

***City Council  
Legal Review Committee  
Meeting Agenda***

**October 20, 2016  
City Hall – City Manager’s Office  
749 Main Street  
4:00 pm**

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Public Comments on Items Not on the Agenda**  
(Council requests that public comments be limited to 3 minutes.)
- 5. Approval of August 30, 2016 Minutes**
- 6. Discussion – 501c3 Organizations Affiliated with the City**
- 7. Discussion/Direction – 2017-2018 Legal Fees for City Attorney Services**
- 8. Discussion – Associate Prosecutor Process**
- 9. Lawsuit Settlements/Litigation Updates**
- 10. December 15 Meeting Potential Discussion Items**
- 11. Adjourn**

# ***City Council Legal Review Committee***

## ***Meeting Minutes***

**August 30, 2016**

**City Hall**

**749 Main Street**

**4:00 PM**

**Call to Order** – Chairperson Leh called the meeting to order at 4:05 PM.

**Roll Call:** The following members were present:

**Committee Members:** *Jeff Lipton, City Council  
Chris Leh, City Council  
Sue Loo, City Council*

**Absent:** *None*

**Staff Present:** *Sam Light, City Attorney  
Meredyth Muth, City Clerk*

**Others:** *Ashley Stolzmann, City Council*

### **APPROVAL OF AGENDA**

The agenda was approved by all members as presented.

### **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

None

### **APPROVAL OF MINUTES FROM AUGUST 10, 2016**

The minutes were approved as presented.

### **DISCUSSION – APPLICANTS FOR MUNICIPAL JUDGE APPOINTMENT AND RECOMMENDATION TO CITY COUNCIL**

Chairman Leh reported to the Committee on the reference calls he had made regarding Judge Thrower and Judge Wheeler. He stated both sets of references were very good. The Committee discussed the details of the references.

Leh moved the committee recommend to the City Council that they appoint Judge Wheeler for the remainder of the current term of municipal judge subject to

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#### ***City of Louisville***

*City Council*    *749 Main Street*    *Louisville CO 80027*  
*303.335.4536 (phone)*    *303.335.4550 (fax)*    *www.LouisvilleCO.gov*

a background check and agreement on a contract. Lipton seconded the motion, all in favor.

**LAWSUIT SETTLEMENTS/LITIGATION UPDATES**

Light had no update.

**NEXT MEETING DATE AND POTENTIAL DISCUSSION ITEMS**

There was no discussion of this item.

**ADJOURN**

The meeting adjourned at 5:02 PM.

DRAFT

**SUBJECT: DISCUSSION – 501c3 ORGANIZATIONS AFFILIATED WITH  
THE CITY**

**DATE: OCTOBER 20, 2016**

**PRESENTED BY: CHRIS LEH, CHAIR**

**SUMMARY:**

In the past few months, the Legal Review Committee has discussed the role of, and liability issues related to, the five 501c3 nonprofit organizations affiliated with the City. Committee Chairman Leh has prepared the list below for the Committee's discussion.

**Issues to Address –City Policy Regarding 501(c)(3) / Non-Profit Organizations**

**1. Governance**

- Corporate Identity & Structure
- Corporate Formalities
- Membership & Leadership -- Qualifications, Appointment & Removal
- Operational Control
- Internal Processes (e.g., Purchasing)

**2. Municipal Assistance**

- Staff Support
- Financial Support
- Equipment Usage
- Facilities Usage

**3. Transparency**

- Open Meetings
- Public Records

**4. Legal Liability**

- Governmental Immunity
- Insurance coverage - general liability, D/O liability

**FISCAL IMPACT:**

None at this time.

