



SILVERTHORNE URBAN RENEWAL AUTHORITY MEETING AGENDA

WEDNESDAY JUNE 24, 2015

**(Meeting to commence immediately upon adjournment
of the 6:00 p.m. Silverthorne Town Council Meeting)**

- I. CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA**
- II. CONSENT CALENDAR**
 - A. Meeting Minutes from December 10, 2014
- III. COMMISSIONER COMMENTS**
- IV. STAFF COMMENTS**
- V. ACTION ITEMS**
 - A. Resolution 2015-01, a 2015 Appropriation Resolution
 - B. Appointment of Hoffmann, Parker, Wilson & Carberry, P.C. as the Silverthorne Urban Renewal Authority's Legal Counsel
- VI. EXECUTIVE SESSION**

Executive Session to receive legal advice from the URA attorney on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b), regarding recent legislation, and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), concerning redevelopment in the Town.
- VII. ADJOURNMENT**

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SILVERTHORNE URBAN RENEWAL AUTHORITY
Meeting Minutes
December 10, 2014

CALL TO ORDER/ROLL CALL/APPROVAL OF AGENDA:

Those members present and answering Roll Call AT 9:30 p.m. were Chair Bruce Butler, Vice Chair Ann Marie Sandquist, and Commissioners Jon Bird, Derrick Fowler, Peggy Long, Stuart Richardson and Russ Camp. Staff members present were Town Manager Ryan Hyland, Executive Director Manager Mark Leidal, and Treasurer Donna Braun.

CONSENT CALENDAR:

SURA MEETING MINUTES, APRIL 9, 2014

SANDQUIST MOVED TO APPROVE THE APRIL 9, 2014 URA MEETING MINUTES. MOTION SECONDED. MOTION APPROVED BY COMMISSIONERS PRESENT. (CAMP ABSTAINED, HE WAS NOT PRESENT AT THE APRIL 9, 2014 URA MEETING)

ACTION ITEMS:

A. Resolution 2014-02; a 2014 Appropriation Resolution

Mark Leidal, Executive Director, presented Resolution No. 2014-02 to the Commissioners of Silverthorne Urban Renewal Authority (URA). He reviewed the staff report and recommended approval.

SANDQUIST MOVED TO APPROVE RESOLUTION 2014-02, A RESOLUTION AMENDING THE 2014 SILVERTHORNE URBAN RENDWAL AUTHORITY BUDGET AS PRESENTED. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.

B. Resolution 2014-03; a 2015 URA Budget Resolution

Donna Braun Treasurer of the URA, presented Resolution 2014-03 to the URA Commissioners. She reviewed the staff report and recommended approval.

CAMP MOVED TO APPROVE RESOLUTION 2014-03 THE 2015 URA BUDGET. MOTION SECONDED. MOTION APPROVED UNANIMXOUSLY BY COMMISSIONERS PRESENT.

C. Contract to Buy and Sell Real Estate – Silverthorne Development Company (SDC) to Silverthorne Urban Renewal Authority (SURA)

Mark Leidal, Executive Director, presented the contract to buy and sell real estate between the Silverthorne Development Company, LLC and the Silverthorne Urban Renewal Authority. This contract will approve the transfer of property at 171 Blue River Parkway to the Silverthorne Urban Renewal Authority.

CAMP MOVED TO APPROVE THE CONTRACT TO BUY AND SELL REAL ESTATE FOR 171 BLUE RIVER PARKWAY BETWEEN THE SILVERTHORNE DEVELOPMENT COMPANY, LLC AND THE SILVERTHORNE URBAN RENEWAL

AUTHORITY. MOTION SECONDED. MOTION PASSED UNANIMOUSLY BY COUNCIL PRESENT.

D. Operating Agreement of the Blue River Real Estate Company, LLC

SANDQUIST MOVED TO APPROVE THE OPERATING AGREEMENT OF THE BLUE RIVER REAL ESTATE COMPANY, LLC. MOTION SECONDED. MOTION APPROVED UNANIMOUSLY BY COMMISSIONERS PRESENT.

