

# ROXBOROUGH VILLAGE METROPOLITAN DISTRICT

8390 E. Crescent Pkwy, Suite 300  
Greenwood Village, CO 80111  
303-779-5710  
www.roxboroughmetrodistrict.org

## **NOTICE OF SPECIAL BOARD MEETING AND AGENDA**

**DATE:** August 4, 2022

**TIME:** 6:00 p.m.

**LOCATION:** Via Zoom

**ACCESS:**

- To attend via Zoom, use the link below:**  
<https://us02web.zoom.us/j/84900065376?pwd=TEIxQmV2Q0NzVC9mZG5lTElvSC9hQT09>
- To attend via telephone, dial 346-248-7799 and enter the following additional information:**  
**Meeting ID: 849 0006 5376**  
**Passcode: 099890**

<b><u>Board of Directors</u></b>	<b><u>Office</u></b>	<b><u>Term Expires</u></b>
Mathew Hart	President	May, 2025
Ephram Glass	Vice President	May, 2023
Mark Rubic	Treasurer	May, 2025
Travis Jensen	Secretary	May, 2025
Calvin Brown	Assistant Secretary	May, 2023

### **I. ADMINISTRATIVE MATTERS**

- Call to order.
- Declaration of quorum / Director qualifications / disclosure matters.
- Approve agenda.
- Public comment and/or guests (15 minutes).  
(Note: Members of the public may express their views to the Board on matters that affect the District. Comments will be limited to three (3) minutes. Please sign in. Questions may be asked of the Board but will not be answered at this time. Please refer to the Code of Conduct for additional guidelines:  
<https://www.roxboroughmetrodistrict.org/2022-meetings> and attached hereto.)

- E. Ratify Approval of contract with BrightView Commercial Landscaping for landscape maintenance and irrigation services through October 31, 2022 in an amount not to exceed \$50,000.

**II. ATTORNEY INTERVIEWS**

**III. OTHER BUSINESS**

**IV. ADJOURNMENT**



**LYONS GADDIS**  
ATTORNEYS & COUNSELORS

**John Chmil**  
jchmil@lyonsgaddis.com  
303-776-9900

July 26, 2022

Board of Directors  
Roxborough Village Metropolitan  
District  
Attn: Anna Jones, District Manager  
8390 E. Crescent Parkway  
Suite 300  
Greenwood Village, Colorado 80111

VIA EMAIL ONLY  
[anna.jones@claconnect.com](mailto:anna.jones@claconnect.com)

Re: Proposal for General Counsel Legal Services

Dear Board of Directors:

The law firm of Lyons Gaddis, P.C. (the "Firm") is pleased to offer its services as general legal counsel to the Roxborough Village Metropolitan District (the "District").

## **QUALIFICATIONS AND EXPERIENCE**

### **FIRM BACKGROUND**

The Firm traces its origins to the formation of a law firm partnership in 1972. Because of our long experience in representing special districts, school districts, and other governmental entities, we take pride in the fact that we are often able to answer a client's question with a simple phone call rather than "reinventing the wheel," thus keeping a client's legal costs to a minimum.

We are very experienced in working with policy-making boards of directors, district managers and other independent consultants, and pride ourselves on effectively communicating and working collaboratively with all who serve the District's needs. We represent many institutional clients including special districts, school districts, private corporations, non-profit corporations, and other entities governed by boards. A current listing of representative governmental clients is attached.

The Firm consists of 27 attorneys, all of whom are properly licensed to practice law in the state of Colorado, 14 paralegals, and 3 legal assistants, who work within specific practice areas, in addition to 5 administrative staff members. Attorneys throughout the Firm work collegially across practice areas to provide comprehensive and excellent service to our clients. The Government Practice Group ("GPG"), which represents special districts, library districts, school districts, and metropolitan districts, currently consists of seven attorneys, two paralegals, and a legal assistant. Our GPG group members are highlighted in bold in our Firm's makeup that is attached.

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#### **LYONS GADDIS, P.C.**

515 Kimbark Street 2nd Floor PO Box 978 Longmont, CO 80502-0978  
950 Spruce Street, Unit 1B Louisville, CO 80027

Longmont Office 303 776 9900 | Fax Number 303 776 9100 | Louisville Office 720 726 3670 | [www.lyonsgaddis.com](http://www.lyonsgaddis.com)

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Located in Longmont, our Firm has a state-wide practice with clients ranging from the Bethune School District on the eastern plains to the Crested Butte Fire Protection District to the west; and from the Red Feather Lakes Fire Protection District in the northern Front Range to Manzanola School District to the south. Using e-mail, conference calls, and video technology, we find that we are able to effectively represent our clients throughout the state.

Through strong community engagement, high-quality service, and dedication to our clients, the Firm has remained a financially stable partnership throughout its long-standing history. In addition, the Firm's wide range of practice areas provides insulation from a downturn in any particular sector and impacts from a changing economy. The Firm has thoughtfully and strategically grown along with the expansion of the Front Range; however, we continue to serve our clients under the same essential principles and values.

We strictly adhere to Rule 1.13 of the Colorado Rules of Professional Conduct, which clarifies that our ethical obligation would be to the District itself and not to its individual directors or its manager/chief.

In conjunction with the representation of our many governmental clients, we have assisted in all aspects of their operations. This includes district service plan and formation issues, boundary adjustments (inclusions, exclusions and consolidations), elections and election challenges, ballot language, Bruce/TABOR and Gallagher Amendment issues, directors' meetings, bond issuances and other forms of financing such as certificates of participation and lease purchase agreements, contract drafting, negotiation and administration, budget preparation, construction projects, real estate acquisitions (including easements and condemnations) and related land use issues, intergovernmental agreements, lobbying efforts at the state and local levels, drafting of bylaws and regulations, personnel, fiscal and other policies, Open Records and Open Meetings Act issues, the Colorado Governmental Immunity Act ("CGIA"), and civil litigation involving various and diverse issues ranging from constitutional rights to employment law matters, and from personal injury and administrative law claims to contractual disputes.

