Ueland, Harold Scoggins, Brenda Bauer, Kurt Triplett, Chris Elwell, Dan Yourkoski

Alternates: Kristin Meitzler, Mark Schmidt

Additional Attendees: Spencer Bahner, Mahak Chopra, Armand Eichhorn, Young Jang, Hank Krajewski, Dino Lamanna, David Mendel, Kimberly Nuber

Minutes:

1. Call to Order – Board Chairperson 4:00 p.m.
2. Roll Call – All 4:01 – 4:01 p.m.
3. Approve the Minutes – Board Chairperson 4:01 – 4:02 p.m.

(Decision: Motion to approve the minutes from the 5-27-21 meeting)

MOTION: A motion was made to approve the minutes of the May 27th, 2021 meeting of the PSERN Operator Board of Directors by [Kurt Triplett](#). The motion was seconded by [Chief Scoggins](#). Members unanimously approved the motion.

4. Approve the Agenda – Board Chairperson 4:02 – 4:02 p.m.

(Decision: Motion to approve the agenda for today's meeting)

MOTION: A motion was made to approve the agenda for the meeting of the PSERN Operator Board of Directors by [Brenda Bauer](#). The motion was seconded by [Chief Scoggins](#). Members unanimously approved the motion.

ACTION: Board Chair requested to remove the approval of the agenda from future meetings.

5. Public Comment – Board Chairperson 4:03 – 4:03 p.m.

There were no public comments.

6. Executive Director Recruitment Update – David Mendel 4:03 – 4:10 p.m.

(Decision: Motion to approve the sample reference check questions)

- The job announcement for the Executive Director was posted and applications will be received until July 2nd.
 - The posting is active on multiple sites including APCO and NENA.
- The Project has also hired a talent locator service - Resource Communications Inc, or RCI. They are scanning the web for people who are actively seeking or applying for Executive Director level positions (or who may

be a good fit) and will reach out to the candidates directly. Related candidates are then encouraged to apply through the NEOGOV jobs website.

- There will be a special 30-minute Board meeting tentatively on July 30th that will discuss the actual candidate selection. The qualifications of the applicants will be discussed in an Executive Session and other decisions are to be made publicly.
- **ACTION** The Project asks for confirmation for the availability of the Board of Directors or their alternates for the July 30th meeting.

MOTION: A motion was made to approve the reference check questions for use in the Executive Director recruitment process as shared with the Board in the related staff report by [Kurt Triplett](#). The motion was seconded [Brenda Bauer](#). Members unanimously approved the motion.

7. PSERN Operator Board of Directors Officer Report – Board Officers 4:10 – 4:16 p.m.

(Discussion) – Report from Members

- The Board Chair appreciated the level of effort for the recruitment of the Executive Director.
- Report on the PSERN Operator Budget
 - Seed money: \$1,856,000 held in levy fund.
 - Recruitment cost: \$9000.
 - Insurance: \$678 (pro-rated for the remainder of the year, ending in August 2021).
 - Executive Director’s salary and benefits: To be determined.
 - Annual insurance premium: \$2610 (for the policy year after August 2021).
 - Legal consultation (for the Articles of Incorporation and Insurance Master Agreement review): To be determined.
- **ACTION**: Present a budget summary slide at future Board of Director’s meetings.
- Document Tracking: The Board’s documents are stored on the PSERN [SharePoint](#) site and on the [psern.org](#) website, until the Operator is fully functional. These documents will be made available to the Executive Director and turned over at the appropriate time after that position is hired. Documents include:
 - ILA
 - Board resolutions and Board meeting packets.
 - OPMA records
 - Bylaws
 - Records and letters related to legal solicitation.
 - Insurance policy documents.
 - Paper-based Articles of Incorporation – currently held by David Mendel.

8. Procurement Policy – David Mendel 4:16 – 4:19 p.m.

(Discussion)

- Developing a procurement policy is an essential need for the PSERN Operator.
- The goal is to develop and then approve a policy at a future meeting of the PSERN Operator Board of Directors.
- It is recommended to have legal representation for the PSERN Operator Board prior to setting up procurement policies, so that the Board gets legal advice that can be relied on for liability reasons.
- The staff report has some of the recommendations and guidelines as suggested by the MRSC.

9. Legal Representation – David Mendel 4:19 – 4:27 p.m.

(Discussion)

- Securing legal representation for the PSERN Operator is an essential need. A letter of solicitation has been sent to three reputable local legal firms requesting information on their legal services, costs, and interest in having the PSERN Operator as a client. These firms are:

- Busch Law firm (representing the PSERN Project for the last 6 ½ years for lease related work).
- Pacifica Law Group (Deanna Gregory – has also provided legal services for the PSERN Project).
- Summit Law Group (provided some legal services for King County).
- Once the responses are received by July 8th the Project will summarize them and present the summary to the PSERN Operator Board during their July 22nd Board meeting.
- Recommendations / criteria for choosing the legal firm:
 - Capacity
 - Experience in similar work.
 - Cost (given our limited resources).
 - Consideration for potential conflicts of interest.
 - The Operator may have to agree to a waiver for those conflicts.
 - As a minimum threshold, the firm must meet all the requirements and have a lower cost when compared to their level of relevant experience.
 - It is important to know who is being assigned to work with the Operator.

10. Insurance Update – David Mendel 4:27 – 4:28 p.m.

(Discussion)

- We have received the signed paperwork. The policy and the rate were pro-rated, so our policy expires at the end of August 2021. Following that, the 2021 – 2022 full premium will be charged at a rate of \$2600 for the upcoming year.

11. OPMA Training Update – David Mendel 4:28 – 4:29 p.m.

(Discussion) primary members have completed the training.

- All of the primary members have completed the OPMA training and the records are stored on the PSERN [SharePoint](#) site.

12. Future Topics – David Mendel 4:29 – 4:33 p.m.

(Discussion)

- Decision about what staff positions the PSERN Operator wants to hire to support the Executive Director.
 - The budget has an approval for four employees.
- Other services that the PSERN Operator Board wants to contract / procure from King County (temporary or permanently).
- **ACTION / FUTURE TOPIC:** Transition of employees (technicians) to the PSERN Operator. How many employees can be expected and when?

13. Review Action Items – Board Chairperson 4:33 – 4:35 p.m.

- **ACTION:** The Project will ask Board members for confirmation of the availability for the special Board meeting on July 30th.
- **ACTION:** To have a budget summary slide in future Board of Directors meetings.
- **ACTION:** Discuss staff transition as a future Board meeting topic.
- Good of the Order: It was stated that the PSERN Board of Directors meeting should be held in accordance with and in a similar modality to the PSERN Joint Board meeting. Currently virtual meetings are being held, with more information to follow.

14. Executive Session – (If needed)

- There was no executive session

Adjourn: 4:36 p.m.

Next meeting: July 22, 2021

**PSERN Operator
Staff Report
Agenda Item #7**

Title: Legal Representation (Decision)

Meeting Date: July 22, 2021

Staff Contact: David Mendel

Action: Decision



BACKGROUND:

At the June 24, 2021 meeting of the PSERN Operator Board of Directors a process for gaining legal representation was approved and has been in progress since. Based on the initial outcomes of the plan, PSERN staff have developed a recommendation as to which law firm the Board should hire to represent the Operator. After reviewing the recommendation and its justifications, as provided in this staff report, it is expected that the Board will make a hiring decision at the July 22, 2021 meeting.