E. Agreement for Contribution of Real Property to Limited Liability Company (Blue River Real Estate Company, LLC)

Mark Leidal, Executive Director, presented the Agreement for Contribution of Real Property to Limited Liability company will transfer the property located 171 Blue River Parkway, to the Blue River Real Estate Company (BRREC) LLC.

CAMP MOVED TO APPROVE THE AGREEMENT FOR CONTRIBUTION OF REAL PROPERTY TO LIMITED LIABILITY COMPANY (BLUE RIVER REAL ESTATE COMPANY, LLC.) MOTION SECONDED. MOTION APPROVED UNANIMOUSLY BY COMMISSIONERS PRESENT.

DISCUSSION ITEM:

None.

ADJOURNMENT:

CAMP MOVED TO ADJOURN THE SILVERTHORNE URBAN RENEWAL AUTHORITY MEETING AT 9:55 P.M. MOTION SECONDED. MOTION APPROVED UNANIMOUSLY BY COMMISSIONERS PRESENT.

BRUCE BUTLER, CHAIR

ATTEST

**MICHELE MILLER, URBAN RENEWAL
AUTHORITY CLERK**

These minutes are only a summary of the proceedings of the meeting. They are not intended to be comprehensive or to include each statement, person speaking or to portray with complete accuracy. The most accurate record of the meeting is the videotape of the meeting, maintained in the office of the Town Clerk.

Silverthorne Urban Renewal Authority
Authority Agenda Memorandum

To: Chairman and Board Members
From: Donna Braun, Treasurer *DB*
Thru: Mark Leidal, Executive Director *ML*
Date: June 16, 2015 for meeting of June 24, 2015
Subject: Resolution# 2015-01 – 2015 Appropriation Resolution

SUMMARY:

The Authority is asked to consider Resolution No. 2015-01, an appropriation resolution amending the 2015 budget to allow for adjustments to revenues and expenses as related to operations, capital projects and transfers.

PREVIOUS AUHTORITY ACTION:

The Authority allows for appropriations by resolution during the fiscal year for adjustments required of the Authority. Note that the Resolution complies with the Town of Silverthorne's Charter regulation Section 8.7 in that "the additional appropriations do not exceed the amount by which actual and anticipated revenues of the year and prior year available cash exceed the expenditures as estimated in the budget." The Authority currently follows the budget and financial policies of the Town of Silverthorne.

BACKGROUND:

The adjustments in this Resolution reflect actual results and projections for the remainder of the year. An explanation of Exhibit A is as follows:

Silverthorne Urban Renewal Authority (URA)

URA Revenues.

- The Acorn property partnership is accounted for as an asset and liability within the URA. The partnership is tracked as a separate entity which does not require budgeting of URA revenues or expenses in 2015. The partnership is fully funded at this time and has minimal 2015 financial activity. The **\$60,000** rebate from the state of Colorado for the 2014 tank removal, was run through the partnership not the URA and is now not needed within the URA 2015 budget.
- As part of the 2015 budget process, it was believed that the URA would need funds from the town of Silverthorne's general fund to help cover administrative costs for URA activity in 2015. Since that time, the URA has brought in TIF property tax revenue that is covering any URA costs for 2015. Reduce the transfer from general fund by **\$12,000**.

URA Expenses

- The Acorn property partnership is accounted for as an asset and liability within the URA. The partnership is tracked as a separate entity which does not require budgeting of URA revenues or expenses in 2015. The partnership is fully funded at this time and has minimal 2015 financial activity. The **\$29,300** estimated 2015 expenses, was run through the partnership not the URA and is now not needed within the URA 2015 budget.

Silverthorne Urban Renewal Authority
Authority Agenda Memorandum

CURRENT ISSUES & FINANCIAL IMPLICATOINS

The enclosed Long Range Plans (Exhibit B) reflect the reductions of prior budgeted items of this Appropriation Resolution.

RECOMMENDATION:

Staff recommends approval of Resolution No. 2015-01.

PROPOSED MOTION:

“I MOVE TO APPROVE RESOLUTION NO. 2015-01, A RESOLUTION AMENDING THE 2015 SILVERTHORNE URBAN RENEWAL AUTHORITY BUDGET AS PRESENTED.”