## **REFERENCES**

St. Vrain Sanitation District  
Rob Fleck, District Manager  
11307 Business Park Circle  
Firestone, CO 80504  
(303) 682-4689  
[rob@stsan.com](mailto:rob@stsan.com)

West Metro Fire Protection District  
Don Lombardi, Fire Chief  
433 South Allison Parkway  
Lakewood, CO 80226-3128  
(303) 989-4307 (x 511)  
[dlombardi@westmetrofire.org](mailto:dlombardi@westmetrofire.org)

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The Government Practice Group provides a full-range of comprehensive general legal services to our clients, as detailed above and further described below.

## **FIRM EXPERIENCE**

We believe that our Firm is uniquely positioned to provide the District with exceptional legal representation at an affordable rate. The Firm and its attorneys have extensive experience counseling all types of local governments, specifically including special districts. From this experience, we have become adept at managing and prioritizing a district's legal needs so that the district can be served in the most cost-effective manner possible. We understand the budgetary constraints local governments face and make every possible effort to provide legal counsel within those confines.

I would be responsible for overseeing the District's day-to-day legal issues and I, or one of the members of our group, would be available to attend District meetings in person or via phone. We may also utilize the services of other attorneys as necessary and rely on the support of our paralegal, Carolyn Smoot, and our legal assistant, Patricia Vallejo-Scavotto (Trish), to reduce the District's legal costs. The GPG can effectively and efficiently utilize the talents and time of all of its team members to support its clients. This may be accomplished by routine matters being assigned to paralegals and associates, particular matters being assigned to an attorney with greater knowledge or additional experience in such areas, and/or the utilization of forms and boilerplate documents from our extensive library.

Our GPG attorneys have spoken on a variety of issues before various groups and organizations, including the Division of Local Government's workshops, the Special District Association's annual conventions and spring workshops, and the Colorado Association of School Board's attorneys' council section. Topics have included, among others, such issues as TABOR, consolidation of districts, the Colorado Open Records Act, due process for employers, location and extent review of governmental capital construction projects, employment matters, and executive searches under the Open Meetings Law.

Additional background information regarding each of the attorneys on our team is below (Resumes are attached):

- **Adele Reester:** A 1994 graduate of the State University of New York-Binghamton, Ms. Reester received her Juris Doctorate *Magna Cum Laude* from the Washington College at Law of The American University in 1997. After clerking for Chief Judge Roxanne Bailin of the 20th Judicial District in Boulder, Ms. Reester served as Assistant City Attorney for the City of Loveland. Admitted to the Colorado Bar in 1997, Ms. Reester's practice has focused almost exclusively on local government law after joining the Firm in 2001. She is a frequent speaker at various conferences and has authored several published articles.

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- **Catherine Tallerico:** Ms. Tallerico graduated from the University of Colorado with a Bachelor of Science Degree in Journalism and received her law degree from its School of Law in 1990. Admitted to practice in 1990, Ms. Tallerico's 30-year career has emphasized special district and school district issues and litigation since 1992. She has worked as insurance defense counsel for numerous school districts, local governments, and private entities throughout the state.
- Having litigated hundreds of cases, Ms. Tallerico brings to the Firm a unique perspective of litigation avoidance by providing client counseling in employment matters, construction law, and tort immunity cases, as well as serving as defense counsel for our clients through the Colorado Special Districts Property and Liability Pool. Ms. Tallerico regularly attends board meetings and advises boards regarding various matters.
- **Chad Kupper:** Mr. Kupper graduated from the University of Colorado with an undergraduate degree in Business Administration majoring in business information systems. Prior to obtaining his Juris Doctorate *Cum Laude* from the Thomas M. Cooley Law School in 2007, Mr. Kupper worked as a computer support technician and a technology instructional assistant. He assists in real estate, financing, and contract matters. He is the primary attorney responsible for all intellectual property matters including trademark, copyright, and licensing issues.
- **John Chmil:** Mr. Chmil graduated from the University of Colorado, Boulder with a Bachelor of Arts Degree, *Magna Cum Laude*, in Sociology in 2010, and subsequently received his Juris Doctorate from the University of Colorado Law School in 2015. In the year between his undergraduate and law studies, Mr. Chmil served as an Americorps volunteer for a Boulder Valley non-profit serving public school-aged children. During law school, Mr. Chmil worked with the City Attorney offices of both the City of Arvada and City of Boulder, gaining valuable experience in operating as general counsel for government entities. After graduating, he was a judicial clerk for the Honorable Patrick Butler of the 20th Judicial District where he handled a wide array of both civil and criminal matters including jury trials, court hearings, and motions practice. Since joining the Firm in 2016, Mr. Chmil's practice has focused on supporting all facets of the Firm's governmental clients such as board governance, open meetings, public records, elections, authorities, urban renewal, and financial matters, as well as litigation and contracting.
- **Wyatt A. Forman:** Wyatt graduated with honors from the University of Denver in 2016 and earned his J.D. from the University of Colorado in 2021. While in law school, Wyatt was a law clerk in the Boulder City Attorney's office, working on zoning, water rights, and constitutional matters. Additionally, he interned with the 1st Judicial District for Jefferson and Gilpin Counties and worked as a student attorney for CU's environmental law clinic. Prior to attending law school, Wyatt worked as a research fellow for the Chancellor at the University of Denver researching higher education institutions. Wyatt joined the Firm in 2021 to support the GPG's work for its governmental clients.

