



Peninsula Metropolitan Park District

PO Box 425 – Gig Harbor, WA 98335
253-858-3400 – info@penmetparks.org
www.penmetparks.org

REGULAR MEETING AGENDA

July 19, 2022, 6:00 PM

Gig Harbor Civic Center - Council Chambers 3510 Grandview Street, Gig Harbor, WA 98335

Call to Order

Commissioner Roll Call:

| | Present | Excused | Comment |
|-------------------------------|---------|---------|---------|
| Steve Nixon, President | | | |
| Maryellen (Missy) Hill, Clerk | | | |
| Amanda Babich | | | |
| Kurt Grimmer | | | |
| Laurel Kingsbury | | | |

ITEM 1 President's Report

ITEM 2 Executive Director's Report

ITEM 3 Special Presentations

ITEM 4 Board Committee Reports

4a. CIP Committee

4b. Finance and Administration Committee

4c. Recreation Services Committee

4d. Stewardship Committee

4e. External Committee Reports

ITEM 5 Public Comments:

This is the time set aside for the public to provide their comments to the Board on matters related to PenMet Parks. Each person may speak up to three (3) minutes, but only once during the citizen comment period. Anyone who provides public comment must comply with Policy P10-106 providing for the Rules of Decorum for Board Meetings. A copy of the policy is available at each meeting and at www.penmetparks.org

ITEM 6 Minutes

6a. [Approval of July 5, 2022 Study Session Minutes](#)

6b. [Approval of July 5, 2022 Regular Meeting Minutes](#)

ITEM 7 Consent Agenda: None

ITEM 8 Unfinished Business: None

ITEM 9 New Business



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- 9.1 [Purchasing Resolutions Requiring One Reading for Adoption](#)
 - 9.1a [Resolution P2022-014 Authorizing the Executive Director to Sign the Engagement Letter with Summit Law Group](#)
- 9.2 **Single Reading Resolutions Requiring One Reading for Adoption: None**
- 9.3 **Two Reading Resolutions Requiring Two Readings for Adoption: None**

ITEM 10 **Comments by Board**

ITEM 11 **Next Board Meetings:**

August 2, 2022 Study Session at 5:00 pm and Regular Meeting at 6:00 pm at the Gig Harbor Civic Center - Council Chambers 3510 Grandview Street, Gig Harbor, WA 98335

ITEM 12 **Executive Session**

12a. Executive Session for the purpose of considering the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price pursuant to RCW 42.30.110 (b).

ITEM 13 **Closed Session**

13a. Closed meeting pursuant to RCW 42.30.140(4)

ITEM 14 **Adjournment**

BOARD OF PARK COMMISSIONERS MEETING PROCEDURES

The Board of Park Commissioners encourages the public to attend its Board meetings. All persons who attend Board meetings must comply with Board Policy P10-106 providing for the Rules of Decorum at Board Meetings. This Policy is to preserve order and decorum and discourage conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of Board meetings. A copy of the policy is available at each meeting and at www.penmetparks.org.



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DRAFT- STUDY SESSION MINUTES

July 05, 2022, 5:00 PM

Gig Harbor Civic Center - Council Chambers 3510 Grandview Street, Gig Harbor, WA 98335

Call to Order 5:00 PM

Commissioner Roll Call:

| | Present | Excused | Comment |
|-------------------------------|---------|---------|---------|
| Steve Nixon, President | x | | |
| Maryellen (Missy) Hill, Clerk | x | | |
| Amanda Babich | x | | |
| Kurt Grimmer | x | | |
| Laurel Kingsbury | x | | |

Quorum, Yes

ITEM 1 Board Discussion: 2023 Preliminary CIP

PowerPoint Presentation by Executive Director, Ally Bujacich; Parks Services Director, Denis Ryan; Parks Project Manager, John Adams

- Review the 19 Capital Improvement Projects scheduled for 2023
- Deferred maintenance photos.

