

**Third Amended  
PERS DECLARATORY JUDGMENT/LEGISLATIVE LOBBYING  
Cost Sharing Agreement**

This Third Amended Cost Sharing Agreement (Third Amended Agreement) between Lane County (LANE); Multnomah County (MULTNOMAH); the cities of Eugene (EUGENE), Roseburg (ROSEBURG), Portland (PORTLAND), and Huntington (HUNTINGTON); Canby Utility Board (CANBY); and Rogue River Valley Irrigation District (RRVID) (collectively the “Parties”) is entered under authority granted by ORS Chapter 190 and supersedes in their entirety the First and Second Amended Cost Sharing Agreements previously entered into by the Parties.

**PURPOSE:** The purpose of this Third Amended Agreement is to share the services of Harrang Long Gary Rudnick P.C. (Attorney) and The Rae Group to (1) obtain a Declaratory Judgment relating to the Oregon Public Employees Retirement System (PERS) employer contribution rate increase and (2) obtain legislative changes to the PERS statutes.

LANE, MULTNOMAH, EUGENE, ROSEBURG, PORTLAND, HUNTINGTON, CANBY and RRVID agree as follows:

1. **SCOPE:** The scope of this Third Amended Agreement is for legal work performed by Attorney that is in the interest of all the Parties, including, but not limited to, filing litigation to obtain a Judicial Declaration clarifying the PERS Board’s trust duties, appeal through the Oregon Supreme Court, any other proceeding necessary to implement an appellate court’s decision and for work performed in an effort to obtain legislative changes to existing statutes governing PERS and the PERS Board. Multnomah shall not share in any allocation of fees for work performed in an effort to obtain legislative changes through lobbying or otherwise. Rather, Multnomah’s allocated share shall be paid only for litigation fees.

2. **FEES:**

a. The Attorney fees will be allocated among the Parties according to the following formula:

33.33%	PORTLAND
33.33%	MULTNOMAH
15.56%	LANE
15.56%	EUGENE
2.22%	ROSEBURG
0.00%	HUNTINGTON

In lieu of percentage allocation, CANBY shall make three lump sum payments totaling \$9,000, \$7,000 of which has previously been received.

In lieu of percentage allocation, RRVID shall make a one-time lump sum payment of \$5,000, which has previously been received.

b. If additional parties join in this litigation and/or legislative lobbying, the proportionate share of all Parties may be reduced as negotiated by the parties.

- c. The hourly rates for work performed by Attorney will be those rates in effect on December 31, 2000.
  - d. Total litigation and legislative lobbying fees will not exceed \$631,870 without prior written consent of all Parties.
  - e. With the exception of HUNTINGTON, CANBY and RRVID, invoices from the Attorney will be submitted to each party. Each party will pay the percentage of the total fees invoiced pursuant to subsection 2.a above.
  - f. In the event the Attorney seeks a declaration of a legal right that solely benefits a single Party, that Party will pay one hundred percent (100%) of the legal fees and costs associated with that particular legal claim or theory.
3. ENTIRE AGREEMENT: This is the entire agreement among the Parties and supersedes all prior understandings between the Parties concerning this matter. This Third Amended Agreement may be modified or amended only by the written agreement of the Parties.
4. CONTACTS: Each Party designates the following person or such person's designee to represent the Party in all matters pertaining to the administration of this Third Amended Agreement (Contacts). Day-to-day direction to Attorney will occur by a committee consisting of the following designees:

**LANE COUNTY:** Bill VanVactor  
 125 East 8<sup>th</sup> Avenue  
 Eugene, OR 97401  
 (541) 682-4207

**MULTNOMAH:** Dave Boyer  
 1120 SW Fifth Avenue, Suite 1430  
 Portland, OR 97204  
 (503) 988-3903

**EUGENE:** Myrnie Daut  
 Human Resource & Risk Services  
 777 Pearl Street, Room 101  
 Eugene, OR 97401  
 (541) 682-5790

**PORTLAND:** Steve Manton  
 1120 SW 5<sup>th</sup> Avenue  
 Portland, OR 97204  
 (503) 823-6963

**ROSEBURG:** Lance Colley  
 City of Roseburg  
 900 NE Douglas  
 Roseburg, OR 97470  
 (541) 672-7701

**CANBY:** Dirk Borges, General Manager  
 154 N.W. 1<sup>st</sup> Avenue  
 P.O. Box 1070  
 Canby, OR 97013  
 (503) 266-1156

**HUNTINGTON:** Donna Reedy, City Recorder  
 City of Huntington  
 50 East Adams  
 PO Box 369  
 Huntington, OR 97907  
 (541) 869-2202

**RRVID:** Jeffery Eicher, Manager  
 Rogue River Valley Irrigation District  
 3139 Merriman Road  
 Medford, OR 97501  
 (541) 773-6127

5. DISPUTES: In the event of a dispute, the Contacts will meet and resolve conflicts. If the conflict cannot be resolved, the Third Amended Agreement will be terminated as set forth below.

- 6. TERM: The term of this Third Amended Agreement is for three years, from February 16, 2000 to February 16, 2003.
- 7. TERMINATION: Upon payment of all accrued bills, this Third Amended Agreement may be terminated by any Party upon 30 days written notice to the other Parties. The remaining Parties may renegotiate and amend this Third Amended Agreement as appropriate.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

**LANE COUNTY**

**MULTNOMAH COUNTY**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

Approved as to form:

\_\_\_\_\_

\_\_\_\_\_

**CITY OF EUGENE**

**CITY OF PORTLAND**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

Approved as to form:

\_\_\_\_\_

\_\_\_\_\_

**CITY OF ROSEBURG**

**CANBY UTILITY BOARD**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

Approved as to form:

\_\_\_\_\_

\_\_\_\_\_

**CITY OF HUNTINGTON**

**ROGUE RIVER VALLEY IRRIGATION DISTRICT**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

Approved as to form:

\_\_\_\_\_

\_\_\_\_\_