Prior to the hiring of legal representation for the PSERN Operator, two issues need to be addressed.

Issue 1: In selecting proper legal representation for the PSERN Operator, a law firm needs to be selected that offers (at a minimum) a diversity of legal services / expertise, is regionally located, has land mobile radio system experience, legislative knowledge, offers competitive rates, and is able to accept the PSERN Operator as a client.

Issue 2: Should the Board select two firms to represent PSERN?

ANALYSIS:

To address the above stated issue the PSERN Operator’s Legal Representation Hiring Plan was presented and approved at the June 24, 2021 Board meeting. Inquiry letters were sent on behalf of the PSERN Operator to three prominent law firms in the King County Region. Responses to the letters were collected (as provided in attachment A) and the replies were analyzed using a point system that focused on awarding points for lowest overall cost, highest levels of experience, total number of attorneys at the firm, stated relevant areas of expertise, a resume or curriculum vitae for the principle or lead attorney, as well as the timeliness and completeness of the response letter. Responses were requested no later than July 8, 2021. All letters were received by the requested date.

The point scoring system and awarded points are summarized in Table 1 below.

Table 1.

	Total points available	Busch Law Firm	Pacifica Law Group	Summit Law Group
Cost (lower overall cost = more points)	5	5	3	4
Experience (more experience = more points)	5	5	5	5
Number of attorneys (deep bench = more points)	5	3	5	5
Stated relevant areas of expertise (more areas of expertise = more points)	14	5	12	4
Timeliness and completeness of response (on time and complete = four points)	4	3.5	4	4
Resume or curriculum vitae for the principle or lead attorney	1	.5	1	1
Total points	34	22	30	23

PSERN Operator Staff Report Agenda Item #7

Title: Legal Representation (Decision)

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Staff Contact: David Mendel

Action: Decision



In regard to issue 1, based on the content of the response letters and the point system outlined above, PSERN staff recommend Pacifica Law Group as best suited to provide legal consultation services for the PSERN Operator. To justify the selection the point scoring system is further defined in the following section.

Additionally, for issue 2, only one of the solicited firms has presented significant FCC related experience, the Busch Law Firm. Because of this the Board may want to consider awarding two contracts, one for general counsel and one for FCC or other regulatory legal work related to land mobile radio communications.

Point system:

The solicitation letter, provided as attachment B, indicated several areas of law that the PSERN Operator may seek consultation on in the future. Each of the defined areas were worth one point in the scoring system. These noted areas are:

- Labor/employment law;
- Litigation;
- Contracting, procurements and vendor management;
- Property/land use and environmental;
- Taxes;
- Legislation;
- Interlocal cooperation or other legal agreements; and
- Radio Site Lease management.
- FCC or other public safety communications regulations;
- Public safety communications, including the 9-1-1 system and land mobile radio;
- WA state statutes regarding operation of non-profit government organizations and interlocal cooperation agreements;
- Federal, state and local regulatory compliance;
- Public Finance; and
- Labor unions.

The above list was incorporated into the point system to offer a total of 14 available points for the areas of expertise category.

Additional specific information was also requested from the contacted law firms. The requests are summarized below with their defined available points within the scoring system:

- A letter, no longer than 5 pages, addressing the envisioned services and experience (for a total of four available points).
- Hourly rates for the following (for a total of five available points):
 - Interns (if billable);
 - Legal assistants (if billable);
 - Associates;
 - Partners; and

PSERN Operator Staff Report Agenda Item #7



Title: Legal Representation (Decision)

Meeting Date: July 22, 2021

Staff Contact: David Mendel

Action: Decision

- Any other applicable fees and or rates.
- A resume or curriculum vitae for the principle or lead attorney to be assigned to the Operator (for a total of one available point).

Recommendation:

Based on the analysis of the response letters a number of critical factors emerged that supported the PSERN staff's recommendation. These factors include the depth of experience, areas of expertise, and levels of staffing. For these areas, the Pacifica Law Group excelled when compared to the other two respondents, particularly in the area of stated expertise. However, none of the firms except Busch Law Firm stated explicitly that they had experience with FCC and communications regulatory issues. Of the three bidders, Summit appears to be the lowest cost per hour especially in terms of the lead attorney. Busch was the highest cost lead attorney. The cost differences are not cost prohibitive, so they did not sway the results significantly.

Pacifica Law Group has provided legal services for PSERN partners and other King County related entities and they are a relatively widely known legal firm. Pacifica has worked with the PSERN project as well as other nearby public safety entities including, Snohomish 911, South Sound 911, Snohomish Emergency Radio System, Clark Regional Emergency Services Agency and NORCOM as well as many other non-profit and governmental organizations.

Given their amount of related experience the Pacifica Law Group is seemingly well positioned to support the general counsel work of the PSERN Operator, both now and in the future. However, because neither Pacifica nor Summit presented any experience working with regulatory bodies such as the FCC, the Board may want to also consider a limited engagement with Busch Law Firm for those services.

ADDITIONAL INFORMATION:

None

CONCLUSION:

The preceding analysis explored the results of the hiring plan for the PSERN Operator's legal representation. Using a point scoring system to grade the responses from the law firms, as related to the solicitation letters, a recommendation from the PSERN staff was developed and shared. The recommendation was to proceed in hiring the Pacifica Law Group.

Given the PSERN staff recommendation, the above analysis, and the attached response letters it is the expectation that the Board will make a decision on which law firm to hire to provide legal representation for the PSERN Operator at the July 22, 2021 meeting.

STAFF REPORT REFERENCE DOCUMENTS:

- A. Inquiry response letters from Busch Law Firm, Pacifica Law Group, and Summit Law Group.
- B. Solicitation letter sent to the law firms.



VIA E-MAIL

aeichhorn@kingcounty.gov

July 8, 2021

Lora Ueland
Chairperson
PSERN Operator Board of Directors
Puget Sound Emergency Radio Network
501 5th Avenue, Suite 600
Seattle, WA 98104

Re: Proposal for Legal Services for PSERN Operator

Dear Chairperson Ueland:

Thank you for inviting Busch Law Firm PLLC to submit a letter of interest to provide professional legal services to the Puget Sound Emergency Radio Network Operator (“**PSERN Operator**”). We are very excited about the potential to continue supporting the Puget Sound Emergency Radio Network’s (“**PSERN**”) operations, and we are presenting this letter of interest for your consideration.

Single law firm versus two law firms. The PSERN Operator requested letters of interest from law firms, seeking a single firm that has prior experience in a variety of disciplines including traditional governmental day-to-day issues as well as radio site lease management, Federal Communications Commission regulations, and land mobile radio and 9-1-1 public safety communications.

We appreciate the PSERN Operator’s goal to retain a single law firm that has experience in all of these disciplines. However, core to the PSERN Operator’s mission is owning, operating, maintaining and upgrading an FCC-licensed network of emergency wireless communications assets.