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- **Christopher J. Esser:** Chris graduated from the University of Iowa and completed his J.D. at the University of Denver Sturm College of Law in Denver, CO. He joins Lyons Gaddis in 2022 following his tenure working for Jefferson County Public School R-1 (also known as Jeffco Public Schools).
- His experience with education law at Jeffco Public Schools focused on employee relations in his roles as general counsel, as well as the school district's Chief Legal Officer and Executive Director of Employment Relations.
- Prior to that, Chris began his career working for University of Colorado Hospital as both a human resources and employment law contractor and a coordinator for Americans with Disabilities Act (ADA).
- **Richard Lyons:** Admitted to practice law in 1977 in Missouri, Mr. Lyons clerked for a U.S. District Court judge in Kansas City and researched and wrote the initial drafts of several rulings regarding the Kansas City de-segregation litigation as well as other cases involving educational law. Upon returning to Colorado, he was admitted to the Colorado Bar in 1979, and he has devoted his practice to the representation of local governmental entities, with an emphasis on policy development and administration, board relations, constitutional matters, and election issues. With over 35 years of experience in handling all facets of special district law, Mr. Lyons' wealth of knowledge is a valuable asset to the Government Practice Group. He holds an undergraduate degree from the University of Colorado, a Juris Doctorate from the University of Missouri-Kansas City, and certificates of completion from St. Edmunds Hall (Oxford University) in a comparative law program, and from Harvard Law School for a summer course of advanced legal studies. While retired from the daily practice of law, Mr. Lyons remains available to share his expertise and knowledge with the attorneys in the GPG.

## **GPG EXPERTISE**

The following examples are some of the common legal issues our clients face and illustrate the type of counsel we routinely provide. Additional areas, such as real estate, non-profit, water, and oil and gas are supported both from within the GPG, as well as across practice groups in our Firm.

*Board Governance.* The crux of any local government attorney is advising the Board on matters of policy and governance. The GPG understands the issues Boards face and can assist in all matters coming before the Board. This includes, but is not limited to, review and advice on bylaws, policies, resolutions, audits, budgets, and meeting procedures. Our long history representing local governments, and special districts in particular, also provides a bank of forms and samples that allow us to provide the Board with accurate and efficient documents without the need to start from scratch.



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*Elections.* Our GPG team has extensive experience both conducting elections and defending election results against legal challenges. In 2014, our Firm successfully defended one of our fire district clients against an election challenge. After a three-day trial, the judge ruled in favor of our client and the plaintiffs eventually dropped their appeal efforts. In addition to defending against election challenges, our Firm has many years of experience conducting all types of elections, including those that involve taxing and debt issues, term limit waiver questions, inclusion and consolidation questions, and many other topics. We also offer training for designated election officials (DEOs) and election judges.

*Contracts.* Attorneys in our office regularly review, draft, and negotiate various contracts, including employment contracts, real estate contracts, intergovernmental agreements, and construction contracts.

With respect to construction contracts, our GPG attorneys are experienced with AIA contracts, as well as other forms of design-build, general contractor/owner and consultant/owner agreements. We are knowledgeable about insurance requirements, indemnity provisions, and compliance with Colorado statutes such as bonding, retainage and final payment procedures.

*TABOR.* Within weeks of its enactment by the electorate in 1992, the Firm conducted a seminar for its clients on the implications of TABOR. Subsequently, the Firm drafted de-Brucing ballot issues for its clients to refer to their respective electorate to avoid TABOR-mandated refunding of revenues received in excess of TABOR's limitations. The Firm has also provided clients with periodic guidance memoranda on judicial rulings and Attorney General interpretations with respect to TABOR, as well as practical advice with which to avoid multi-year obligations through the utilization of "subject to annual appropriations" clauses. The Firm successfully defended a TABOR challenge before the Colorado Supreme Court in its decision, *Cacioppo v. Eagle Co. School District RE-50J*, 92 P.3d 453 (Colo. 2004) in which Mr. Douglas Bruce appeared as a witness for the plaintiffs. The case involved primarily TABOR-related issues that focused on the sufficiency of TABOR notices and the wording of the ballot issue.

*CORA.* We recognize that the implications of the Colorado Open Records Act play an increasing role in the administrative demands of special districts. Our attorneys and paralegals are well versed in CORA procedure and are prepared to counsel the District on creation or revision of a CORA policy, responding to CORA requests, and defending citizen challenges under CORA.

*Labor and Employment.* Attorneys in our office regularly work with our clients on administrative or personnel matters with the goal of reducing risk and managing issues prior to litigation. They are experienced in all aspects of personnel issues including employment policies, workplace investigations, and dispute resolution. They are also experienced with defending Equal Employment Opportunity Commission ("EEOC") and Colorado Civil Rights Commission ("CCRD") claims, as well as claims made to the Department of Labor.

*Litigation and Legal Claims.* Our Firm attorneys handle matters assigned by the Colorado Special District's Self-insurance Pool and well as other insurance company assigned matters in defense of our clients. We have litigated Americans with Disabilities Act ("ADA") claims, CGIA claims, Title VII and constitutional claims, breach of contracts and real estate related matters.





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*Corporate and Tax-Exempt Organization Legal Issues.* Our Firm attorneys handle federal and state tax issues including business, real estate, and tax law with many different clients, from large companies to small businesses, individuals, non-profits, and government entities. They also specialize in formation of nonprofit entities including assisting such entities with acquiring and maintaining their tax-exempt status.

## **FEES**

The Firm bills on an hourly rate and there are no monthly recurring costs or fees. We are committed to providing our clients with the highest quality of professional services at reasonable rates.

Our attorney hourly rates through December 31, 2022, will be set not to exceed \$283, with the exception of water law matters which will not exceed \$300. Our paralegal rate will not exceed the hourly rate of \$170 and our legal assistant rate will not exceed \$62 per hour. Hourly rates are typically adjusted based upon CPI on a fiscal year basis upon written notice.

In addition to the hourly rates set forth above, we would bill the District for out-of-pocket expenses incurred in connection with our representation of the District on an actual cost basis. Mileage fees will be charged at the then current IRS standard rate. Travel time is billed at a full hourly rate in accordance with the hourly rates and mileage charges presented above.

We believe that our rates are extremely competitive, given our experience and expertise. We are often able to answer a question over the phone without lengthy research due to our specialization. Additionally, we continue to efficiently handle legal matters with a cost-effective approach on our team of shareholders, associates, and paralegals.