ATTACHMENTS:

1. Resolution #2015-01
2. Exhibit A – Appropriation breakdown
3. Exhibit B – Updated Long Range Plans

**SILVERTHORNE URBAN RENEWAL AUTHORITY
SILVERTHORNE, COLORADO
RESOLUTION NO. 2015-01**

**A RESOLUTION REDUCING URBAN RENEWAL AUTHORITY REVENUES BY
\$72,000 AND REDUCING URBAN RENEWAL AUTHORITY EXPENSES IN THE
AMOUNT OF \$29,300**

WHEREAS the Silverthorne Urban Renewal Authority Board may make additional or reduction appropriations by resolution during the fiscal year; and

WHEREAS, the Silverthorne Urban Renewal Executive Director has certified that adjustments to the budget are needed; and

WHEREAS, the Silverthorne Urban Renewal Authority Board is advised that certain revenues, expenses and transfers must be approved by resolution.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF THE SILVERTHORNE URBAN RENEWAL AUTHORITY OF SILVERTHORNE, COLORADO THE FOLLOWING:

Section 1:

Upon the Executive Director's certification that there are current year revenues available for appropriation in the Authority's Fund and the Board hereby makes supplemental appropriations as itemized in Exhibit "A" attached hereto.

Section 2:

The Board hereby authorizes and directs the Executive Director to enter into such contracts and execute such documents on behalf of the Authority as may be necessary and customary to expend the funds hereby appropriated for all operations, capital projects and debt within this budget as amended in accordance with the requirements of the State of Colorado and the Town of Silverthorne's Financial Policies.

Section 3:

If any provision of this Resolution or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

Section 4:

All prior ordinances, resolutions, or other acts, or parts thereof, by the Urban Renewal Authority in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any previously repealed or expired act, ordinance or resolution, or part thereof.

Section 5:

This Resolution shall be effective following adoption.

READ AND ADOPTED AFTER CONDUCTING A PUBLIC HEARING ON THE 24TH DAY OF JUNE, 2015.

**SILVERTHORNE URBAN RENEWAL AUTHORITY
SILVERTHORNE, COLORADO**

BY: _____
Bruce Butler, Chairperson

ATTEST:

BY: _____
Michele Miller, Silverthorne URA Clerk

**SILVERTHORNE URBAN RENEWAL AUTHORITY
RESOLUTION # 2015-01
Exhibit A**

URBAN RENEWAL AUTHORITY	Account #	Amount
<u>Recognize Urban Renewal Authority Fund Revenues</u>		
Misc Income - Acorn	81-81-0000-69005	\$ (60,000)
Transfers In:		
Town of Silverthorne	81-96-0000-76001	(12,000)
Total Adjustments to Urban Renewal Authority Fund Revenues		<u>\$ (72,000)</u>
<u>Appropriate Urban Renewal Authority Fund Expenses</u>		
Land - Acorn Commercial Property	81-81-8110-86100	\$ (29,300)
Total Adjustments to Urban Renewal Authority Fund Expenses		<u>\$ (29,300)</u>

TOWN OF SILVERTHORNE, COLORADO
SILVERTHORNE URBAN RENEWAL AUTHORITY
LONG RANGE PLANS

Exhibit B

	2013 Act	2014 Act	2015 Bud	2016 Bud	2017	2018	2019
Revenues:							
TIF Revenues	-	-	31,463	32,092	32,734	33,389	34,057
Funding from Partners	-	734,104	-	-	-	-	-
Funding from Town of Silverthorne -URA	3,185,983	26,288	-	-	-	-	-
Funding from Town of Silverthorne -BRRE LLC	-	740,502	-	-	-	-	-
Rebate from State of Colorado	-	-	-	-	-	-	-
Revenue Total	3,185,983	1,500,894	31,463	32,092	32,734	33,389	34,057
Expenses:							
Professional Fees	39,236	10,174	20,000	20,000	20,000	20,000	20,000
Land - Smith Ranch Commercial	3,148,429	16,114	-	-	-	-	-
Land - Acorn	-	1,463,161	-	30,700	-	-	-
Transfer to General Fund	-	-	-	-	-	-	-