Traditional governmental practice law firms do not have substantial experience with FCC regulations (radio frequency interference, health and safety regulations, or landlord radio frequency priority rights) or with the operation of a wireless communications network (real estate, land use, environmental, backhaul, and interconnection for land mobile radio networks).

SEATTLE LOS ANGELES ATLANTA DENVER PORTLAND BEND

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July 8, 2021

Page 2

Busch Law Firm is a boutique firm, focusing on the four areas of law that affect the deployment, operation and management of wireless communications networks:

- Federal communications statutes and regulations
- State communications and right-of-way statutes and regulations
- Real estate law
- Land use law

These four areas of law will apply to the PSERN Operator's core operations on a going-forward basis. We believe the PSERN Operator should retain the most experienced attorneys to support its core functions, separately from law firms that have a traditional governmental law practice.

Busch Law Firm PLLC CVs

The nine attorneys and paralegals at Busch Law Firm focus their practice on the unique legal issues in the wireless communications industry. In addition, they have practical management experience that provides the background for practical legal advice.

Karen Manske. Karen has been our lead attorney for our current work on the PSERN project, starting in 2015. Karen has worked in the wireless communications industry since 1994, focusing on leasing, easements, utilities, landlord disputes, and lease portfolio management matters. Karen would continue to be our lead attorney should we be invited to continue supporting the wireless communications network portion of the PSERN project. Karen graduated from the Gonzaga University School of Law, and is licensed to practice in Washington and Oregon.

Richard Busch. Rich has assisted Karen with the PSERN project, focusing on the decision-making criteria for leases and title, and approval processes within King County. Rich started working as an attorney in the landline communications industry in 1981, addressing state regulatory, land mobile radio and interconnection matters. Since 1986, Rich has focused on leasing, land use, administrative appeals, and lease dispute resolution in the wireless communications industry. Rich graduated from the University of Utah College of Law, and is licensed to practice in Washington, Oregon and Colorado.

Cynthia Alderete-Medjo. Cindy has supported Karen's work on the PSERN project over the years. Cindy has represented the wireless communications industry and commercial real estate clients since 1995. Cindy graduated from the University of Washington School of Law, and is licensed to practice in Washington.

July 8, 2021

Page 3

Busch Law Firm's Experience

Busch Law Firm has experience in 3 of the six areas of Required Experience:

- FCC or other public safety communications regulations
- Public safety communications, including the 9-1-1 system and land mobile radio
- Federal, state and local regulatory compliance

Currently, Busch Law Firm does not practice law in the areas of public finance, labor relations and non-profit organizations, and as a result is not able to support the PSERN Operator in these areas.

Hourly Rates

Our proposed hourly rates are:

Partners: \$350

Associates: \$275

Paralegals: \$160

Our rates are revisited every year and would change only after an agreement between the parties.

Thank you for inviting us to submit our letter of interest. Should you have any questions, please do not hesitate to contact me.

Best regards,



Richard J. Busch



Pacifica Law Group LLP
1191 Second Avenue, Suite 2000
Seattle, Washington 98101
206-245-1700

Via email only

July 8, 2021

Armand Eichhorn
Puget Sound Emergency Radio Network
501 5th Avenue, Suite 600
Seattle, WA 98104

Dear Armand:

Thank you for including Pacifica Law Group LLP (“Pacifica”) in your consideration of law firms to provide outside legal services to the Puget Sound Emergency Radio Network (“PSERN”) Operator (the “PSERN Operator”). We have been pleased to assist with the formation of the PSERN Operator as a separate governmental agency formed under the Interlocal Cooperation Act (the “Act”), and would be honored to continue supporting the PSERN project and the PSERN member agencies by providing outside legal services to the PSERN Operator.

Pacifica’s municipal practice is a keystone of the firm. We have extensive experience over multiple decades serving as general counsel or special counsel to municipalities, including interlocal entities formed under the Act, on the range of constitutional and statutory issues that affect the work of municipal entities. We routinely work with municipal clients on issues related to municipal finance, taxes and other sources of revenue, open public meetings, public records policy and disclosure, ethics, conflict of interest, land use, public bidding and contracting, construction, procurement, real estate and leasing, corporate governance, insurance, and environmental issues. We regularly participate in public meetings and executive sessions, including drafting resolutions and advising on complex and sometimes controversial issues.

In addition to our deep understanding of PSERN, its history, goals and objectives, our experience representing interlocal entities and other multi-jurisdictional agencies makes us uniquely well-qualified to represent the PSERN Operator. We understand and appreciate the nuances of multiple jurisdictions working together, the benefits of a joint undertaking, and the complexity that can result in the event of a dispute. We are well-equipped to assist the PSERN Operator in navigating any legal issues it may encounter.

Our team has the experience, knowledge, legal capability and depth to meet the needs of the PSERN Operator. We are committed to providing the PSERN Operator with careful, thoughtful and timely service. Please let us know if you have any questions or need further information. Thank you for your consideration.

PACIFICA LAW GROUP LLP

A handwritten signature in black ink that reads 'Deanna Gregory'.

Deanna Gregory

Attachments

I. OVERVIEW OF PACIFICA LAW GROUP

Pacifica is a limited liability partnership formed in the State of Washington on March 30, 2011. Pacifica was founded by six partners who left K&L Gates LLP to create a law firm focused on representing municipal and other clients based in the Pacific Northwest, providing general counsel, bond counsel, appellate and governmental litigation support, and complex project advice to public and private entities in the Pacific Northwest.

We recently celebrated our tenth anniversary, and are proud to have built a thriving law firm focused on serving public clients in the Pacific Northwest. Pacifica has grown to include more than 44 experienced attorneys, who practice in the areas of open public meetings, public records, ethics, public-private partnerships, municipal finance, litigation, appeals, real estate, land use, procurement, construction, and other areas of general municipal law for public and private sector clients in the Pacific Northwest. Our attorneys are supported by a 22-member team of paralegals, legal assistants, and other staff. Our relevant expertise is described in more detail below.

Pacifica attorneys are recognized for their substantive knowledge, unparalleled experience with Washington law, skillful approach to solving complex challenges, successful track record, and unwavering integrity. Pacifica is ranked as Tier 1 in the 2021 Edition of U.S. News – Best Lawyers “Best Law Firms” for the Appellate, Real Estate, Municipal Law, and Public Finance Law practices, among others, in the Seattle Metropolitan area. Pacifica is nationally ranked in the areas of Appellate Practice and Public Finance Law by Best Law Firms. A number of our individual lawyers have been recognized by Chambers and Partners USA and by Best Lawyers in America, including in the areas of municipal law, real estate, and litigation, and the majority of our lawyers have been recognized as Washington “Super Lawyers” or “Rising Stars,” which are peer-nominated honors awarded to less than 5% of lawyers in this state (for “Super Lawyers”) and less than 2.5% of lawyers in their first ten years of practice (for “Rising Stars”).

Given our municipal experience, including specifically with interlocal agencies and other special purpose districts, Pacifica is well-positioned to provide high-quality legal services to the PSERN Operator.