## **CLIENT SERVICES**

*Meeting Client Needs.* Our Firm, and the GPG in particular, represent a diverse group of local government clients. Our clients range in size from very small rural districts that require sporadic legal counsel to multi-county districts that request our assistance on an almost daily basis. Specifically, the GPG represents a number of special districts that similarly vary in size and need for legal counsel. No matter the size and amount of activity, we always cater our services to the needs and wishes of the client. For several of our clients, we attend or host an annual retreat which provides an opportunity for board members and staff to receive training and advice on legal and policy issues encountered by the district. Each year, at no charge, our Firm provides a periodic memorandum to its special district clients updating them on recent legislative changes. In cases where a piece of legislation is particularly complex or will have a significant impact on the district, at the client's request, we will provide a training session to explain the legislation and its implications.

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*Our Philosophy.* The GPG was built and operates under a philosophy of teamwork to optimize experience and allow our attorneys to provide timely, efficient, and reliable legal services. We understand that questions often arise at times when the Board or a committee is attempting to work through a particular issue. Based on the collective experience and specialized knowledge of the GPG, the District will be able to reach an attorney or other staff member who can discuss the issue and either provide an answer over the phone or supply a timeline for delivering a response based on the needs of the District.

*Firm Values.* At Lyons Gaddis and within the GPG, our mission is to provide the highest quality legal service and counsel to our clients from an enduring, supportive, and engaging environment. In pursuit of this mission we honor the following core values:

- TRUST – We maintain trust through thoughtful communication, action with integrity, and constant dedication to each other and our clients.
- RESPECT – We embrace each individual’s unique talents, honor diverse life and work styles, and unflinchingly treat everyone with dignity.
- COMMUNITY – We contribute positively to the lives of co-workers, clients and the community at large, creating an atmosphere of service that extends to the world around us.
- EXCELLENCE – We provide superior legal services by meeting or exceeding expectations in all aspects of legal representation and through our unrelenting commitment to be the best at what we do.

*Client Trainings.* If the District desires, we can provide an election training session for the Designated Election Official in advance of Election Day and will assist as needed with any required election filings and certifications. In addition, we can provide trainings on Board mechanics, applicable transparency laws (i.e., Open Meetings and Open Records), and conflicts of interest, as well as sexual harassment or other employment or policy-based trainings. We are also happy to research issues and provide individualized trainings based on requests from the Board or Chief.

*Management of Legal Services.* Although a retainer arrangement can be discussed, it is our experience that for an institutional client, it should only pay for legal services which it requests. In the long run, an hourly fee arrangement may be more beneficial to the client. Our fee arrangement is set forth in our enclosed engagement letter which also details our billing practices and charges. If we are selected as general legal counsel, we request that the District’s Board of Directors authorize the Board President to sign the engagement letter and simply return a copy to us.

*Conflicts.* Should we be retained by the District, we would not undertake representation of any new client whose interests conflicted with those of the District. In the event any conflict of interest arose between the District and a present client of the Firm, such conflict would be promptly disclosed in writing to all parties and resolved in accordance with our professional code of ethics.



**LYONS GADDIS**  
ATTORNEYS & COUNSELORS

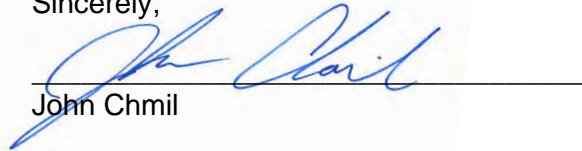
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**TIMELINES AND CURRENT WORKLOAD**

The GPG operates on a regular basis with a considerable workload. However, through execution of the teamwork philosophy, the GPG efficiently and effectively handles the existing workload and has room to grow. If selected as the District's general counsel, the GPG will commit to working with the Board to ensure the most efficient and supportive legal services for the District's particular needs and is available for immediate representation.

Thank you for the opportunity to submit this proposal and for considering us as your legal counsel. Please do not hesitate to contact me if you have any questions or desire additional information.

Sincerely,



John Chmil

Enclosures



## GOVERNMENTAL CLIENTS FOR WHICH WE SERVE AS GENERAL COUNSEL

Allenspark Fire Protection District  
Allenspark Water & Sanitation District  
Arapahoe County School District No. 1  
Arvada Fire Protection District  
Baseline Water District  
Berthoud Fire Protection District  
Bethune School District R-5  
Briggsdale Fire Protection District  
Chatfield South Water District  
Clear Creek Metropolitan Recreation District  
Crested Butte Fire Protection District  
Crystal Lakes Fire Protection District  
Dancing Willows Metropolitan District  
Eagle County School District RE-50J  
East Boulder County Water District  
Eaton Fire Protection District  
Elk Creek Fire Protection District  
Estes Park Local Marketing District  
Estes Valley Recreation and Park District  
Fort Lupton Public and School Library  
Four Mile Fire Protection District  
Front Range Fire Rescue Fire Protection Dist  
Galeton Fire Protection District  
Gold Hill Fire Protection District  
Grand County Library District  
Hi-Plains School District  
Hygiene Fire Protection District  
Idalia School District  
Indian Hills Fire Protection District  
Indian Hills Water District  
Kiowa County Fire Protection District  
Kiowa County School District RE-2  
Larkspur Fire Protection District  
LaSalle Fire Protection District  
Left Hand Water District  
Lefthand Fire Protection District  
Livermore Fire Protection District  
Longmont Downtown Development Authority  
Longs Peak Water District  
Lyons Regional Library District  
Manzanola School District 3J  
Mile High Water Company  
Morgan County Quality Water District  
Mountain View Fire Rescue District  
Nederland Community Library District  
Nederland Fire Protection District  
Niwot Sanitation District  
North Carter Lake Water District  
Nunn Fire Protection District  
Paint Brush Hills Metropolitan District  
Park County School District RE-2  
Park Hospital District  
Pawnee Fire Protection District  
Pinewood Springs Fire Protection District  
Platte Canyon Fire Protection District  
Platte Valley Fire Protection District  
Platteville-Gilcrest Fire Protection District  
Poudre Canyon Fire Protection District  
Red Feather Lakes Fire Protection District  
Sheridan School District No. 2  
Southeast Weld Fire Protection District  
St. Vrain & Left Hand Water Conservancy Dist  
St. Vrain Sanitation District  
St. Vrain Valley School District RE-1J  
Sterling Rural Fire Protection District  
Stratton Fire Protection District  
Sugar Loaf Fire Protection District  
Summit School District RE-1  
Upper South Platte Water Conservancy Dist  
Valley School District Re-1  
Weld RE-5J School District  
Wellington Fire Protection District  
West Metro Fire Protection District  
Western Hills Fire Protection District  
Windsor-Severance Fire Protection District