Board Question: Can other parks be considered to add a bathroom in addition to Narrow’s Beach? For example, Rosedale Field and Tacoma DeMolay Sandspit.
Staff Answer: Yes. **Board Question:** Are there 2 separate septic’s at Tacoma DeMolay Sandspit? **Staff Answer:** We can evaluate both as part of the Master Plan. **Board Question:** Where is Peninsula Gardens in 2023? **Staff Answer:** Peninsula Gardens will likely be addressed for Senior Site and Aquatic Feasibility Study and the PROS Plan. We should still pursue 2022 allocated \$38,000 funds for temporary improvement. **Board Question:** Pierce County will no longer allow permits for interior activities after 2022, how can we utilize the exterior of Peninsula Gardens. **Staff Answer:** There is homework to do before a recommendation to the board. **Board Comment:** Suggest addressing the deferred maintenance at the fully functioning parks and then work on Peninsula Gardens. **Board Comment:** I like the addressing the trail accessibility for kayak hand launch at Fox Island Fishing Pier. **Board Question:** Will the upcoming facility conditions assessment consider paving? **Staff Answer:** Yes. **Board Question:** Are we looking at any development at DeMolay? **Staff Answer:** We will have to look at that as part of the Master Plan. **Board Comment:** Agree with the need at Peninsula Gardens but we also need to catch up on other projects. **Board Comment:** For park terms like deferred maintenance? What does it mean to us, a glossary would be helpful for commissioners and public. **Staff Answer:** Thank you for that suggestion. **Board Comment:** Consider sharing the Orcas video on our social media. **Board Question:** Will be discussing a 6-Year? **Staff Answer:** Discuss with PROS Plan or Budget.



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ITEM 2 Adjournment Time: 5:59

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Approved By the Board on _____

Steve Nixon, Board President

Maryellen “Missy” Hill, Board Clerk

Attest: Ally Bujacich

Submitted by: Robyn Readwin, Board Secretary



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DRAFT- REGULAR MEETING MINUTES

July 05, 2022, 6:00 PM

Gig Harbor Civic Center - Council Chambers 3510 Grandview Street, Gig Harbor, WA 98335

Call to Order Time: 6:05

Commissioner Roll Call:

| | Present | Excused | Comment |
|-------------------------------|---------|---------|---------|
| Steve Nixon, President | x | | |
| Maryellen (Missy) Hill, Clerk | x | | |
| Amanda Babich | x | | |
| Kurt Grimmer | x | | |
| Laurel Kingsbury | x | | |
| Quorum, Yes | | | |

ITEM 1 President's Report

Pierce County held a Fox Island Bridge meeting, President Nixon attended. About 120 attendees to the hybrid meeting.

ITEM 2 Executive Director's Report

1. Karisah Lewis, Interim Staff Accountant
2. Brittany Wiredu, Interim Customer Service
3. Movies in the Park update, co-hosted by the City of Gig Harbor and sponsored by Kitsap Bank.
4. Update, onsite security attendant at DeMolay found a small brush fire on 7/4/2022 and called emergency services. Minimal damage to vegetation on the western bank.
5. Sehmel Turf Replacement Project is substantially complete on time and within budget. Ribbon cutting to be announced.
6. The Computerized Maintenance Management System customer-facing module is undergoing a soft rollout.
7. Completed installation of fleet management system for efficiency and data.
8. RFP for Aquatic Center and dedicated space for Seniors opened for responses last week.

ITEM 3 Special Presentations

3a. May 2022 Financial Report

PowerPoint Presentation by Interim Director of Finance and Administration, Stephanie Buhrman.

3b. Family Fun Fest Report

PowerPoint Presentation by Director of Recreation Services, Jeff Ozimek

Board Comment: Looking at the timing of the event, suggest the last day of school. Thank you for the report and suggest putting a big sign up on Rosedale or other places and the banner downtown Gig Harbor. Budget



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review questions. **Staff Answer:** We will review the budget and share a more itemized detail and validate it against the 2022 Budget.

ITEM 4 Board Committee Reports

4a. CIP Committee

CIP Committee Chair, Commissioner Grimmer

- Last met on Mon 6/27/22
 - Demolition Projects
 - CRC Phase 1
 - WA Water Agreement
 - Rosedale Hall RFQ
 - Arletta Change Order
 - Colvos Heights Easement
 - Sehmel Turf project update
 - Recommend additional monthly meetings due to amount of projects.

4b. Finance and Administration Committee

Has not met since the last meeting

- July 12 meeting needs a substitute for Commissioner Babich

4c. Recreation Services Committee

Has not met since the last meeting

4d. Stewardship Committee

Has not met since the last meeting

- Kick Off meeting with CCS coming up

4e. External Committee Reports

None

ITEM 5 Public Comments:

This is the time set aside for the public to provide their comments to the Board on matters related to PenMet Parks. Each person may speak up to three (3) minutes, but only once during the citizen comment period. Anyone who provides public comment must comply with Policy P10-106 providing for the Rules of Decorum for Board Meetings. A copy of the policy is available at each meeting and at www.penmetparks.org

1. Dave Langer provided a comment
2. Sarah Stancikas provided a comment
3. Heather Maher provided a comment

ITEM 6 Minutes



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6a. June 18, 2022 Board Retreat Minutes

6b. June 21, 2022 Regular Meeting Minutes

Commissioner moved to adopt the minutes as presented;
 Commissioner Seconded;
 Roll Call Vote: Motion approved unanimously, motion carries.