II. LEGAL SERVICES TO BE PROVIDED; PROPOSED ATTORNEY TEAM; FEES

Pacifica recognizes the benefits of using a coordinated, team approach. Our clients particularly appreciate the depth of our team and the ability to call on any of our team members without restraint. In our experience, this team approach ensures availability and responsiveness: a key member of the team is always available to answer questions in “real time,” to attend meetings — on short notice, if necessary — and to provide a proactive focus on each project with an eye toward pragmatic rather than legalistic solutions.

We propose that Deanna Gregory serves as the lead partner for the legal team for the PSERN Operator, providing an identified point of contact with primary responsibility for completing and/or coordinating the work within the firm to ensure efficiency and avoid redundant or ineffective use of time. A résumé for Deanna is included in Appendix A. Deanna has a proven track record of regularly working in managing general counsel engagements, specifically with interlocal entity clients, as demonstrated below. Deanna will work closely with members of our proposed legal team. By efficiently coordinating our work and drawing on our bench of stellar attorneys, we ensure that quality work product is delivered to clients in the needed time frame.

We formed Pacifica to be in the very strongest position to provide high-quality advice within a cost structure that works for public entities. We are pleased to be able to control our costs, and to have the

flexibility to negotiate alternative fee structures that work for our clients. We want to be clear that we are both willing and able to develop a fee structure tailored to the needs of the PSERN Operator.

We propose to charge a discounted hourly rate for all Pacifica attorneys performing work on PSERN Operator matters. The names, practices areas, and discounted hourly public rates for key members of the proposed team are below. We would anticipate assigning other firm lawyers and paralegals when necessary, beneficial or cost-effective and when desirable to meet the time constraints of the matter. The rates set forth in the table below are for 2021, subject to annual adjustments with client approval:

Name	Hourly Billing Rate
Deanna Gregory (general counsel, municipal law, municipal finance, public meetings)	\$380
Alanna Peterson (general counsel, municipal law, land use, non-profit matters)	295
Matt Segal (general counsel, municipal law, public records, ethics, litigation)	415
Zak Tomlinson (procurement and construction)	420
Andrew Zellers (leasing and real estate)	315
Toby Tobler (municipal law, municipal finance)	240

III. PUBLIC AND MUNICIPAL SECTOR EXPERIENCE

a. Unparalleled Experience with Washington Law. As general counsel or special counsel to a host of municipalities, Pacifica attorneys have broad and deep experience with the range of constitutional and statutory provisions that affect the work of municipal entities. All of the lawyers at Pacifica have extensive experience with Washington public law (constitutional, statutory, regulatory and case law, informed by attorney general opinions and other guidance). We routinely work with clients on issues related to open public meetings laws, public records policy, retention and disclosure, public disclosure commission regulation and election law, ethics and governance policies, application of local tax revenue to public projects, property acquisition and disposition, and financing tools under state law. We track and analyze legislative proposals and are asked to draft bills in each session. We also have extensive experience with budget requirements and financial and performance audits, and enjoy a strong working relationship with staff and legal counsel at the Washington State Auditor’s Office.

Clients turn to Pacifica attorneys for their significant issues. Pacifica attorneys have represented public entities at all levels: from assignment as special assistant attorneys general for the State of Washington to special prosecuting attorneys for counties to acting as outside counsel for cities, port districts, public utility districts, housing authorities, and other special purpose districts. For example, Pacifica attorneys have represented Sound Transit since its inception litigating cases that range from attacks on the constitutionality of the agency and its taxing scheme to litigating inverse condemnation claims to advising on insurance issues. The scope of our representation of public entities has included counseling and litigation involving public contracting, real estate, insurance recovery, environmental (NEPA/SEPA, pollution liability, ESA), construction and land use.

Pacifica also has been retained to litigate issues throughout the Northwest in the region’s appellate and trial courts on behalf of public entities. These representations include issues under the Public Records Act, the Open Public Meetings Act, SEPA, the GMA, and LUPA. Pacifica attorneys also have substantial experience litigating tax, fee and assessment issues.

We regularly advise public clients on all aspects of property acquisitions, from the initiation of negotiations to closing. Our real estate team regularly assists clients in drafting and negotiating

purchase and sale agreements, licenses, and private and public easements. We also have particular experience in all aspects of leasing, including leases for governmental/municipal purposes. We provide assistance to public entities on labor and employment matters, including collective bargaining, labor contract interpretation, and grievance arbitration. We also advise on all employment matters as general counsel for school districts including hiring, discipline and discharge, discrimination, leaves and all other employment matters. We have also assisted with employment matters unique to interlocal entities during and after the start-up phase, such as using staff of a member agency. Pacifica also regularly serves a defense counsel retained by insurers or risk pools, and can work cooperatively with insurers in defense of litigation. Pacifica also has an insurance coverage practice and can advise on coverage questions that may arise.

b. PSERN Experience. Through our work with certain of its member agencies, Pacifica attorneys have been connected to the PSERN project in various capacities since its inception. For instance, Pacifica attorneys participated with members of the PSERN project team during development of the Implementation Period Interlocal Agreement, and have reviewed and negotiated site leases for related infrastructure. Most recently, Pacifica attorneys, led by Deanna Gregory, assisted on behalf of King County, with the formation of the PSERN Operator as a separate governmental agency formed under the Interlocal Cooperation Act (“Act”). In this capacity, we assisted with the development of the PSERN Operator Interlocal Agreement, met with PSERN working group representatives, responded to formation, documentation and governance questions, and provided general legal advice with regard to start-up, Board governance and operational matters. We were pleased to assist with the incorporation of the PSERN Operator as a Washington non-profit corporation, and proud to have been part of this important milestone. Our attorneys have a deep understanding of PSERN, its history, goals and objectives, and would welcome the opportunity to continue supporting its mission, staff and Board of Directors as outside legal counsel.

c. Interlocal Entity and Public Safety Communications Experience. Pacifica provides legal counsel to a wide array of public entities, including interlocal entities, other special purpose districts, and non-profit corporations. We have particular experience serving as outside general counsel to 911 dispatch agencies, including those formed under the Act, including the North East King County Regional Public Safety Communications Agency (“NORCOM”) and Clark Regional Emergency Services Agency (“CRESA”), and have served as outside counsel on special projects for Snohomish County 911 and South Sound 911.

As outside general counsel, we are often called upon to provide guidance on corporate governance and policy issues, interpret liability provisions, review contracts and transactions, consider legal and regulatory compliance issues, advise on issues regarding the lending of credit or gifts of public funds, review compliance with prevailing wage and competitive bidding statutes, analyze ethical issues, assist with procurement and construction issues, review and draft leases and other real estate transaction documents, and represent clients in insurance, contract, tort and other disputes. We also have significant experience providing legal advice with regard to regular and special meetings and executive sessions. We regularly draft motions and resolutions, review meeting minutes, attend staff and council/board meetings, and provide day-to-day assistance.

We have particular experience with the Act and interlocal agreements between multiple government agencies. In addition to our significant experience negotiating, drafting and reviewing interlocal and service agreements between public entities, we have used the Act to form governmental agencies, including those incorporated as Washington non-profits, and have successfully guided many of these entities through the start-up phase. We also have significant experience with Washington non-profit law, and the unique intersection between the public and non-profit sectors for interlocal agencies

organized under this governance model. Below is a representative list of our recent work for various interlocal entities. We would be pleased to provide references upon request.