**GOVERNMENTAL CLIENTS FOR WHICH WE SERVE AS  
SPECIAL COUNSEL AND WATER COUNSEL**

Adams 12 Five Star Schools  
Byers Fire Protection District  
City of Arvada  
City of Longmont  
City of Trinidad  
Crystal Valley Metropolitan District Nos. 1-2  
Denver Public Schools  
\*Eagle Rock School & Prof. Dev. Ctr.  
East Larimer County Water District  
Fort Collins-Loveland Water District  
Headwater Authority of the South Platte  
Highlands Ranch Metropolitan District  
Lake County  
Littleton Public Schools  
\*Longmont Christian School  
Longmont Housing Authority  
Monte Vista School District  
\*The New America School  
North Weld County Water District  
Parker Jordan Metropolitan District  
Penrose Water District  
Poudre School District  
Poudre Tech Metropolitan District  
Raindance Metropolitan District  
Rocky Mountain Academy of Evergreen  
Roxborough Water and Sanitation District  
Saddlehorn Metropolitan District  
South Conejos School District  
Stonegate Village Metropolitan District  
Town of Castle Rock  
Town of Dillon  
Town of Lochbuie  
Town of Milliken  
Town of Severance  
Tri-Lakes Monument Fire Protection District



## CURRENT PRINCIPALS AND STAFF

**Shareholders:** Jeffrey J. Kahn, John W. Gaddis, Bradley A. Hall, Steven P. Jeffers, Anton V. Dworak, **Adele L. Reester**, **Catherine A. Tallerico**, Scott E. Holwick, Cameron A. Grant, Matthew D. Machado, Madoline E. Wallace-Gross, Thomas L. Beckmann, Jennifer M. Spitz, **Chad A. Kupper**, and Jeffrey S. Rose.

**Senior Counsel:** **Richard N. Lyons, II.**

**Special Counsel:** Suzan D. Fritchel, and Kimberly A. Barr.

**Associate Attorneys:** **John I. Chmil**, Sean M. Stewart, Brian L. Allard, Anthony J. Basile, Erin C. Pierce, **Wyatt A. Forman**, **Chris J. Esser**, Casey J. Weaver, and Allison I. Gorsevski

**Paralegals/Legal Assistants:** Maureen C. Simpson, Jennifer C. Kaufman, Melissa G. Lux, Kimberly A. Machmuller, Jaynie R. Poole, Denise R. Poepping, Autumn J. Jaster, K. Scott Sinclair, **Patricia (Trish) J. Vallejo-Scavotto**, Chelsea A. Deeder, Michelle R. Soule, Janet T. Cummings, Aleigha L. Alexander, Michayla L. Hunt, Katie S. Pendleton, **Carolyn Smoot**, and Jennifer Threlkeld.

**Administrative Team:** Trish A. Nelson (Administrator), Tessa D. Kuiken (Administrative Assistant), Peggy S. Brenton (Accounting Coordinator), Kayleigh T. Bloodgood (Office Services Clerk), and Lisa J. Mohn (Receptionist).

## PRACTICE AREAS

**Government Practice Group.** (*Adele Reester, Catherine Tallerico, Chad Kupper, John Chmil, Wyatt Forman, Chris Esser, and Richard Lyons. Support Staff: Patricia (Trish) J. Vallejo-Scavotto and Carolyn Smoot*). This practice group specializes in the representation of local governmental entities throughout Colorado, including school districts and Title 32 special districts (hospital district, fire districts, water and sanitation districts, an ambulance district, park/recreation districts), a marketing district, authorities, and serving as special counsel to a county for personnel matters. This group also serves as insurance defense counsel to nearly all of its governmental clients.

**Business/Real Estate/Taxation Group.** (*Anton Dworak, Cameron Grant, Thomas Beckmann, Jennifer Spitz, Suzan Fritchel, Chad Kupper, Sean Stewart, Brian Allard, and Kimberly Barr. Support Staff: Maureen Simpson, Jaynie Poole, Kim Machmuller, and Michayla Hunt*). This business-oriented practice group specializes in all aspects of real estate law and development, all forms of taxation, including formation of non-profit organizations, as well as general business work related to leases, contracts, bylaws, and corporate organizational documents.

**General Practice Group.** (*John Gaddis, Jeff Rose, and Erin Pierce. Support Staff: Melissa Lux, Chelsea Deeder, Aleigha Alexander, and Katie Pendleton*). The General Practice Group is involved in assisting individuals and small businesses, ranging from all aspects of family law to

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### LYONS GADDIS, PC

515 Kimbark Street 2nd Floor PO Box 978 Longmont, CO 80502-0978

950 Spruce Street Suite 1B Louisville, CO 80027

Longmont 303 776 9900 | Louisville 720 726 3670 | [www.lyonsgaddis.com](http://www.lyonsgaddis.com)



formation of small businesses, assisting in real estate and land use matters, and wide-ranging commercial and civil litigation.