	2013 Act	2014 Act	2015 Bud	2016 Bud	2017	2018	2019
Expenditure Total	3,187,665	1,489,449	20,000	50,700	20,000	20,000	20,000
INC / DED FUND BALANCE	(1,682)	11,445	11,463	(18,608)	12,734	13,389	14,057
PRIOR FUND BALANCE	-	(1,682)	9,763	21,226	2,618	15,352	28,741
CURRENT GROSS FUND BALANCE	(1,682)	9,763	21,226	2,618	15,352	28,741	42,798

Silverthorne Urban Renewal Authority
Meeting Memorandum

TO: Chairman and Commissioners
FROM: Mark Leidal, Urban Renewal Authority Executive Director ML
DATE: June 18, 2015, for Meeting of June 24, 2015
SUBJECT: Urban Renewal Authority – Appointment of General Counsel

SUMMARY: Staff is recommending that a contract be signed with the firm of Hoffmann, Parker, Wilson & Carberry. This is the same firm that is currently under contract to provide legal services to the Town of Silverthorne. An RFP process was conducted in December 2014, and the firm was chosen to represent the Town and the Urban Renewal Authority. The June 24th meeting is the first meeting opportunity since the RFP process to formalize a contract.

BACKGROUND: Section 7 of the Urban Renewal Authority Bylaws states that the General Counsel of the Authority shall be employed under contract by the Authority of the Board.

PREVIOUS COUNCIL ACTION: Town Council appointed Malcom Murray, from the MDKR firm, as URA's General Counsel on January 9, 2013.

PROPOSED MOTION: *"I move to retain the firm of Hoffman, Parker, Wilson, & Carberry as the legal counsel for the Silverthorne Urban Renewal Authority."*

ATTACHMENTS:

- 1) Contract for Legal Services
- 2) RFP Submittal

CONTRACT FOR LEGAL SERVICES

THIS CONTRACT FOR LEGAL SERVICES is made this ____ day of June, 2015, by and between Hoffmann, Parker, Wilson & Carberry, P.C. ("Attorneys") and the Silverthorne Urban Renewal Authority (the "Authority").

RECITALS

- A. The Authority wishes to contract with Attorneys for legal services.
- B. Attorneys are authorized to practice law in the State of Colorado, and have the expertise to provide legal services to the Authority.

AGREEMENT

- 1. Attorneys shall furnish all legal services required by the Authority. Attorneys shall at all times comply with applicable law and the Colorado Rules of Professional Conduct.
- 2. Attorneys have checked for any conflicts, and at this time, no conflicts exist. Attorneys will immediately notify the Executive Director of the Authority of any conflict situation that may arise.
- 3. Attorneys will supply secretarial and other support staff services necessary to render the services to the Authority as required by this Contract.
- 4. Attorneys will supply office furniture, law books, fixtures, and telephone service necessary to render the services to the Authority as required by this Contract.
- 5. Throughout the term of this Contract, Attorneys shall maintain professional liability insurance in an amount no less than \$2,000,000.
- 6. Attorneys are acting as independent contractors. Therefore, the Authority will not be responsible for payroll taxes, health or life insurance, or vacation or sick time. The position contracted for herein shall not be a full-time position.
- 7. Attorneys agree to:
 - a. As directed, attend meetings of the Authority Commissioners;
 - b. As directed, attend meetings and conferences with Authority staff;
 - c. Perform all duties required by the policies of the Authority and by state and federal law;
 - d. Provide timely attention to and advice with regard to compliance with all applicable law;
 - e. As directed, represent the Authority in its dealings with others; and

f. As directed, represent the Authority in litigation in which it may be involved.

8. The Authority shall pay for the services provided under this Contract at the following rates, payable monthly following receipt of itemized billing statements from Attorneys:

\$195/hour for general counsel services performed by a director/of counsel attorney.

\$170/hour for any legal services performed by an associate attorney.

\$225/hour for litigation services performed by a director/of counsel attorney.

\$95/hour for work performed by a paralegal.

Travel time at ½ of the regular rate.

9. In addition to payment for legal fees, the Authority will reimburse Attorneys for all filing fees, expert witness fees, deposition costs, reproduction costs, computer research costs and similar fees incurred by Attorneys on behalf of the Authority; provided that extraordinary costs must be pre-approved by the Executive Director of the Authority.