ITEM 7 Consent Agenda

7a. Resolution C2022-16: Approval of Vouchers

Commissioner moved to adopt the minutes as presented;
 Commissioner Seconded;
 Roll Call Vote: Motion approved unanimously, motion carries.

ITEM 8 Unfinished Business: None

ITEM 9 New Business

9.1 Purchasing Resolutions Requiring One Reading for Adoption

9.1a Resolution P2022-012 Authorizing the Executive Director to Execute a Construction Agreement for Phase I of the Community Recreation Center Project with Grenlar Holdings, Inc. DBA Grenlar Construction

Commissioner moved;
 Commissioner Seconded;
 Staff Presentation by Parks Services Director, Denis Ryan.
 Board discussion: Discuss Budget, phases, and increase. Staff clarification: includes upgrading electrical in the building which will likely be required by code and is a significant increase.
 Roll Call Vote: Motion approved unanimously, motion carries.

9.1b Resolution P2022-013 Authorizing the Executive Director to Execute an Agreement for Phase I of the Water Main Extension for Commercial Fire-Flow Needs for the Community Recreation Center with Washington Water Service

Commissioner moved to adopt the minutes as presented;
 Commissioner Seconded;
 Staff Presentation by Parks Services Director, Denis Ryan.
 Board discussion: Comment: That is an amazing saving.
 Roll Call Vote: Motion approved unanimously, motion carries.

9.2 Single Reading Resolutions Requiring One Reading for Adoption

9.2a Resolution R2022-03 Adopting the 2023 Goals and Objectives

Commissioner moved to adopt the minutes as presented;
 Commissioner Seconded;
 Staff Presentation by Executive Director, Ally Bujacich.
 Board discussion: Thank you for your preparation.
 Roll Call Vote: Motion approved unanimously, motion carries.

9.3 Two Reading Resolutions Requiring Two Readings for Adoption



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9.3a Resolution RR2022-008 Adopting the Amended Project Budget for the Arletta Schoolhouse Renovation and Authorizing the Executive Director to Sign Change Order #04

Commissioner moved;

Commissioner Seconded;

Executive Director Bujacich: The staff has requested the Board suspend the two reading rule due to the necessity for the project timeline and there is no statutory requirement that a project budget has two readings.

Commissioner: Made motion to suspend the rules to move the resolution RR2022-008 to a second reading the same night,

Commissioner Seconded.

Roll call vote to suspend Rule: Motion approved unanimously, motion carries.

Executive Director Bujacich calls on Parks Services Director Denis Ryan for staff presentation.

Board discussion/Board comment: Reviewing change orders and where this project started several years ago and where it is today as a historical building it's important to note that this project is being properly managed. Approval will expand the budget and will change order #5 come back to the board. Staff Answer: Yes, change order #5 will come back to the board but it will not require a budget request.

Roll Call Vote: Motion approved unanimously, motion carries.

ITEM 10 Comments by the Board

Commissioner Babich will not be at the next meeting, 7/19. Proud of the board and staff for approving 9.1a. Note lack of swim lessons availability in this community and regardless of feasibility a study that need will not go away.

ITEM 11 Next Board Meetings

July 19, 2022 Study Session at 5:00 pm and Regular Meeting at 6:00 pm at the Gig Harbor Civic Center - Council Chambers 3510 Grandview Street, Gig Harbor, WA 98335

ITEM 12 Adjournment Time: 7:20 PM

BOARD OF PARK COMMISSIONERS MEETING PROCEDURES

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Approved By the Board on _____



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Steve Nixon, Board President

Maryellen “Missy” Hill, Board Clerk

Attest: Ally Bujacich

Submitted by: Robyn Readwin, Board Secretary



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DISTRICT COMMISSION MEMO

To: Board of Park Commissioners

From: Ally Bujacich, Executive Director

Date: July 19, 2022

Subject: **Resolution P2022-014 Authorizing the Executive Director to Sign the Engagement Letter with Summit Law Group**

Background/Analysis

A 2022 adopted goal of the Peninsula Metropolitan Park District is to attract and retain high quality staff. One of the identified objectives to support this goal is to consider engaging legal counsel with a focus in employment law.