**Water Law Group.** (*Jeffrey Kahn, Steven Jeffers, Matthew Machado, Scott Holwick, Madoline Wallace-Gross, Anthony Basile, Casey Weaver, and Allison Gorsevski. Support Staff: Jennifer Kaufman, K. Scott Sinclair, and Michelle Soule*). Emphasizing water and natural resources law, this practice group enjoys a state-wide practice representing water users from farmers and ranchers to large municipalities and water authorities/conservancy districts. In addition, it specializes in land use matters throughout the Front Range.

**Personal Injury/Workers Compensation Group.** (*Bradley Hall. Support Staff: Autumn Jaster*). Mr. Hall's practice group emphasizes personal injury litigation, as well as workers' compensation claims. In addition, Mr. Hall has extensive experience in complex commercial litigation and copyright infringement.

**Estate Planning.** (*John Gaddis, Anton Dworak, Thomas Beckmann, Jennifer Spitz, Suzanne Fritchel, Chad Kupper, Sean Stewart, Brian Allard, and Kimberly Barr. Support Staff: Maureen Simpson, Melissa Lux, Kim Machmuller, Jaynie Poole, Autumn Jaster, Denise Poepping, and Janet Cummings*). This practice group works with individuals on their estate plans, including preparation of wills, trusts, powers of attorney and living wills. The group also assists with estate and trust administration, including probate.





**ADELE L. REESTER**

**Areas of Practice**

Special District Law: Representation of large and small fire, parks and recreation, sanitation, library and water districts throughout the State of Colorado.

Education Law: General representation of large and small school districts throughout the State of Colorado including board governance; special education; employment and personnel matters; contracts; charter schools; student matters; and compulsory attendance.

Negotiations: Interest-based and traditional bargaining; Facilitation; Interest-Based Bargaining training; Master contract negotiations for school districts; and Superintendent contract negotiations.

Employment Law: Trainings; Investigations; Defense of claims before the EEOC and CCRD; and Draft policies and contracts.

Litigation: District, County, and Municipal Courts, including teacher employment and dismissals, special education due process, collections, traffic infractions, and personal injury.

**Employment**

Lyons Gaddis, P.C., Longmont, CO  
Shareholder: 2008 – present  
Associate Attorney: 2001 – 2007

City of Loveland, Loveland, CO  
Assistant City Attorney: 1998 – 2001

Twentieth Judicial District of Colorado, Boulder, CO  
Law Clerk to the Honorable Roxanne Bailin, Chief Judge: 1997 - 1998

**Education**

Washington College of Law at The American University, J.D. 1997  
*magna cum laude*, Class Rank: Top 13%  
Solicitor General, Student Bar Association Executive Board  
Interschool Competitions Director, Moot Court Executive Board

State University of New York at Binghamton, B.A. 1994  
*magna cum laude*, Phi Beta Kappa, Dean's List  
High Honors Thesis: "Minority Voting Rights: Electing or Influencing a Candidate of Choice"  
Honors: Golden Key National Honor Society; Political Science National Honor Society; SUNYAC Commissioner's List; SUNYAC All-Academic Team; Varsity Letters



## **Bar Admission**

Supreme Court of Colorado  
United States District Court, District of Colorado

## **Professional Development**

Colorado and Boulder Bar Associations, Member  
Colorado Association of School Boards, Member  
Colorado Association of School Boards Legislative Council, Member  
Young Lawyers Division, Doctor/Lawyer Program, Past Volunteer  
Girl Scouts, Mountain Prairie Council, Past Nominating Committee, Member  
Girls Scouts of Colorado, Past Board Governance Committee  
Colorado Women's Golf Association, Member  
City of Longmont, Human Relations Commission, Past Member  
Denver Center Childcare Association, Past Board Member

## **Publications/Presentations**

*Constitutional and Statutory Requirements for Special District Websites*, September 2018  
Annual Conference, Special District Association  
Keystone, Colorado

*Consolidation of Fire Services: A Study in Collaboration (panel)*, September 2017  
Annual Conference, Special District Association  
Keystone, Colorado

*Disciplining the Special Education Student*, October 2016  
Special Education Law From A to Z Seminar, National Business Institute  
Denver, Colorado

*S.M.A.R.T. Goals*, September 2016  
Annual Conference, Special District Association  
Keystone, Colorado

*Top 10 Policies Your Board Should Have!* September 2015  
Annual Conference, Special District Association  
Keystone, Colorado

*"Interest-Based Bargaining Methodology"*  
Special District Association of Colorado News August 2012 and  
Boulder County Bar Newsletter, February 2012

Miscellaneous presentations relating to school law and employment law, including  
CASB, CASE, and CASPA conferences, 2001 – present

Miscellaneous presentations regarding special districts and related local government  
requirements, Special District Association Annual Conference, 2005 – present

*"Obtaining a Liquor License"*  
2009 Boulder County Attorneys Profiles & Reference Book, May 2009



**LYONS GADDIS**  
ATTORNEYS & COUNSELORS

“Changing Your Facility? Don’t Forget the Liquor License!”  
*Restaurateur of Colorado*, December 2001/January 2002

“Judges as Case Managers: What Happened to Trials?”  
On reserve in Washington College of Law Library

**Selected Appellate Cases**

*Cacioppo v. Eagle County School District RE-50J*, 92 P.3d 453 (Colo. 2004)

*Cox v. Ackerman*, Case No. 01 CA 1915

*Donovan v. Lefever*, Case No. 01 CA 2085

*Mortech Custom Homes v. Salazar*, Case No. 02 CA 1016

*Goddard v. West Metro Fire Protection District*, Case No. 04 CA 989



**CATHERINE A. TALLERICO**

**Areas of Practice**

**Complex Litigation:** involved with every aspect of litigation for a wide variety any types of cases filed in state and federal court including: governmental immunity, election matters, personal injury and other tort liabilities, discrimination, civil rights, breach of employment contract, wrongful discharge, construction defects, real estate and easement litigation and breach of commercial contracts. Well versed in all aspects of public entity defense including the Colorado Governmental Immunity Act.

**Special District/Local Government Law:** assist special districts and local governments with Board issues, meetings and hearings, executive sessions, open meeting laws, risk management, policy development, elections, personnel matters, contracts and agreements, and exclusions and inclusions.

