

TOWN OF TIMNATH, COLORADO

RESOLUTION NO. 100, SERIES 2011

A RESOLUTION APPROVING THE AMENDED LEGAL SERVICES AGREEMENT WITH GARY WHITE

WHEREAS, the Town of Timnath Town Council wishes to engage in a legal services agreement with Gary White of White Bear Ankele for the purpose of special legal counsel on various Town matters.

WHEREAS, the Town is desirous of contracting for its legal services; and

WHEREAS, the Attorney is a limited liability partnership authorized and insured to practice 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 agrees to enter into a contract for legal services with Gary White of White Bear Ankele.

Section 3. Effective Date

This Resolution shall be effective upon adoption.

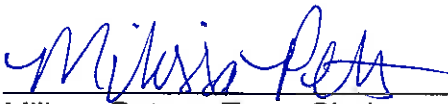
PASSED, APPROVED AND ADOPTED THIS 25TH DAY OF OCTOBER, 2011.

TOWN OF TIMNATH, COLORADO



Jill Grossman-Belisle, Mayor

ATTEST:



Milissa Peters, Town Clerk



EXHIBIT A – Amended
General Counsel Scope of Work

EXHIBIT A TO ENGAGEMENT LETTER

General Counsel Scope of Work

The following items are expected to be addressed in the revised General Counsel engagement with work priorities to be established in consultation with the Town Council and senior staff. Specific details, strategies, and objectives of each task will be developed with, and reported to, the Council on a regular basis via “Attorney/Client Privileged” memoranda or executive session reports.

1. General Counsel Services. This work will consist of such day to day work as is requested by senior Town staff and Council and will include regular attendance at council meetings. This work is expected to consist of all day to day legal services needed by the Town and will be billed by separate matter number each month so Council can monitor the volume and type of work performed. Regular reporting on work in process and completed work will continue by communication with senior staff, Council and the Mayor.

2. TDA evaluation. This work will consist of a review of the organizational files, including the blight determination, the current status of the TDA as a separate legal entity in the Town, the use of funds to date, allowable use of remaining funds, tracking contract documentation, and otherwise assisting to assure the receipt of a “clean audit opinion” in connection with a final audit of TDA expenditures. Consultation with former counsel may be needed. Reliance will be placed on legal opinions provide for bond issues to help avoid unnecessary duplication of already completed reviews.

3. Project Agreements. This work will consist of a review of all documents in the “Reference Book” of annexation and subdivision improvement agreements relative to projects which may not be current in the performance of obligations to the Town with respect to fee payments construction obligations. Remedies available to the Town and potential avenues of negotiation with developers will be identified for Council approval. Contract amendments will be negotiated to cure existing defects and move existing agreements toward model “templates” for future use on development projects. Consideration should also be given to how to tie special districts into performance obligations.

4. Templates. Upon review of the documents identified in work item 2, model agreements for “templates” for future agreements will be developed so future agreements are consistent in style and general content. Policy recommendations will be made as to vesting, acceptance of facilities, security for improvement obligations, self-help remedies and other enforcement provisions, etc. As amendments to work item 2 agreements are made, many of these template provisions will be grafted into old agreements to move them toward standardized agreement structures.

5. Fort Collins IGA. This document will be reviewed and brought to completion well in advance of the February 2012 termination date of the existing IGA. Immediate steps will be undertaken to meet with Steve Roy to express the commitment of the Town to resolve the matter amicably and quickly.

6. Poudre Fire IGA. This work will focus on reaching agreement with the fire entities to assure location of the new station within the Town. This is a high priority matter.

7. Policy Development. As noted above, policy recommendations will be made with regard to standardizing business practices surrounding development applications, including the processing of annexation petitions, development of fiscal impact reports, and assurance of compliance with the comprehensive plan, vesting, sales tax sharing, and other business items of common negotiation during new development discussions. Policy recommendations will also be made with respect to the makeup of the Town's "negotiating team" through whom all developer communications should be funneled to assure uniform distribution of information among Council members, maintenance of confidential negotiating strategies and objectives, and to assure timely and accurate information is available to and use by your negotiating team to assure the proper content of development agreements.

8. Future development opportunities. This work will focus on developing strategies, term sheets, and contracts for potential new retail, manufacturing, or industrial businesses in the Town consistent with policies to be developed under work item 6 above and templates established under item 3 above.

9. Reimbursement agreements. A review will be made of all reimbursables due to the Town to develop negotiation and collection strategies, and to monitor

enforcement. This may include development of accounts receivable management protocols, standard form collection, lien and enforcement practices.

10. Walker Manufacturing Right-of-Way. Efforts will be made to conclude discussions and an agreement for conveyance of right-of-way to the Town for expansion of Harmony Road. This may require the development of an agreement between the parties, including potentially an annexation agreement.

11. Development Fee schedule. This work will involve creation of recommendations for development fees to be imposed and collected by the Town, including development fees to be authorized to special districts operating with the Town which create financial burdens on development property. Both will be focused on assuring the Town is “competitive” in the marketplace and that the Town has a method for assuring construction of required infrastructure, has a system for building capital replacement reserves, and can assure no impact to the Town’s general fund from new development through an equitable “Development Pays Its Own Way” fee structure.

12. Service Plan Review. This work is recommend and would focus on developing a Town model for developer special district proposals for new development projects so that long term “governments” in the Town are assets to the Town to work cooperatively to assure adequate and cost effective services. This should include a review of existing Service Plans for compliance with commitments made to the Town, a

review of debt and mill levy caps, and a review of potential “material modifications” adverse to interest of the Town.

13. Home Rule Charter. This work which will follow the Town’s strategic plan development, and will focus on creating a new charter providing maximum flexibility to the Town to achieve its development objectives and quality of life standards while removing ambiguity and constraints which are antiquated and no longer necessary.

14. Comprehensive Plan and Land Use Codes. This matter will be reviewed with the Town’s general counsel to ensure that the comp plan is updated, consistent with development of a Town annexation boundary, and that land use codes are up to date, codified, and reviewed regularly. to deal with zoning applications made in conjunction with annexation.

Details of these items will be discussed in executive session.