10. This Contract may be terminated by either party hereto upon 30 days written notice.

11. At any time after 5 years following the termination of this Contract, Attorneys may destroy all files related to Attorneys representation of the Authority, unless prior to that time the Authority requests, in writing, return of the files to the Authority.

IN WITNESS WHEREOF, the parties hereto have set their hands the day and year first above written.

**SILVERTHORNE URBAN RENEWAL
AUTHORITY**

ATTEST:

**HOFFMANN, PARKER, WILSON &
CARBERRY, P.C.**



By: _____



HAYES, PHILLIPS, HOFFMANN & CARBERRY, P.C.

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Denver, Colorado 80202-1468
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Corey Y. Hoffmann
Kendra L. Carberry
Jefferson H. Parker

Of Counsel
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J. Matthew Mire

Vail Office:
P.O. Box 2616
Vail, CO 81658
Telephone: (970) 390-4941
Facsimile: (303) 825-1269

Ryan S. Malarkey
Kelly L. Donlon
Elizabeth R. Cross
Charissa A. Johnston
B. Brittany Scantland Lall
T. Damien Zumbrennen

John E. Hayes (Retired)

December 12, 2014

Ryan Hyland, Town Manager
Town of Silverthorne
PO Box 1309
Silverthorne, CO 80498
Via email to: ryan.hyland@silverthorne.org

**Re: Proposal for Town Attorney, Town of Silverthorne and Silverthorne Urban
Renewal Authority**

Dear Mr. Hyland:

Please accept this letter and the accompanying materials as our response to the Request for Proposals for the position as the Town Attorney for the Town of Silverthorne and as general counsel for the Silverthorne Urban Renewal Authority. We believe that you will find our qualifications and experience consistent with the needs of the Town of Silverthorne and the Silverthorne Urban Renewal Authority.

General Qualifications

Hayes, Phillips, Hoffmann & Carberry, P.C. (formerly Hayes, Phillips & Maloney, P.C.) was formed in 1985 with the specific goal of providing legal services to Colorado local governments. We currently represent over 25 different local governments in Colorado in various capacities, from general counsel to special counsel to hearing officer. We have worked very hard to develop a reputation for quality, full-service representation at reasonable rates, and we believe we have succeeded in this regard.

J. Matthew Mire would act as the primary Town Attorney, with Kendra L. Carberry providing assistance. In addition, M. Patrick Wilson, who will be joining our firm on January 1, 2015, would act as primary litigation counsel. Mr. Mire has 15 years of experience practicing municipal law in Colorado, and Ms. Carberry has 18 years of experience practicing municipal

December 12, 2014

Page 2

law in Colorado. Mr. Wilson has similar experience in local government litigation. We have included the résumés of Mr. Mire, Ms. Carberry and Mr. Wilson, along with a firm résumé.

General Municipal Legal Counsel. As the primary Town Attorney, Mr. Mire would attend Town Council meetings and work sessions, and would hold office hours as requested by the Town. As the Vail Town Attorney for the past 15 years, Mr. Mire has vast experience acting as the legal advisor to elected Town officials, Boards/Commissions, Department Heads and employees. Mr. Mire also regularly advises the Town of Vail on personnel matters, including employee discipline, and also drafts contracts, ordinances, resolutions, easements, variances, legal memoranda and other legal documents for the Town of Vail. Mr. Mire is quite familiar with the Colorado Open Meetings Law and the Colorado Open Records Act and advises his client regularly on their implementation. Ms. Carberry provides similar legal guidance and support for the Towns of Winter Park, Superior, Platteville and Mountain View. In addition, Ms. Carberry serves as a liquor and marijuana licensing officer for the Town of Dillon and the City of Golden, so she has particular familiarity with these areas of the law. Finally, Ms. Carberry is available to cover Town Council meetings, work sessions and office hours at any time Mr. Mire is not available.