**School/Education Law:** provide counsel on personnel matters, special education and 504 issues, federal and state education laws, Board issues, contracts and agreements, and policy development. Defend OCR charges, due process hearings and litigation.

**Employment Law:** provide creative problem solving and guidance, draft policies, negotiate contracts, conduct investigations, defend claims before the EEOC and CCRD, and Department of Labor.

**Construction Law:** draft and negotiate construction contracts. Provide guidance relating to insurance requirements, indemnity provisions, and compliance with State and Federal laws.

**Risk Management:** negotiate and mediate a wide variety of claims, develop strategic solutions for litigation avoidance, provide guidance and analysis of insurance coverage issues.

**Employment**

Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, PC, Longmont, Colorado  
Shareholder

Fowler, Schimberg & Flanagan, P.C., Denver, Colorado  
Shareholder 1999 – 2006  
Associate Attorney 1992 - 1998

Feiger, Collison & Kilmer, P.C., Denver, Colorado  
Associate Attorney 1990 - 1992

**Education**

University of Colorado School of Law, Juris Doctor, 1990  
Board of Editors, University of Colorado Law Review

University of Colorado, School of Journalism, Bachelor of Science, 1986



**LYONS GADDIS**  
ATTORNEYS & COUNSELORS

## **Bar Admission**

Supreme Court of Colorado  
United States District Court, District of Colorado  
United States Court of Appeals, Tenth Circuit

## **Professional Activities**

Colorado and Boulder Bar Associations, Employment Law Committees  
Attorney's Council for Colorado Association of School Boards  
Colorado Women's Bar Association  
National Association of School Boards  
AV Preeminent Peer Review Rated

## **Selection of Publications/Lectures**

*Constitutional and Statutory Requirements for Special District Websites*, September 2018  
Annual Conference, Special District Association  
Keystone, Colorado

*Employment Law Challenges, Developments & Trends*, September 2017  
Annual Conference, Special District Association  
Keystone, Colorado

*Workplace Investigations*, September 2016  
Annual Conference, Special District Association  
Keystone, Colorado

*Top 10 Policies Your Board Should Have!* September 2015  
Annual Conference, Special District Association  
Keystone, Colorado

*Top Ten Legal Issues With Social Media*, September 2014  
Annual Conference, Special District Association  
Keystone, Colorado

*"EEOC's New Enforcement Guidance on the Use of Criminal Background Checks"*  
The Colorado Lawyer, Vol. 41, p. 45, December 2012

*"The Framework of Special Education Law"*, October 2012  
National Business Institute, Colorado Special Education Law Seminar  
Denver, Colorado

*Employment Law Update*, September 2012  
Annual Conference, Special District Association  
Keystone, Colorado



**LYONS GADDIS**  
ATTORNEYS & COUNSELORS

*Legal Issues Associated with Bullying*, June 2011  
Colorado Association of School Boards  
Thornton, Colorado

*The ABC's of Employment Law*, October 2010 and September 2009  
Colorado Association of School Boards, Loveland, Colorado  
Annual Conference, Special District Association, Keystone, Colorado

*What Every Tom, Dick and Mary Jane Should Know About Medical Marijuana in the Workplace*, September 2010  
Annual Conference, Special District Association  
Keystone, Colorado

*Challenges Posed by Teacher Discipline, Reporting and Settlement*, June 2008  
Colorado Association of School Boards  
Golden, Colorado

*The New Immigration Laws*, December 2006  
Colorado Association of School Boards  
Colorado Springs, Colorado

### **Selection of Appellate Cases**

*Colorado Union of Taxpayers, et al. v. West Metro Fire Protection District, et al.*, 2014CV31089  
(Jefferson County Combined Court)

*Trujillo v. Board of Education of Adams 12 Five Star Schools*, 12CA0599 (Colo. Ct. App. 2013)

*Tyler V. v. St. Vrain Valley School District*, 2011 WL 1045434 (D. Colo. 2011)

*Lepirino Foods Co. v. Feldmeier Equipment, Inc.*, 04CA0686 (Colo. Ct. App. 2005)

*Glaeser v. Academy School District 20*, 2005 WL 2592477 (D. Colo. 2005)

*Marino v. Mayger*, 118 Fed. Appx. 393, 2004 U.S. App. LEXIS 25079 (10<sup>th</sup> Cir. 2004)

*National Chiropractic Mutual Insurance Co. v. Kancilia*, 77 Fed. Appx. 445, 2003 U.S. App. LEXIS 20265 (10<sup>th</sup> Cir. 2003)

*Bartell v. Aurora Public Schools*, 263 F.3d 1143 (10<sup>th</sup> Cir. 2001)

*Shaw v. Sargent School District No. RE-33-J*, 21 P.3d 446 (Colo. Ct. App. 2001)

*Rocky Mt. Hospital & Medical Service v. Mariani*, 916 P.2d 519 (Colo. 1996)

*Mariani v. Rocky Mt. Hospital & Medical Service*, 902 P.2d 429 (Colo. Ct. App. 1994)

*N.E., Inc. v. Iliff & Monaco Assocs., LP*, 890 P.2d 146 (Colo. Ct. App. 1994)



**CHAD A. KUPPER**

**Areas of Practice**

**Education Law:** Representation of large and small school districts throughout the State of Colorado, including advise Boards of Education regarding powers and duties, board policy and development, human resources and administration, and TABOR; participate in student compulsory attendance and expulsion proceedings; draft, review, and negotiate contracts, including employment contracts, leases, real estate contracts, and vendor contracts; BEST Financing; register and protect district copyrights and trademarks.

**Special District Law:** Representation of large and small fire, parks and recreation, sanitation and water, library, and other special districts, throughout the State of Colorado.

**General Civil Law:** Business Transactions, act as general counsel for corporate entities, including corporate structure, purchase and sale, litigation matters, and contract negotiations; Real Estate, draft and advise regarding acquisition and sale, leasing, and financing; Estate Planning and Probate.

