

MINUTES OF THE SPECIAL BOARD MEETING OF THE
ELBERT FIRE PROTECTION DISTRICT
May 26, 2015

The special meeting of the Elbert Fire Protection District Board of Directors was held on May 26, 2015, at Elbert Fire Station No. 1, 24310 Main Street, Elbert, Colorado, at 7:00 pm.

Attendance:

Directors in attendance were:

Lee Sherman
Ric Poston
Sean Mulvihill
John Wood

Also in Attendance:

Brandon Homer, Fire Chief
Mike Harrower, Captain
Carolyn Homer, Administrative Assistant
Wanda Randall, Community Member
Katie James, Foldstad, Fazekas, Barrick, Patoile, PC
Dustin Sparks, Esquire

At 7:02pm, the special meeting of the Elbert Fire Board was called to order.

Attorney Review:

Chief Homer introduced Ms. Katie James of Foldstad, Fazekas, Barrick, Patoile, PC, explaining that they had a conversation previously where he laid out the legal needs of the district. Chairman Sherman explained the short term key issue facing the district was a possible mil levy election. Ms. James stated that the firm has represented special districts for over 40 years, and that she was brought into the firm about a year ago to take over for a partner, Ernie Fazekas, who was planning on retiring. Prior to joining Foldstad, Fazekas, Barrick, Patoile, Ms. James worked at another firm in Grand County where she did some work for special districts. Ms. James is currently representing three special districts, none of which are fire districts. Another partner Jim Foldstad has worked with special districts in past and can assist as necessary. In addition, the firm employs a paralegal that has worked with the firm for a while who has worked with many special districts and would be available at a lower rate to work on some projects. Ms. James stated that at least initially she would like to be more actively involved, but understands that the district might not have as much need for regular ongoing representation. Director Mulvihill asked how questions would be answered if the attorney didn't attend every meeting. Ms. James stated that she would be willing to have any necessary conversations with one or two points of contacts to flow information to the Board as necessary.

Chairman Sherman asked about the firm's experience with fire districts specifically, and Ms. James stated that the firm and Mr. Fazekas have a lot of experience. Chairman Sherman asked if Ms. James could outline the specifics of the needs between now and the election. Ms. James stated that would be the work taking place in June and July if her firm was hired, but definitely need to finalize the resolution for the ballot by August. Chairman Sherman stated that there might need to be two meetings a month through August.

Ms. James stated that after her discussions with Chief Homer and the conversation tonight she feels that it would be necessary to come to all meetings through the end of the year to get through the mil levy and 'get to know' the district and then the need to attend every meeting could be revisited. The firm's regular hourly rate is \$300/hour but for special districts it is discounted to \$235/hour. Ms. James agreed to a \$500 flat fee to attend a meeting of up to two hours.

Chief Homer next introduced Mr. Dustin Sparks, esquire, explaining that they had a conversation previously where he laid out the legal needs of the district. Mr. Sparks works on his own, but previously worked at a firm for four years who specialized in school districts and charter schools. Mr. Sparks stated that although he does not do elections, he does have experience in contracts, land agreements (did \$100M in last three months of 2014), and a lot of land negotiations and has worked closely with a firm that he recommended to Chief Homer. Mr. Sparks stated that based on his conversation with Chief Homer he would make himself available via phone and would be able to attend meetings as appropriate. Mr. Sparks felt that outside of the election the district would probably need three to four hours per month, including reviewing the agenda and minutes. Mr. Sparks stated that his rate would be \$205/hour. If he is chosen, Mr. Sparks would prepare an engagement letter which would start attorney/client privilege. Mr. Sparks asked what the Board feels are the biggest legal needs of the district outside the mil levy, Chief Homer stated that land acquisitions and part-time paid personnel, legal opinions around lease purchase of new equipment, and possible collections. Mr. Sparks asked who would be his point of contact and Chairman Sherman stated that it would be Chief Homer and Ms. Homer.

Chief Homer announced that he contacted eight law firms and most of them did not want to deal with the district because the budget is not big enough. In addition, he spoke with Butler and Snow, recommended by Mr. Sparks, who only do mil levy elections. Ms. Snow sent an election calendar and informed Chief Homer that although they would bill hourly for their services, they would cap the fees at \$5,000.

Chief Homer spoke with Mr. David Greher of Collins, Cockrel & Cole, who have 75 years' experience late in the day so they were unable to attend the meeting, but would be at the regular Board meeting. Collins, Cockrel & Cole clients are

90% special districts and they do all legal services except large litigation. Paul Cockrel is the Vice Chair of SDA of Colorado. Chief Homer stated that based on his conversation with Mr. Greher he felt that he was very knowledgeable but he didn't send his hourly rate. Mr. Greher also stated that there were multiple ways to prepare the election for presentation on the ballot. Chief Homer provided the Board with the firm resume of Collins, Cockrel and Cole for review.

Chief Homer stated that he spoke with Mr. Rick Morgan, the attorney for the water district and a local resident who stated that he would assist the district free of charge.

The Board discussed the various benefits and drawbacks between the different firms and the combinations that would be possible for the needs of the district. It was determined that Chief Homer would provide a summary of attorney options for the Board meeting and that Ms. Homer would determine if the district is a member of SDA Colorado.

Chief Homer handed out the newsletter sample for the Board to review and comment on prior to it being mailed out.

There being no further business to come before the Board, a motion was made by Chairman Sherman, and unanimously approved, the meeting be adjourned at 9:14pm.

Respectfully submitted:

Recording Secretary to the Board

Approved:

Reviewed:

By: _____

By: _____

By: _____

By: _____

By: _____

By: _____