Litigation. Mr. Wilson, who has almost 20 years of litigation experience in Colorado, has handled the Town's litigation for several years, and would continue to do so. In addition, Ms. Carberry regularly handles litigation on behalf of a number of the firm's general counsel clients, including the Town of Vail, and also provides special counsel litigation services to municipalities such as the Cities of Colorado Springs and Englewood, so she would be available to assist with litigation.

Land Use. Mr. Mire and Ms. Carberry are both quite experienced in land use and zoning law, including development agreements, subdivision documents, appeals, annexations and planned unit developments. During Mr. Mire's tenure as Town Attorney for the Town of Vail, the Town of Vail has undergone an unprecedented period of public and private redevelopment totaling over \$2 billion, and requiring many creative solutions to variety of complex land use issues. This redevelopment involved detailed contract negotiations (including urban renewal) and the creation of various public/private partnerships. Recently, Ms. Carberry successfully negotiated all agreements associated with the Superior Town Center, a 185-acre mixed-use development which employs a variety of financial incentives, including tax increment financing.

Urban Renewal Authority. Ms. Carberry has represented the Vail Reinvestment Authority for six years and the Superior Urban Renewal Authority for ten years, and she has advised both clients on many issues relating to urban renewal authorities, including plan amendments, development projects and agreements, tax increment financing and related issues. Mr. Mire represented the Vail Reinvestment Authority prior to Ms. Carberry, and Mr. Mire and Ms. Carberry currently work together on several projects for the Vail Reinvestment Authority.

12/12/14

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Specific Qualifications

1./2. Experience with Home Rule Municipalities. Our firm has represented home rule municipalities since its inception in 1985. Currently, we represent eight home rule municipalities: the Towns of Vail, Winter Park, Parker, Mountain View and Kiowa, and the Cities of Northglenn, Manitou Springs and Black Hawk. We regularly advise these home rule municipalities regarding elections, land use/zoning, contracts and constitutional issues. Specifically in the areas of elections and land use/zoning, we have successfully defended our clients' local authority on numerous occasions.

3. Other Attorneys. As noted above, Mr. Mire would act as the primary attorney, with Ms. Carberry acting as the alternate and Mr. Wilson acting as litigation counsel. Our firm has two other partners, Corey Y. Hoffmann (with 19 years experience in municipal law, specializing in litigation and urban renewal) and Jefferson H. Parker (with 11 years experience in municipal law, specializing in employment law), each of whom are available to assist as necessary. In addition, we have six associate attorneys, Ryan S. Malarky, Kelly L. Donlon, Elizabeth R. Cross, T. Damien Zumbrennen, Charissa A. Johnston, and B. Brittany Scantland Lall.

4. Particular Qualifications. Our firm specializes in local government law. Occasionally we represent private clients, but generally only on issues related to local government law. Because we represent a number of municipalities, we can offer substantial savings to each of them. For example, when new legislation is passed, we can draft a template memorandum or ordinance for all of our municipal clients, thus drastically reducing the cost to each to research and draft that memorandum or ordinance. We also create template service agreements, personnel policies, election forms and similar documents, substantially reducing our clients' legal fees.

5. Potential Conflicts of Interest. We have carefully examined our current client list and see no potential conflicts of interest.

6./7. Fees. We propose a rate of \$225 per hour for litigation partner work, \$195 per hour for general counsel partner work, \$170 per hour for associate work, and \$95 per hour for paralegal work. We do not charge for secretarial work. Additionally, we bill for actual costs incurred, such as filing fees, copying and computerized legal research. We charge travel time at 50% of our regular rate. We typically bill our time on or before the 6th day of each month, with payment being due on or before the last day of the month within which the billing is sent. Our bills detail the date upon which the work was accomplished, the name of the attorney, a description of the work, the time spent on the work, and the total amount due for the particular work accomplished. At the Town's request, we will provide separate accounting for specific activities (such as meetings, litigation, and work for particular departments).

8. Omitted.

December 12, 2014

Page 4

9. References. A list of our clients is included in the attached firm résumé. We would encourage you to contact any of our clients to discuss our efficiency, professionalism and loyalty. Following are three references with contact information.