- *South Correctional Entity (“SCORE”)*. Pacifica attorneys assisted with the formation of SCORE, an interlocal administrative agency formed by cities in south King County, and its sister agency formed to provide capital financing, the SCORE Facility Public Development Authority. Representing SCORE as general counsel and bond counsel since its formation, Pacifica attorneys, led by Deanna Gregory and Matt Segal, address governance, procurement, interlocal and contract interpretation, finance, public meetings, public records, contracting, service agreements, municipal law and litigation matters.

- *NORCOM*. We serve as outside general counsel to NORCOM, a 911 communications agency and Washington non-profit, formed in north King County. In such capacity, Pacifica attorneys, led by Deanna Gregory, address governance, procurement, interlocal and contract interpretation, litigation, open public meetings, public records, contracting, and leasing.

- *King County Regional Homelessness Authority (“Authority”)*. We serve as outside general counsel to the Authority, a newly formed interlocal administrative agency by King County and Seattle. In this capacity, Pacifica attorneys, led by Deanna Gregory, assist with start-up, policy development, application of general municipal laws, provision of services under its interlocal agreement, and other matters related to general operations.

- *CRESA*. We serve as outside general counsel to CRESA, a 911 communications agency, formed in Clark County. In this capacity, Pacifica attorneys, led by Deanna Gregory and Sarah Johnson, address governance, procurement, interlocal and contract interpretation, finance, open public meetings, public records, contracting, municipal law and litigation.

- *Snohomish County 911 (“SnoCo911”)*. Pacifica attorneys, led by Deanna Gregory, were retained to assist with the corporate consolidation of SNOCOM and SNO PAC, both non-profit interlocal agencies, into a consolidated 911 dispatch operation. Pacifica then assisted with the corporate merger of SnoCo911 and Snohomish County Emergency Radio System (“SERS”), also an interlocal entity organized as a non-profit.

- *eCityGov Alliance*. Pacifica attorneys, led by Deanna Gregory, provide general counsel services to this interlocal Washington non-profit agency, including resolution drafting and contract review.

IV. Avoiding Conflicts

We take conflicts very seriously — not to be papered-over, but to be avoided whenever possible. We formed Pacifica in part to minimize the potential for client conflicts. Even at Pacifica, a small firm primarily serving public clients, we encounter conflicts from time to time. Pacifica serves as bond counsel and/or outside counsel to parties to the PSERN Operator Interlocal Agreement, including as bond counsel and outside counsel to King County, as outside counsel to Seattle, as counsel on special projects (such as financing) to ValleyCom, and as bond and/or outside counsel to the cities of Auburn, Bellevue, Federal Way, Kent, Kirkland, Mercer Island, Redmond, Renton, and Tukwila. We do not serve as general counsel to any of these entities, and would assume that each would be represented by its general counsel, city attorney, or prosecuting attorney, as applicable, on PSERN Operator matters. We also serve as bond, general counsel, and outside special counsel to other entities that may contract with the PSERN Operator for services, such as NORCOM. Our practice in this situation is to proactively inform the current clients of the potential representation and to, if warranted, seek informed written consent to the proposed representation.

APPENDIX A: RÉSUMÉ



**Deanna
Gregory**
PARTNER

1191 2nd Ave Suite 2000
Seattle, WA 98101-3404
deanna.gregory@ pacificalawgroup.com
P. 206.245.1716

PRACTICE AREAS

Municipal Law
Nonprofits
Public Finance

Deanna Gregory practices municipal finance and general municipal law, with emphasis on general obligation and utility revenue financings. Her experience includes serving as bond counsel, disclosure counsel and underwriter's counsel on financing matters for a variety of public entities, including counties, cities, public utility districts, ports, fire protection districts, public hospital districts, transit agencies, public development authorities, public facilities districts, school districts, and state agencies. Deanna routinely advises clients on financing structures, including revenue bonds, general obligation bonds, lease financings, assessment financings, short-term obligations, and other private-activity bonds. She additionally serves as bond counsel and disclosure counsel on combined and stand-alone water, sewer and storm drainage system, solid waste system, electric distribution system, and generation system revenue financings for city and county utilities, public utility districts and water-sewer districts.

Deanna also advises clients on revenue options available under state law, including lodging taxes, emergency medical services levies, affordable housing levies, levy lid lifts, and excess levies as well as in the use of special purpose entities such as public development authorities, public facilities districts, metropolitan park districts, and transportation benefit districts.

Deanna has significant experience in the use of interlocal agencies and the Interlocal Cooperation Act to accomplish public projects and goals, including the use of joint boards, governmental administrative agencies, nonprofits and other governance structures. Deanna also serves as outside counsel to public entities on general municipal matters, advising clients on governance, open public meetings, public records and disclosure matters, and other municipal law issues.

Deanna is very active in the community, serving on various nonprofit boards and volunteering for school, athletic and other events in the Snoqualmie Valley. Deanna is a lifelong resident of the Pacific Northwest, and enjoys running, triathlon, ballet, road trips, and rooting for her kids at baseball, football, and gymnastic meets.

Bar Admissions:

- Washington

Education:

- University of Washington, B.A., Political Science (major), Women's Studies (minor), Society and Justice (minor)
- Gonzaga University School of Law, J.D., *summa cum laude* (Thomas More Scholar, 1999-2002; Deans Medal for Academic Achievement recipient, 2002; Alpha Sigma Nu National Honor Society, member, 2000-2002; Lawless Memorial Award, recipient, 2002)

Honors:

- Selected for inclusion in *The Best Lawyers in America* in the field of Public Finance Law, 2019-2021
- Selected for *Washington Super Lawyers*, 2013-2021
- Selected for *Top 50: 2014 Washington Women Super Lawyers*
- Selected for *Washington Rising Stars*, 2010-2012

Speaking Engagements & Presentations:

- NABL, The Workshop, Direct Loans and Private Placements, Chair, October 2021
- NABL, Essentials, Securities Law General Session, Practical Due Diligence/Drafting the Disclosure Document, and Tying it all Together, Panel Member, June 2021
- NABL, The Workshop, SEC Enforcement, Panel Member, September, 2020; September, 2019
- Washington Finance Officers Association, Bonds 101, September, 2020
- Treasury Institute for Higher Education, Tax-Exempt Bond Compliance Conference, Practical Approaches to Measuring Private Business Use, Private Business Use December, 2019
- Washington State Association of Municipal Attorneys, New Affordable Housing Legislation, October, 2019
- Washington Finance Officers Association, Pre-Debt Issuance Checklist: Things to know Before Taking on Debt, September 2019
- NABL, The Essentials, Basic Training General Session: Basic Structuring & Financial Aspects of a Municipal Bond Transaction, Panel Chair; Ethics for Bond Attorneys 101, Panel Chair; Tying it all Together, Panel Member, April, 2019
- NABL, The Institute, Ethical Considerations in Public Finance; a Look at the Role of Bond Counsel, Opinions, and Confidentiality in the Digital Age, Panel Chair, March, 2019
- Washington Public Utility District Association Attorneys' Conference, Municipal Bond Law – 2018 Update, December, 2018
- Client Firm Training, Rule 15c2-12 Amendments: Next Steps to Be Ready for the February 27, 2019 Compliance Date, November, 2018
- NABL, Bond Attorneys Workshop, Ethics: Bond Counsel Liability, Professional Exposure and Loss Prevention Trends, October 2018
- Washington State Association of Municipal Attorneys, Ethics and Technology/Cybersecurity, October, 2018
- NABL, Fundamentals of Municipal Bond Law Seminar, Ethics for Bond Lawyers and Tying it All Together, April, 2018
- Washington Public Treasurers Association, Minding Your Ps & Qs with the PDC April, 2018
- Puget Sound Finance Officers Association, Update on Municipal Bond Law, March, 2018
- NABL, Tax and Securities Law Institute, SEC Enforcement Panel, Panel Chair February, 2018
- NABL, Ethics Teleconference, Risk – The Game of Reduction of Professional Exposure, Loss Prevention and Bond Counsel Liability, December, 2017
- Panelist, Treasury Institute for Higher Education's Tax Exempt Bond Compliance Conference, From Simple to Complex – the Private Business Use Calculation, December, 2017
- Washington Public Utility District Association Attorneys' Conference, Muni Minute – An Update on Municipal Bond Law, November, 2017
- NABL, Bond Attorneys Workshop, Risk – The Game of Reduction of Professional Exposure, Loss Prevention and Bond Counsel Liability, October, 2017
- NABL, Fundamentals of Municipal Bond Law Seminar, Behind the Curtain – The Depository Trust Company and Conflicts of Interest and Ethical Issues, April, 2017

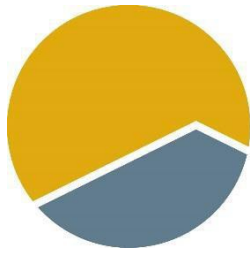
- NABL, Tax and Securities Law Institute, SEC Enforcement Panel – Recent Enforcement Activity, Trends, and What to do When the SEC Calls, Panel Chair, March, 2017
- Washington State Association of Municipal Attorneys, SEC Enforcement Panel – Overview of Recent SEC Activity and What to do When You Get the Call, October, 2016
- Washington Finance Officers Association, Debt Hot Topics Game Show September, 2016
- Washington Public Utility District Association Attorneys’ Conference, Municipal Bond Current Topics, June, 2016
- Washington Association of School Board Officials, Talking to the Market: Communicating with Bond Investors, May, 2016
- Washington Public Treasurers Association Conference, Rationing Debt – Thinking Strategically About the Use of Debt to Meet Capital Funding Needs, April, 2016
- NABL, Tax and Securities Law Institute, Practical, Ethical Considerations Related to Bond Counsel Liability, Risk Reduction and Loss Prevention, March, 2016
- Association of Washington State Public Facilities Districts, Bonds 101, May, 2015
- Washington Public Treasurers Association, Securities Law Updates and Compliance Training 2015, April, 2015

Professional Organizations

- National Association of Bond Lawyers
 - The Institute (formerly Tax and Securities Law Institute), Chair, March, 2021; Vice-Chair, March, 2020; Faculty, 2019, 2018, 2017, 2016
 - The Workshop (formerly Bond Attorneys Workshop), Steering Committee Member, 2021; Faculty, 2020, 2019, 2018, 2017, 2016
 - The Essentials (formerly Fundamentals of Municipal Bond Law Conference), Chair, 2016; Vice-Chair, 2015; Faculty, 2021, 2019, 2018, 2017, 2014, 2013
 - General Law and Practice Committee, Chair, 2017-2019; Vice-Chair, 2016-2017
 - Education Committee, Chair, 2011-2013; Vice-Chair, 2010-2011
 - Board Nominating Committee, 2019, 2014
- Washington Association of Municipal Attorneys, former Civil Topics Committee Member
- Washington Association of Public Utility District Attorneys
- Washington Finance Officers Association
- Washington Public Ports Association
- Washington Public Treasurers Association, current Education Committee Member
- Puget Sound Finance Officers Association, former Board Member

Community Involvement:

- Women in Public Finance, Pacific Northwest Chapter, current Board Member and Board Treasurer
- Mt. Si Gymnastics Academy Booster Club, current Board Member and Board President, former Board Treasurer
- Sno-Valley Wildcats Junior Football and Cheerleading Association, former Board Member and Board Treasurer
- Si View Metropolitan Park District, former volunteer youth track coach
- Wildcat Baseball Club, former Board Member
- Encompass Northwest, former Board Member
- Hopelink, Executive Leadership Council, former Member
- Solid Ground, former Board Member, Board Treasurer and Board President, 2006-2012



SUMMIT
LAW GROUP



Response to Inquiry for Legal Services

Puget Sound Emergency Radio Network

July 8, 2021

Summit Law Group, PLLC
315 Fifth Avenue South, Suite 1000
Seattle, Washington 98104
(206) 676-7000
summitlaw.com

Thank you for the opportunity to submit this proposal on behalf of Summit Law Group. While Summit does not offer legal services to cover the full range of areas identified in your solicitation, our public sector clients throughout the state, including providers of emergency dispatch services, have found that it is effective and efficient to retain Summit to provide services with respect to their labor and employment needs, while looking to other counsel to address other legal areas. We are thus providing a response for your consideration with respect to labor and employment legal services, as well as related litigation.

Company Profile

Summit Law Group is a leading-edge law firm with concentrations in labor and employment, business, environmental, litigation, and real estate. Headquartered in Seattle, Washington, Summit represents regional, national and international customers including Fortune 500, mid-sized and start-up companies, individuals and local and state governmental entities. All our attorneys are admitted to practice in the State of Washington and are in good standing.

Summit's Mission and Model

Summit was founded more than twenty years ago with the intention of moving beyond the traditional law firm model, where matters are staffed with large, highly leveraged teams of partners and associates charging exorbitant rates to pay for associate training, high-priced managers, and fancy offices and artwork. Summit rejected this inefficient model and revolutionized the way legal services are provided by focusing on a single principle: *customer service*. Summit's mission is to think creatively, to proactively formulate and pursue the most effective, efficient solutions to legal needs with small, dedicated teams of experienced, skilled attorneys.

The firm operates with low overhead and only recruits seasoned attorneys. We partner with clients to tailor our services to their unique needs, including offering non-standard pricing models. Nearly all our attorneys are owners of the business, and we have no associates trained on our "client's dime." This ownership mentality results in frugality, efficiency, investment in the future, and a relentless focus on customer service. We pass the resulting savings on to our customers, offering fees approximately 20% lower than our peer firms.

Summit's Staffing & Approach

Summit intentionally keeps its teams lean, without turnover, as we believe this provides the best quality service to our customers. We regularly partner with customers to develop customized staffing plans that are right-sized for the scope and complexity of a given matter. We are accustomed to working in teams, with a lead partner serving as the single point of contact for a client. The lead partner overseeing the Summit team ensures that we are staffing matters as cost-effectively as possible, and that all lawyers working on a matter understand the client's objectives and are aligning the scope of work accordingly. As a result of our low turnover and commitment to staffing matters with lawyers who understand the client's operations and mission, we spend little time having to bring new lawyers "up-to-speed."