Summit Law Group has a focus in public sector employment and labor law and possesses the expertise and resources necessary to advise PenMet Parks with regard to its general labor law needs. Roberts, Johns, and Hemphill, PLLC will continue to serve as the District's outside general counsel.

Recommendation

Staff recommends the Board pass Resolution P2022-014 authorizing the Executive Director to sign the engagement letter with Summit Law Group.

Policy Implications/Support

1. The District has adopted goals including prudent management of District funds.
2. Policy P40-102: Purchasing / Procurement Policy provides that services of law firms the Executive Director deems necessary to address PenMet Parks' legal needs are exempt from competitive bidding requirements provided the form of contract or engagement is approved by the Board of Park Commissioners.

If you have any questions or comments, please contact Ally Bujacich at (253) 858-3400 or via e-mail at executivedirector@penmetparks.org.

Attachments

- Exhibit A: Resolution P2022-014



Peninsula Metropolitan Park District

RESOLUTION NO. P2022-014

AUTHORIZING THE EXECUTIVE DIRECTOR TO SIGN THE ENGAGEMENT LETTER WITH SUMMIT LAW GROUP

WHEREAS, the Board of Park Commissioners passed Resolution R2021-016 adopting the outcomes of the Board Retreat, including certain strategic goals and objectives; and

WHEREAS, the adopted goals include attracting and retaining high-quality staff, including considering engaging counsel with a focus in employment law; and

WHEREAS, Policy P40-102: Purchasing / Procurement policy provides that services of law firms deemed by the Executive Director as necessary to address PenMet Parks' legal needs are exempt from competitive bidding requirements provided the form of contract or engagement is approved by the Board of Park Commissioners; NOW THEREFORE BE IT

RESOLVED, by the Board of Park Commissioners that the Executive Director be authorized to sign the engagement letter with Summit Law Group in substantially the form attached as Exhibit "A".

The foregoing resolution was adopted at a regular meeting of the Board of Park Commissioners of the Peninsula Metropolitan Park District held on July 19, 2022.

President

Clerk

Attest



RODNEY B. YOUNKER
DID: (206) 676-7080
EMAIL: rody@summitlaw.com

315 Fifth Ave S Suite 1000
Seattle, Washington 98104
phone - 206.676.7000
fax - 206.676.7001

July 6, 2022

VIA EMAIL: abujacich@penmetparks.org

Ally Bujacich
Executive Director
Peninsula Metropolitan Park District
PenMet Parks
PO BOX 425
Gig Harbor, WA 98335

Re: Engagement Letter

Dear Ms. Bujacich:

Thank you for hiring Summit Law Group to advise Peninsula Metropolitan Park District with regard to its general labor needs. We will represent your interests vigorously and do our very best to be prompt, thoughtful and practical in everything we do on your behalf.

If you have not yet had an opportunity to view the background of Summit Law Group, please take a moment to visit our website (www.summitlaw.com). Summit Law Group was founded on the principle that a modern law firm should be focused on its customers, not its lawyers. We designed Summit to be leaner, more efficient and more customer-responsive than traditional law firms. We want to form productive working partnerships with our customers, delivering a better product at greater value.

Fee Arrangements. We will build a working partnership with you to enable you to maintain control over the scope and cost of your legal work. We are especially interested in fee arrangements that provide incentives for us to be cost effective and that reward us for superior results. Unless we agree otherwise, however, we will charge for our services by the billable hour. We encourage you to consider and suggest other ways of measuring the value of our services during the course of our relationship. Whether you choose to be billed by the hour, or some other fee arrangement, we, unlike any other law firm we know of in the country, invite you to pay in accordance with your perception of the value of our legal services. To that end, within 30 days of our invoice, you are free to adjust our billed amount—upward or downward—based on your perception of the value that you have received.

July 6, 2022
Page 2

At present, my current hourly rate applicable to this engagement is \$375. The billing rates and contact information of the Summit team members who are expected to work on this engagement are included in the Appendix to this letter.