Stan Zemler, Town Manager, Town of Vail

75 S. Frontage Road

Vail, CO 81657

(970) 479-2106

szemler@vailgov.com

Andy Daly, Mayor, Town of Vail

75 S. Frontage Road

Vail, CO 81657

(970) 479-1860

adaly@vailgov.com

Drew Nelson, Town Manager, Town of Winter Park

P.O. Box 3327

Winter Park, CO 80482

(970) 726-8081

dnelson@wpgov.com

10. Professional Liability Insurance. Though no member of this firm has been involved in any disciplinary proceeding or professional malpractice case, our malpractice insurance is with National Union Fire Insurance Company with limits of \$2,000,000. We also carry worker's compensation insurance, general liability insurance with limits of \$1,000,000 per occurrence and \$2,000,000 general aggregate; and auto liability insurance with limits of \$1,000,000.

11. Annual Report. We have included a copy of last our annual filing with the Colorado Secretary of State. Our firm has been in business continuously since 1985, and we can state with absolute certainty that our firm is financially sound. We would be glad to discuss this in more detail in person.

12. Service Philosophy. Our philosophy is to provide legal services in a prompt, professional and economical manner. Regarding customer service, we believe that communication is key, and therefore, we strive to maintain open lines of communication with our clients at all times. For example, our policy is to return all email and telephone calls within 24 hours. Most importantly, we remember that we are not elected officials and that we do not make policy – instead, our responsibility is to provide accurate legal advice so that the elected officials of the Town can properly implement the Town's chosen policies.

12/12/14

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December 12, 2014
Page 5

If you have any questions relating to this submission or need additional information, please do not hesitate to contact one of us by telephone or email. Thank you for the opportunity to submit this response to your Request for Proposals.

Very truly yours,



J. Matthew Mire
jmm@hphclaw.com



Kendra L. Carberry
klc@hphclaw.com

Encls.



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Ryan S. Malarky

Kelly L. Donlon

Elizabeth R. Cross

Charissa A. Johnston

B. Brittany Scantland Lall

T. Damien Zumbrennen

John E. Hayes (Retired)

RÉSUMÉ OF HAYES, PHILLIPS, HOFFMANN & CARBERRY, P.C.

Hayes, Phillips, Hoffmann & Carberry, P.C. (formerly Hayes, Phillips & Maloney, P.C.) is a law firm with its primary office in downtown Denver and satellite offices in Fairplay and Vail. Specializing in local government law, the firm has a combined total of more than 90 years of experience among its attorneys, including particular expertise in the following areas:

1. Acting as general counsel to the following local governments: the Cities of Northglenn, Black Hawk, Cripple Creek, Victor and Manitou Springs; the Towns of Vail, Superior, Hudson, Foxfield, Elizabeth, Kiowa, Winter Park, Mountain View, Fairplay, Gilcrest, Buena Vista, Callhan, Platteville and Alma; and the Counties of Park and Morgan.

2. Acting as general counsel to the following special districts: the Alameda Water & Sanitation District; the Superior Metropolitan District No. 1; the Superior Metropolitan Interchange District; the Parker Water & Sanitation District; the Health Services District of Northern Larimer County; the Fremont Sanitation District; and the North Lincoln Water & Sanitation District.

3. Acting as general counsel to the following other public entities: the Wheat Ridge Urban Renewal Authority; the Superior Urban Renewal Authority; the Northglenn Urban Renewal Authority; the Vail Reinvestment Authority; the Church Ditch Water Authority; and the Table Mountain Animal Center d/b/a Foothills Animal Clinic.

4. Acting as special counsel to the following public entities: the Towns of Parker and Avon; the Cities of Colorado Springs, Fort Collins, Lakewood, Longmont, Golden, Englewood, Thornton and Aurora; El Paso County; Douglas County; the City & County of Denver; the Upper Black Squirrel Creek Groundwater Management District; and the Denver Public Schools ProComp Trust.

5. Acting as hearing officer for the following public entities: the City & County of Denver (tax); the City of Golden (liquor/marijuana licensing); the City of Aurora (tax); Denver International Airport (concessions); the City of Lakewood (campaign finance); the City of Fort Collins (land use, employment); and the Town of Dillon (liquor/marijuana licensing).