Experience of Particular Relevance

Labor/Employment Law

All of Summit's labor and employment attorneys have substantial experience with public and private labor and employment law. We have been involved in all facets of labor law/employee relations including bargaining, counseling, training, administrative actions before the Public Employment Relations Commission, the National Labor Relations Board, the Washington State Human Rights Commission, the Equal Employment Opportunity Commission, and litigation in state and federal court. Our approach is practical in nature. We try to work with our customers to fashion cost-effective, creative solutions to problems.

Since the firm was founded, Summit Law Group has assisted literally hundreds of Washington public sector clients. A list of those clients would be prohibitively long, but includes cities spanning the state, counties, a large majority of Washington's transit agencies, all of Washington's public universities, numerous health departments and districts, many fire and other special purpose districts, and a range of other agencies such as park districts, emergency dispatch centers and water districts. Our public-sector clients for whom we provide labor and employment advice and representation include employers who provide 911 call-receiving and dispatch services, such as Valley Communications Center, CRESA, and Sno 911.

One indication of the depth of our expertise in public sector labor and employment law is the fact that we are called on repeatedly by the Washington Public Employment Labor Relations Association (WAPELRA), the Labor Employment Relations Association (LERA), the National Labor Employment Relations Association (NPELRA), the Association of Washington Cities (AWC), the Washington State Transit Training Coalition, the Washington State Association of Municipal Attorneys (WSAMA), Washington Cities Insurance Association (WCIA), and many other public agencies and organizations to provide training on labor and employment topics.

Litigation

Summit's team of trial lawyers have impeccable records of trial wins. Every aspect of Summit's model of managing litigation and taking cases to trial is designed to create value and obtain results for our clients.

First, we work with our clients to define the project and scope of legal services needed. We aim for a focused, efficient effort, with no surprises or unexpected costs. Our goal is to create the most qualified, thoughtful, and tactical litigation team for each case.

Because our lawyers are trial-tested veterans, we know what really matters in court. We do not waste time or resources performing tasks that are not essential to courtroom success. We win by communicating clear, compelling evidence that a judge and jury need to decide in our client's favor. We win not just because of compelling courtroom presentations, but as a result of maintaining absolute credibility with the judge and the jury. We select only tested, experienced trial lawyers with outstanding professional credentials. The result is that every Summit trial team brings a wealth of experience in trying cases to judges and juries in state and federal courts, and to private or public arbitrators.

We regularly litigate employment matters. We have handled hundreds of cases, including lawsuits for age, gender, race, and sexual orientation discrimination, retaliation, sexual harassment, and

wrongful discharge. We also have defended many claims under the state and federal wage-and-hour laws, from individual actions to large class actions. Our litigation experience on behalf of clients includes successful summary judgment motions and representation in bench and jury trials, as well as defenses of employer verdicts before the state and federal courts of appeals. In our litigation practice we emphasize a thorough assessment of risks, anticipated fees at every stage of litigation, and placing our client in the best position to achieve the resolution that makes business sense—whether that means pursuing an early mediation, building a case for summary judgment, or fighting through trial.

Lead Attorney

We propose Shannon Phillips as the lead attorney assigned to this project. Please see Attachment A to review her biography.

Rates of Compensation

Summit has made a commitment to representing public entities by reducing our fee structure significantly for such entities. Please see Attachment B to review our 2021 public rate sheet for lawyers who provide labor and employment legal services, attached.

We also want you to be aware of some other features of our billing practices that are important to our customers. You will not be billed for long distance phone charges, faxes, and copies that we make. You will only be billed for actual out-of-pocket expenses incurred by our attorneys in providing service to you, without administrative markup. Travel expenses are not billed within the City of Seattle.

In addition, one of the many ways Summit is unlike other law firms is the “value adjustment” line in our billings. This empowers our customers with the right to adjust our billing—upward or downward—within 30 days of the invoice, based on your perception of the value received.

We are happy to provide more information about these and other alternative billing arrangements at your request.

Conclusion

We appreciate the opportunity to respond to this inquiry for labor and employment and related litigation legal services for the PSERN Operator. We look forward to the opportunity to answer any additional questions you may have and, hopefully, assist you with this matter. If we can provide additional information to assist you in making your decision, please do not hesitate to contact Shannon Phillips at 206-676-7092 or shannonp@summitlaw.com.

Thank you.

SUMMIT LAW GROUP



Attachment A – Shannon Phillips Bio



Shannon E. Phillips

Labor/Employment, Litigation

(206) 676-7092

shannonp@summitlaw.com

Profile Introduction

Shannon represents private and public-sector employers in employment litigation in federal and state courts, arbitrations, and in administrative hearings. Shannon's practice emphasizes preventive counseling to avoid or minimize the risk of litigation. Specific areas of advice include assistance in disciplining and terminating employees and compliance with disability and leave laws. Shannon represents employers in the full range of labor matters, from contract negotiation to representation in grievance arbitrations and unfair labor practice hearings. She also provides training to supervisors and employees on compliance with employment and labor laws, including topics such as sexual harassment and workplace investigations. Shannon conducts investigations into allegations of workplace misconduct, including sexual harassment allegations.

Representative Cases/Matters

- **Defense of public employer and former manager:** Representation in defense of sexual harassment claims. Following filing of summary judgment motion on behalf of defendants, plaintiff agreed to voluntarily withdraw her claims with prejudice.
- **Civil defense of city:** Representation of city in defense of wrongful discharge claims in violation of public policy for engaging in protected union activity. Many claims dismissed in summary judgment on behalf of the city and final jury verdict in favor of the city on all remaining claims; upheld by Court of Appeals.
- **Civil contract defense for company and CEO:** Representation of CEO and company in defense of claimed breach of severance agreement and willful nonpayment. Obtained summary judgment dismissing claims of willful nonpayment and defense verdict in bench trial on remaining claims; affirmed by Court of Appeals.
- **Defense of public transit agency charged with unfair labor practice:** Representation of transit agency in achieving the reversal of PERC in a decision affecting public employers throughout the State of Washington.
- **Civil defense of public transit company:** Representation of public transit company in defense of claimed FMLA retaliation, failure to accommodate a disability, and retaliation for exercising worker's compensation rights.
- **Civil wage-and-hour class action defense for company:** Representation of company in defense of statewide FLSA and Washington Minimum Wage Act claims based on alleged denial of meal and rest breaks.



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- **Defense of public agencies before Public Employment Relations Commission:** Representation of public employer in defense of unfair labor practice complaints from hearing through to the Court of Appeals.
- **Labor arbitrations on behalf of public employers:** Representation of public employers in discharge and contract interpretation arbitrations.
- **Civil defense of employer:** Representation of tech company in private arbitration in defense of claimed sex discrimination by female director.