Unless otherwise agreed in writing, we will provide you with full itemized electronic billing information on a monthly basis, including people working on your engagement, their hours and rates and a detailed description of services performed. Payment of our bill is due upon receipt of our invoice and bills not paid within thirty (30) days of the date of the invoice will accrue interest at a rate of 1% per month. We do not charge for telephone, photocopying, computerized legal research, local travel, or other costs that are properly part of our cost of doing business. We charge our actual costs for out-of-town travel and meals, working meals, and other vendor expenses (*e.g.*, for high volume photocopying, courier and messenger services and other extraordinary expenses). We also charge for certain third-party vendor expenses related to document processing and discovery, electronic or otherwise (which may include the use of artificial intelligence). Our billings are monthly, unless otherwise agreed.

Attached to this letter is an Appendix that includes additional terms of this engagement. Together, this letter and the Appendix constitutes the agreement between you and us regarding our professional services. If the terms of our representation as described above and in the Appendix are acceptable, please date and sign this letter where indicated below and return it to me via DocuSign, mail, facsimile or electronic mail. This agreement will take effect on the date of your signature or when we first perform services, whichever is earlier.

Sincerely,

SUMMIT LAW GROUP, PLLC



Rodney B. Younker

cc: Mark Roberts

July 6, 2022
Page 3

AGREED AND ACCEPTED:

Ally Bujacich
Executive Director

By _____

Dated _____

APPENDIX TO ENGAGEMENT LETTER OF SUMMIT LAW GROUP, PLLC

The term “you” below refers to the client in this engagement. If the client is an entity, then we have addressed the accompanying engagement letter to the client’s authorized representative, but the term “you” below refers to the entity client.

IDENTITY OF CLIENT.

In representing a client which is an entity, we do not thereby also separately represent affiliates or other constituents of the entity, nor do we separately represent the owners, officers, directors, founders, managers, members, partners, fiduciaries, or employees of the entity in their individual capacities or with respect to their individual affairs. We will rely upon you to inform them of this fact where appropriate. Unless we agree otherwise in writing, we do not by virtue of our representation of you also represent any entity that controls you, is controlled by you or is under common control with you. We will look to the addressee of the engagement letter for our instructions on behalf of the entity, unless you inform us otherwise in writing.

SCOPE OF ENGAGEMENT.

The scope of this engagement is described in the accompanying engagement letter. The scope of our engagement may change if you ask us to provide different or additional services and we agree in writing to provide them or we actually proceed to provide them and bill you for them. If our engagement changes, the terms set out in the accompanying engagement letter and this Appendix will apply to the changed engagement, unless we enter into a further agreement modifying this one. Our engagement may be terminated by either one of us upon written notice to the other.

SUMMIT TEAM ASSIGNED TO THIS ENGAGEMENT.

At Summit Law Group, we assign a team to your engagement. Your team includes the individual(s) listed below:

| Attorney | Direct Dial | Email | Hourly Rate |
|------------------|----------------|--|-------------|
| Rodney Younker | (206) 676-7080 | rody@summitlaw.com | \$375 |
| Kristin Anger | (206) 676-7012 | kristina@summitlaw.com | \$350 |
| Sofia D. Mabee | (206) 676-7112 | sofiam@summitlaw.com | \$350 |
| Shannon Phillips | (206) 676-7092 | shannonp@summitlaw.com | \$350 |
| Elizabeth Kennar | (206) 676-7068 | bethk@summitlaw.com | \$350 |
| Mike Bolasina | (206) 676-7006 | mikeb@summitlaw.com | \$350 |
| Seth Bernsten | (206) 676-7020 | sethb@summitlaw.com | \$350 |
| Dan Swedlow | (206) 676-7024 | dans@summitlaw.com | \$350 |
| Peter Altman | (206) 676-7064 | petera@summitlaw.com | \$340 |

| Attorney | Direct Dial | Email | Hourly Rate |
|-----------------|----------------|--|-------------|
| Quin Oppenheim | (206) 676-7106 | quinno@summitaw.com | \$340 |
| Colin Boyle | (206) 676-7000 | colinb@summitlaw.com | \$320 |
| John Lee | (206) 676-7057 | johnl@summitlaw.com | \$320 |
| John Henry | (206) 676-7107 | johnl@summitlaw.com | \$310 |
| Jesse Taylor | (206) 676-7027 | jesset@summitlaw.com | \$290 |
| Hathaway Burden | (206) 676-7000 | hathawayb@summitlaw.com | \$290 |
| Tréja Miranda | (206) 676-7022 | trejam@summitlaw.com | \$260 |

We may in the future add other professionals to your team depending on the time and experience required by your matters, which may include contract personnel with appropriate credentials to complete certain work under our supervision. We will charge you for the time of these individuals at rates established by us based on their experience and expertise, the same as we do for our employees and partners.