6. Litigation of land use and annexation matters, including the well-known *Margolis* and *Eggert* cases, and representation of municipal clients in several land use, governmental immunity and eminent domain cases of first impression, including *Grynberg v. City of Northglenn*, *Town of Parker v. Colorado Division of Parks*, and *Town of Parker v. Norton*.

7. Defense of local governments, including law enforcement officials, against civil rights suits brought under 42 U.S.C. § 1983.

8. Employment law, including defense of wrongful discharge cases, collective bargaining, the Fair Labor Standards Act and other federal regulation, and development of policies, procedures, contracts and ordinances to help the public employer avoid liability.

9. Election law, including TABOR compliance and initiative, referendum and recall.

10. Negotiation and drafting of development agreements.

11. Drafting legislation, both state and local, and lobbying and testifying before legislative committees.

12. Municipal court prosecution.

Among the publications authored by the firm's lawyers, the following include some of the articles most pertinent to local governments.

K. Carberry, *Redistricting – A Municipal Perspective*, Colorado Municipalities (Vol. 88, No. 1, February 2012).

K. Carberry, *Redistricting: A Municipal Perspective*, The Colorado Lawyer (Vol. 31, No. 2, February 2002).

K. Carberry, D. Atencio and A. McGihon, *Colorado Election Law Update* (published by the National Business Institute, July 2001).

In the area of continuing legal education, the firm's lawyers participate regularly in every Colorado Municipal League seminar on municipal law. Firm members have also received regional and national recognition for their expertise through several speaking invitations. The many addresses given by the firm's lawyers include the following:

C. Hoffmann, *Survey of Municipal Law*, Colorado Municipal League Seminar on Municipal Law (October 2012).

C. Hoffmann, *Special Issues in Eminent Domain*, Colorado Municipal League Seminar on Municipal Law (October 2011).

C. Hoffmann, *Medical Marijuana: Issues to Consider Regarding Local Control*, Colorado Municipal League Annual Conference (June 2010).

C. Hoffmann, *Eminent Domain, Legislative Authority and Abandonment, or how to Contract Regarding the Power of Eminent Domain While Retaining the Necessary Legislative Discretion*, CLE International (August 2007).

C. Hoffmann, *A Primer on Local Government Regulation of Land Use and Development* Rocky Mountain Land Use Institute (March 2006 and April 2005).

C. Hoffmann, *The Municipal Clerk as Hearing Officer*, Master Municipal Clerks Academy (September 2004).

C. Hoffmann, *Land Use Planning and Eminent Domain in Colorado*, National Business Institute (July 2003).

C. Hoffmann, *Special Issues in Eminent Domain*, Colorado Municipal League Annual Seminar on Municipal Law (October 2003).

K. Carberry, G. Wilson and S. Roy, *Open Meetings & Open Records – 10 Tough Questions*, Colorado Municipal League Annual Conference (June 2013).

K. Carberry, C. Hoffmann and T. Haas-Davidson, *Counties: Love the One(s) You're With*, Colorado Municipal League Annual Conference (June 2013).

K. Carberry, *Rules of the Game – When a Municipal Clerk Acts in a Quasi-Judicial Capacity*, Colorado Municipal Clerks' Association Annual Conference (November 2010).

K. Carberry, R. Gregory, B. Ortiz and V. Matheson, *Wild Urbanism – Coyotes, Prairie Dogs and Chicken Coops*, Colorado Municipal League Annual Conference (June 2010).

K. Carberry, S. Light and K. Aviles, *Revenue Sharing Perks and Pitfalls – Yes it Can Work!*, Colorado Municipal League Annual Conference (June 2009).

K. Carberry and J. Parker, *Residential Door-to-Door Solicitation*, Colorado Municipal League Annual Seminar on Municipal Law (October 2007).

K. Carberry and K. Harrington, *Top Ten Reasons to Hate the Colorado Open Records Act and the Colorado Open Meetings Law*, Colorado Municipal League Annual Conference (June 2005).

K. Carberry, *Special District 2002 Election Workshop*, Colorado Department of Local Affairs (October and November 2001).

K. Carberry, *Legislative Redistricting at the State and Local Levels: Implications for Municipalities*, Colorado Municipal League Annual Seminar on Municipal Law (October 2001).

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