Publications & Speaking Engagements

- Moderator, ABA Women Rainmakers, "How to Ask for New Business and Seal the Deal"
- Co-Speaker, Association of Washington Cities Labor Relations Institute, "Recruitment and Selection in the Changing World"
- Panelist, "How Men & Women Can Work Together to Change the Outdated Pyramid Structure in Law Firms," Women Legal 2015 Conference
- Presenter, "Calculating Damages," National Business Institute-Successfully Litigating Employment Discrimination
- Co-Presenter, "Leading the Charge - Advanced Bargaining Strategies for Chief Negotiators," Association of Washington Cities Labor Relations Institute
- Panelist, "What Advocates Want From Arbitrators," National Academy of Arbitrators, Labor Arbitrators' Day
- Training, "Preparing for Grievance Arbitration and Presenting a Good Case," AWC Labor Relations Institute
- Training, "Selecting and Terminating Employees in Washington," National Business Institute
- Training, "Finding Your Way Through the Maze of Leave Laws," Summit Law Group Training
- Training, "Basics of Collective Bargaining" and EEO Compliance, City of Renton, L.E.A.D. Training

Memberships

- Washington State Bar Association
- American Bar Association

Honors

- Ranked in Chambers USA
- Listed as a Washington State Litigation Star in *Benchmark Litigation* (2015-2021) and in *Benchmark Top 250 Women in Litigation* (2018-2021)
- Listed in *The Best Lawyers in America* (2012-2021)
- Listed in Washington Super Lawyers (2014-2021)
- Avvo Rating Superb
- Included in Leading Lawyers in the Puget Sound Region, Seattle Business (2013)
- Listed as a "Rising Star" in Washington Super Lawyers (2007)
- Named a "Rising Star" by *Washington Law & Politics* magazine (2006)

Community Service

- Board member of [Washington Low Income Housing Alliance](#)
- Past President of Board of Communities and Parents for Public Schools
- Past board member of the Northwest Women's Law Center (now Legal Voice)
- Represented numerous asylum applicants on a pro bono basis through the Northwest Immigrant Rights Project



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Education

- University of Washington Law School (J.D., *cum laude*); Symposium Editor, *Washington Law Review*; Member, Moot Court Honor Board
- Stanford University (B.A., international relations)

Bar Admissions

- Washington State
- United States District Court, Western District of Washington
- United States District Court, Eastern District of Washington
- United States Court of Appeals for the Ninth Circuit

Clerkships

- Honorable Rosselle Pekelis, Washington Supreme Court

Attachment B – 2021 Standard Billing Rates

Summit Law Group, PLLC
2021 Billing Rates

Attorneys

Name	2021 Public Rate
Kristin Anger	\$335/hour
Alex Baehr	\$360/hour
Seth Berntsen	\$335/hour
Michael Bolasina	\$335/hour
Hathaway Burden	\$265/hour
Rachael Curtis	\$280/hour
Beth Kennar	\$335/hour
Otto Klein	\$360/hour
John Lee	\$290/hour
Sofia Mabee	\$335/hour
Quinn Oppenheim	\$320/hour
Shannon Phillips	\$335/hour
Dan Swedlow	\$330/hour
Rodney Younker	\$360/hour

Legal Support Staff

Name	2021 Public Rate
Meghan Allen	\$170/hour
Dominique Barrientes	\$165/hour
Kimberly Bottemiller	\$225/hour
Denise Brandenstein	\$160/hour
Colleen Broberg	\$160/hour
Liam Bronstein	\$155/hour
Tana Daugherty	\$210/hour
Kristi Emigh	\$210/hour
Carolyn Falcone	\$200/hour
Karen Francisco	\$210/hour
Paige Heine	\$160/hour
Sharon Hendricks	\$160/hour
Molly Jones	\$210/hour
Karen Lang	\$155/hour
Kristen Oxwang	\$210/hour
Marcia Ripley	\$210/hour
Patricia Shillington	\$160/hour
Kim Welsh	\$170/hour
Suzy Windes	\$200/hour



PUGET SOUND EMERGENCY RADIO NETWORK



Puget Sound Emergency Radio Network
501 5th Avenue, Suite 600
Seattle, WA 98104

Date: June X, 2021

Name
Title
Company Name
Street Address
City, ST, Zip

Subject: Inquiry for legal services for the PSERN Operator

Dear Mr./Ms Name:

The intent of this letter is to solicit a letter of interest from interested firms to provide ongoing professional legal services to the Puget Sound Emergency Radio Network Operator. The PSERN Operator is looking to acquire services from a single firm that encompass the breadth of issues a small non-profit governmental organization may face in delivering services to multiple local jurisdictions and agencies.

Background:

In 2015 King County began in earnest a project called the Puget Sound Emergency Radio Network (PSERN) Project ("Project") to build a new emergency radio communications system to be used by agencies in King County. The network primarily serves fire/EMS, police and 9-1-1 dispatch agencies, but will also be used by hospitals, public transportation providers, utilities, schools and other general governmental agencies to support their operations.

Not only is the Project building this important network, but it also has created a new governmental non-profit organization called the Puget Sound Emergency Radio Network Operator ("PSERN Operator" or "Operator"). The Operator will own, operate, maintain, update, upgrade and repair the infrastructure that has been amassed during the project, which includes land mobile radio equipment at over 60 locations, dispatch console equipment at ~20 sites, numerous radio towers, shelters and diesel fuel generators.

The Operator formed in March 2021 after 11 partner cities along with the County fully executed an interlocal cooperation agreement and appointed directors to the Board of Directors who will govern the Operator. Articles of incorporation have been filed with the Secretary of State and the Board has adopted its bylaws and is meeting on a monthly basis. While the Operator does not take over operations from the County until early 2023, it will need to spend the next 18+ months getting ready to take over operations by getting legal representation established as well as many other tasks.

Initially King County will employ staff who will be contracted back to the Operator under a separate agreement, however it is expected that in 2023 or 2024 the Operator will direct hire its own staff and be the employer from that point forward.

Once taking over operations, the Operator will charge user fees to its user agencies which will fund all of its legal expenses.

More information about the Operator and the Project can be found at www.psern.org

Scope of legal services:

The Operator will potentially need a myriad of legal consultation services which include but are not limited to:

- Labor/employment law;
- Litigation;
- Contracting, procurements and vendor management;
- Property/land use and environmental;
- Taxes;
- Legislation;
- Interlocal cooperation or other legal agreements; and
- Radio Site Lease management.

Required Experience:

Firms interested in representing the PSERN Operator should have experience working with the issues contained in the scope above, have familiarity with:

- FCC or other public safety communications regulations;
- Public safety communications, including the 9-1-1 system and land mobile radio;
- WA state statutes regarding operation of non-profit government organizations and interlocal cooperation agreements;
- Federal, state and local regulatory compliance;
- Public Finance; and
- Labor unions.

Submittal Response:

The Operator is seeking submittal letters of interest from firms looking to represent it for the issues described in this letter. If you are interested in submitting for this work please reply with a letter that is no longer than 5 pages in length, addresses the envisioned services and experience detailed here and includes hourly rates for the following:

- Interns (if billable);
- Legal assistants (if billable);
- Associates;
- Partners; and
- Any other applicable fees and or rates.

Additionally, a resume or curriculum vitae no longer than 3 pages for the principle or lead attorney to be assigned to the Operator should also be included.

Due Date:

Responses are due to aeichhorn@kingcounty.gov no later than 5 PM, July 8, 2021. Questions can be sent to the same contact. The PSERN Board of Directors will consider all submissions that meet the response requirements in making a decision on who to contract with.

Sincerely,

Lora Ueland
PSERN Operator Board of Directors Chairperson