BILLING AND PAYMENT.

We review and make changes to our hourly rates from time to time, usually on an annual basis. Changes may or may not apply across the board to all timekeepers.

Our preferred methods of payment are via check or ACH. Information on both of those payments options are below:

Payment by Check:

Summit Law Group, PLLC
Attn: Billing
315 Fifth Avenue S., Suite 1000
Seattle, WA 98104-2682

Payment by ACH:

Account Name – Summit Law Group
Account # – 002-000-520
ABA Routing # – 125-008-013
Bank – Commerce Bank of Washington

Timely payment in full is a condition to our continuing provision of services. You agree that we may suspend or terminate our services and may withdraw from this engagement in the event our fees and other charges are not timely paid, subject to applicable rules governing attorney withdrawal. In extreme cases, we may pursue recovery of unpaid fees through collection actions or litigation. If our engagement is terminated by either you or us for any reason, you will remain obligated to pay us all fees and other charges properly incurred up to the termination date.

Although on occasion we will in good faith attempt to estimate in advance the fees and costs of an engagement, we are not bound by any such estimate unless agreed in writing. Also, we are not obligated to revise, amend or correct any such estimate if subsequent developments make it inaccurate.

If we have more than one client in this engagement, then each is jointly and severally obligated to pay us unless we agree otherwise in writing. Any outside arrangements you may have for allocation, reimbursement, insurance, indemnification or the like will not relieve you of your obligation to pay amounts due.

CONFLICT CHECK.

At the beginning of each engagement we conduct a review of potential conflicts of interest to ensure compliance with the Rules of Professional Conduct, using names that you have provided. As we move forward, please be sure to immediately provide us with any new or different names of adverse or interested parties so that we may update our conflict check.

COMMUNICATIONS WITH SUMMIT.

Our communications with you may include legal advice and information that is protected by the attorney-client privilege, the work product doctrine, or other protections from disclosure. To maintain these privileges and protections, both you and Summit must take reasonable measures to safeguard the confidentiality of our communications. Please be aware that if you reveal information to a third party, including by communicating with us on an email system accessible by a third party or on a mobile device that you do not control, protections of privilege and confidentiality may be lost. You should also be aware that there may be circumstances in which we have an independent ethical duty to reveal privileged information.

FRAUD PREVENTION.

During the course of our engagement, there may be a need or desire to arrange for the electronic transfer of funds to Summit or to other parties. In the event that you receive a request for a funds transfer, wire transaction, or other matter involving your financial accounts or your account at Summit, please confirm the legitimacy of the request verbally with a known contact at Summit before you proceed with the transaction.

OWNERSHIP AND RETURN OF FILES.

By executing our engagement letter, you agree that the files generated or accumulated as a result of our representation belong to Summit Law Group. If you desire an electronic copy of the files at the conclusion of our representation, you will be provided with an electronic copy of the files. Under our document retention policy, we normally destroy client records, including electronic records, seven years after the conclusion of a matter unless other arrangements are made or the nature of the matter requires a longer retention period. E-mails that are duplicative, routine or otherwise not part of the client file may be destroyed before the end of the seven-year period, without prior notice to you.

DISPUTE RESOLUTION AND ARBITRATION.

If you become dissatisfied with any aspect of our relationship, including the quality or adequacy of our representation, you agree to bring that to our attention, and we each agree to negotiate in good faith to resolve the matter. If we cannot reach agreement, we each agree to comply with any mandatory dispute resolution procedures that apply to any such dispute. If such

applicable mandatory dispute resolution procedures have been completed or waived, and a dispute still exists between us, we each agree that the dispute will be submitted for mediation under the rules of JAMS. If such mediation fails, and a dispute still exists between us, we each agree that the dispute will be submitted to binding arbitration under the rules of JAMS. In arbitration, there is no right to a trial by jury and the arbitrator's legal and factual determinations are generally not subject to appellate review.

By signing this agreement, you acknowledge that the agreement to arbitrate results in a waiver of your right to a court or jury trial for any fee dispute or malpractice claim. This also means that you are giving up your right to discovery and appeal. If you later refuse to submit to arbitration after agreeing to do so, you may be ordered to arbitrate pursuant to the provisions of Washington law. You acknowledge that before signing this agreement and agreeing to binding arbitration, you are entitled to, and have been given, a reasonable opportunity to seek the advice of independent counsel.