

TOWN OF TIMNATH, COLORADO

RESOLUTION NO. 96, SERIES 2011

**A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE LEGAL SERVICES AGREEMENT BETWEEN THE TOWN OF TIMNATH AND TED T. SVITAVSKY, LLC**

**WHEREAS**, Ted T. Svitavsky has served as Timnath Town Attorney and otherwise provided legal representation to the Town for over a year; and

**WHEREAS**, Mr. Svitavsky has guided the town through difficult and complex issues during his tenure; and

**WHEREAS**, Mr. Svitavsky has encountered health issues recently that will prevent him from continuing to serve as Town Attorney; and

**WHEREAS**, the Council wishes to take advantage of Mr. Svitavsky's skills and knowledge while it finds and transitions to a new Town Attorney; and

**WHEREAS**, Mr. Svitavsky has agreed to assist the Town through transition to a new Town Attorney; and

**WHEREAS**, the Council wishes to adopt the Second Amendment to Legal Services Agreement with Ted T. Svitavsky, LLC; and

**WHEREAS**, Ted T. Svitavsky, LLC is a limited liability company authorized to practice law and insured in the State of Colorado.

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH, COLORADO:**

**Section 1.** The Town of Timnath Town Council hereby adopts the Second Amendment to Legal Services Agreement with Ted T. Svitavsky, LLC.

**Section 2. Effective Date**

This Resolution shall be effective upon adoption.

PASSED, APPROVED AND ADOPTED THIS 5<sup>TH</sup> DAY OF April, 2011.

TOWN OF TIMNATH

  
Jill Grossman-Belisle, Mayor

ATTEST:

  
Milissa McGuire, Town Clerk

**SECOND AMENDMENT TO  
LEGAL SERVICES AGREEMENT**

**THIS IS AN AMENDMENT TO THE LEGAL SERVICES AGREEMENT** dated June 9, 2010 and amended on January 18, 2011, entered into by and between Ted T. Svitavsky, L.L.C., a law firm and Colorado limited liability company, hereinafter referred to from time to time as the "Firm," acting through Ted T. Svitavsky, hereinafter referred to from time to time as "Attorney," and the Town of Timnath, a Colorado home rule municipal corporation, hereinafter referred to from time to time as the "Town."

A. The following Amendment shall be effective May 1, 2011 and amends Paragraph 5 of the LEGAL SERVICES AGREEMENT in its entirety to read as follows:

5. Compensation and Time of Payment. The Town shall pay the Firm, and the Firm shall accept from the Town, in payment for Firm's services hereunder, compensation of \$20,000.00, payable upon the Firm's execution of this Amendment.

B. The following Amendment shall be effective May 1, 2011 and amends Paragraph 10 of the LEGAL SERVICES AGREEMENT in its entirety to read as follows:

10. Term of Agreement. The term of this Agreement shall be sixty-one days, commencing May 1, 2011, and terminating June 30, 2011.

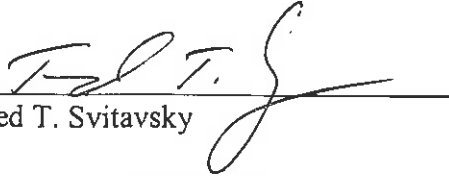
Notwithstanding anything contained herein to the contrary, and consistent with Article X, Section 20 of the Colorado Constitution, the Town's payment obligations for any renewal term do not constitute a multi-year fiscal obligation of the Town. All financial obligations of the Town under this Agreement are subject to the annual appropriation of sufficient funds for the same by the Timnath Town Council, acting in its sole and exclusive discretion. In the event of non-appropriation, this Agreement shall automatically terminate upon the first day of the fiscal year for which funds are not appropriated and neither Party shall have any continuing obligation to the other under this Agreement except as explicitly provided herein.

C. The following amendment shall be effective **April 5, 2011**, and amends Paragraph 11 of the LEGAL SERVICES AGREEMENT in its entirety to read as follows:

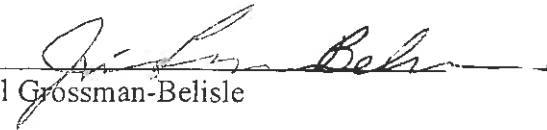
11. Termination. DELETED.

IN WITNESS WHEREOF, the parties hereto have executed this SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT in duplicate this 5 day of April, 2011.

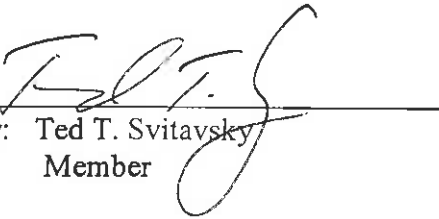
ATTORNEY

  
Ted T. Svitavsky

TOWN OF TIMNATH

  
Jill Grossman-Belisle

TED T. SVITAVSKY, L.L.C.

  
By: Ted T. Svitavsky  
Member