**RECOMMENDATION:**

Discussion

**ATTACHMENT(S):**

None

**LEGAL REVIEW COMMITTEE**

**SUBJECT:** DISCUSSION/DIRECTION – 2017-2018 LEGAL FEES FOR CITY ATTORNEY SERVICES

**DATE:** OCTOBER 20, 2016

**PRESENTED BY:** MEREDYTH MUTH, CITY CLERK

**SUMMARY:**

Light Kelly has submitted a request to increase their rates for legal services for 2017 – 2018 (attached). This is the first increase in rates since 2015. Staff requests the Legal Review Committee review and discuss the rate increase and make a recommendation to the City Council.

**FISCAL IMPACT:**

Should a rate increase be approved it will be accommodated for in the 2017-2018 budget.

**RECOMMENDATION:**

Discussion/Direction

**ATTACHMENT(S):**

1. Memo from Light Kelly

# Light Kelly

Attorneys at Law

Samuel J. Light  
(303) 298-1601 tel  
(303) 298-1627 fax  
[slight@lightkelly.com](mailto:slight@lightkelly.com)

## MEMORANDUM

TO: Mayor and Councilmembers  
Legal Review Committee  
Malcolm Fleming, City Manager  
City of Louisville

FROM: Samuel J. Light 

DATE: October 12, 2016

SUBJECT: Fees for Legal Services

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Based upon the firm's general review of its fees, services, and costs, we find it necessary to increase our rates for legal services to the City effective January 1, 2017. We last increased our fees on January 1, 2015. While cost-effective service to the City is a primary goal of our firm, we must also consider the ongoing increase in our own costs of doing business.

Attached is a copy of the City's current Appendix A - Fee Schedule, which shows in blackline our proposed 2017 rates. Our proposal would effect a \$15/hour increase in partner rates and \$5/hour increase in associates rates. We will maintain our current flat monthly retainer of \$750 for attendance at regular council meetings. We will commit to these rates for two years. Also attached is a clean copy of the updated fee schedule. If this proposal meets with your approval, we will forward to the City Manager two executed originals for City signature.

We will continue to work with the City to identify and implement methods for managing legal services and fees, and are available as desired to discuss this proposal and our services to the City.

We appreciate the opportunity to serve as City Attorney and take great pride in serving the City of Louisville. Thank you for your consideration of this proposal, and if you have any questions or concerns, or care to discuss this matter, please contact me.

**APPENDIX A -- FEE SCHEDULE (EFFECTIVE JANUARY 1, 2017 ~~2015~~)**

Professional Services

- (1) Law clerk/paralegal services: \$90.00 per hour
- (2) Attorney time (except as provided in (3) below) for partners shall be ~~\$180.00~~ \$195.00 per hour and for associates of the firm shall be ~~\$160.00~~ \$165.00 per hour. Fees for any other attorneys providing services through Light Kelly, P.C. shall not exceed ~~\$160.00~~ \$165.00 per hour, and the City shall be notified of the specific fees through its monthly billing statement.
- (3) Monthly retainer for attendance at regular meetings of the Council and short telephone calls requiring no research: \$750.00

Expenses

- (1) Copying: \$ .15 per page
- (2) FAX: No charge
- (3) Travel: Current IRS per mile  
(no charge for travel to and from Louisville)
- (4) Long distance telephone calls: at cost
- (5) Delivery: at cost

AGREED AND ACCEPTED:

LIGHT KELLY, P.C.

CITY OF LOUISVILLE

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

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

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

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

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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AGREED AND ACCEPTED:

LIGHT KELLY, P.C.

CITY OF LOUISVILLE

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

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

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

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

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**SUBJECT: DISCUSSION/DIRECTION – ASSOCIATE PROSECUTOR  
SERVICES**

**DATE: OCTOBER 20, 2016**

**PRESENTED BY: MEREDYTH MUTH, CITY CLERK**

**SUMMARY:**

Currently David Thrower is acting as both the associate prosecutor and the associate judge in the Municipal Court. To avoid any appearance of conflict of interest, staff recommends the City contract with a new associate prosecutor. Staff requests the Committee discuss what process they would like to use to fill this position.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Discussion/Direction

**ATTACHMENT(S):**

None.