

# *Flathead Reservation Water Management Board*

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**Date:** December 02, 2022 **DRAFT DRAFT DRAFT**

**Topic:** Direction for Legal Counsel Communications, Workflow, and Fiscal Management

**From:** Flathead Reservation Water Management Board (Board)

**To:** The Water Engineer and legal counsel for the Board and the Office of the Water Engineer

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This memo establishes communication, workflow, and billing policies for operations of legal counsel when providing legal services for the Flathead Water Management Board or the Office of the Water Engineer:

**Communications:** The Water Engineer shall serve as the primary point of contact for legal counsel and do so under the guidance of the Board. Communications regarding legal assignments, assignment priorities, assignment timelines, billing, payment, and scheduling of hearings or court actions will be routed through the Water Engineer who will act in executive function for the Board at their direction.

The Board Chair shall serve as the secondary contact point and be copied on all communications with legal counsel of substance, excluding administrative ministerial activities of implementation for assignments and actions already approved. If there are issues of appeals or personnel that warrant exclusion of the Board Chair, the Vice Chair shall serve as the secondary point of contact.

If there are issues of appeals or personnel that warrant exclusion of the Water Engineer from communications, the Water Engineer will not be included on communications related to the topic. The primary point of contact will shift to the Board Chair and the secondary point of contact will shift to the Vice Chair.

If there are issues of appeals or personnel that warrant exclusion of the Board Chair, the Board Chair will be excluded from communications and alternatively, the Board Vice Chair will serve as the secondary point of contact.

The Board may designate alternative primary and secondary contacts through majority vote and in all instances of the document, the Board Chair and the Board Vice Chair may be replaced respectively by alternative designees selected by the Board.

The Water Engineer may designate alternative primary contact from the staff of the Office of the Water Engineer via written communication copied to the Board Chair and legal counsel.

**Billing:** Bills will be routed to the Office of the Water Engineer. Legal counsel will provide the Water Engineer written electronic communication, copied to the Board Chair, when fees for billable services exceed monthly established contractual thresholds. This action will occur preferably in advance of meeting thresholds, but minimally within two business days of exceeding thresholds and before performing billable functions exceeding a 10% overage of established monthly thresholds. Upon receiving notice, the Water Engineer is authorized to permit additional legal counsel billable functions via written electronic communication copied to the Board Chair.

**Workload Tracking:** For purposes of achieving public meeting schedules and document review, legal counsel will provide the Water Engineer, upon request, updates of projects, affirmation of priority of work, and level of individual project completion(s). Legal counsel will track billing by specific project and provide the Engineer with tabular data to that effect as incorporated in monthly billing.

**Attendance at Meetings and Other Billable Venues:** Legal counsel will inform and get approval from the Water Engineer in advance of attending meetings, seminars, conference calls, and other communication venues that involve billable hours or billable mileage. Legal counsel may be asked to limit billable attendance to such venues at the direction of the Water Engineer via written electronic communication copied to the Board Chair.

**Communications with Multiple Board Members:** When routing electronic communications regarding legal products or legal information to multiple Board members, legal counsel will “blind copy” Board members or otherwise discourage “reply all” electronic communications that might be considered deliberations or actions subject to public noticing requirements of Montana’s open meeting laws.

**Flathead Reservation Water Management Board** date of approval: \_\_\_\_\_

Board Chair, Clayton Matt: \_\_\_\_\_ Date: \_\_\_\_\_

Board Vice Chair, Kenneth Pitt: \_\_\_\_\_ Date: \_\_\_\_\_