**Employment**

Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, P.C., Longmont, CO  
Shareholder: 2021 - present  
Associate Attorney: 2008 – 2020

Gubbels Law Office, P.C., Castle Rock, CO  
Associate Attorney: 2007-2008

Sixty Plus., Inc. Elder Law Clinic, Lansing, MI  
Legal Intern: 2006-2007

**Education**

Thomas M. Cooley Law School  
Juris Doctor *Cum Laude*, 2007  
Dean's List, Honors Scholarship

University of Colorado, College of Business Administration  
Bachelor of Science, 2002, Business Information Systems

**Bar Admission**

Supreme Court of Colorado  
United States District Court, District of Colorado

**Affiliations and Community Involvement**

Boulder County Bar Association, Real Estate Section Chair





**LYONS GADDIS**  
ATTORNEYS & COUNSELORS

Friends of the Longmont Museum, Board Member  
Twin Peaks Rotary, Member  
Colorado Bar Association, Member  
Longmont Area Chamber of Commerce, Member



**JOHN CHMIL**

**Areas of Practice**

Local Government Law: General representation of large and small school districts, special districts, library districts, and marketing districts throughout the State of Colorado on all matters that arise for public entity clients including, but not limited to governance; contracts, construction; employment and personnel matters; and elections.

**Employment**

Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, P.C., Longmont, CO  
Associate: 2016 – present

Judge Patrick Butler, 20th Judicial District Trial Court, Boulder, CO  
Judicial Clerk: 2015 – 2016

Boulder City Attorney's Office, Boulder, CO  
Law Clerk: 2014 – 2015

American Indian Law Clinic, Boulder, CO  
Student Attorney: 2014 – 2015

Justice Gregory Hobbs, Colorado Supreme Court, Denver, CO  
Judicial Intern: 2014

Arvada City Attorney's Office, Arvada, CO  
Law Clerk: 2013

Mark Squillace, University of Colorado, Boulder, CO  
Research Assistant: 2013

**Education**

University of Colorado Law School, J.D. 2015  
Production Editor- Colorado Natural Resources, Energy & Environmental Law Review, 2014-2015  
National Native American Law Student Association Moot Court Competition, 2015  
Colorado Appellate Advocacy Competition, 2013 & 2014  
Native American Law Student Association, Board Member 2013-2014  
1L Mock Trial Competition, 2012

University of Colorado – Boulder, B.A. 2010  
*magna cum laude*



**LYONS GADDIS**  
ATTORNEYS & COUNSELORS

Mock Trial Team, Competitor 2009-2010

**Bar Admission**

Colorado, November 2015

**Professional Development**

Colorado and Boulder County Bar Associations, Member

Special District Association Legislative Committee, Member

Colorado Association of School Board Attorneys, Member



**CHRISTOPHER J ESSER**

**Areas of Practice**

Education Law: Full service general counsel to Colorado school districts throughout the State of Colorado including board governance; special education; employment and personnel matters; charter schools; student matters; truancy; contracting; and policy development.

Employment Law: Representation of both large and small employers, as well as employees in employment and labor litigation.

Negotiations: Interest-based and traditional bargaining representation; Facilitation; Interest-Based Bargaining training; Mediation and arbitration services.

**Employment**

Lyons Gaddis, P.C., Longmont, CO  
Attorney: 2022 – present

Jefferson County Public Schools R-1, Golden, CO  
Chief Legal Officer: 2020 – 2022  
Deputy General Counsel: 2019 – 2020  
Staff Attorney and Employee Relations Director: 2015 – 2019

University of Colorado Hospital (UCHealth system), Aurora, CO  
Human Resources Employment Attorney 2013-2015

**Education**

University of Denver, Sturm College of Law, J.D.  
National Trial Team, DU Hoffman Cup Champion; Semi-finalist at American Bar Association Employment Law tournament; Awarded Student Trial Lawyers Association Outstanding Team  
University of Iowa, B.S. Political Science, B.S. Psychology  
Academic Honor Student

**Bar Admission**

Supreme Court of Colorado  
United States District Court, District of Colorado

**Professional Associations**

Colorado, Boulder Bar Associations, Member  
Colorado Association of School Boards, Member  
Colorado Association of School Boards Legislative Council, Member  
National School Board Association, Counsel of School Attorneys



**LYONS GADDIS**  
ATTORNEYS & COUNSELORS

Dennison PTA, Member

**Publications/Presentations**

*Effective Performance Management*, April 2022

Colorado School Districts Self Insurance Pool HR symposium  
Lone Tree, Colorado

*Off-Campus Speech in an Online Era: Unpacking the Mahanoy Decision*, July 2021

Annual School Law Seminar, Colorado Council of School Board Attorneys  
Denver, Colorado

*Proposed Title IX Regulations*, September 2019

In-House Counsel Seminar, Colorado Council of School Board Attorneys  
Denver, Colorado

*Ethical Considerations when Conducting Investigations*, December 2018

Annual School Law Seminar, Colorado Council of School Board Attorneys  
Colorado Springs, Colorado

Miscellaneous presentations to Jefferson County School District administrators and staff

Topics include:

*Mandatory Reporter Training*

*The Balance Points of School Safety, IDEA compliance, and Claire Davis  
Sex Based Harassment and Discrimination*

*Conducting Effective Threat Assessments*

*Colorado Open Records Act*

*Interest-Based Bargaining*

*Legal Considerations for School Counselors*

*Attendance Support and the Role of Truancy*

*Effective Documentation and TECDA*

*Using Physical Restrain in Schools*

*The Interactive Process under the ADA*

*Employee Due Process and Effective Union Partnerships*

*Student Discipline and Due Process*

*Starting with Why. Team Building Strategies for Administrators*

*Restorative Justice: Facilitating Circles and Restorative Conferences*



**WYATT A. FORMAN**

**Areas of Practice**

Special District Law: Representation of large and small fire, parks and recreation, sanitation, library and water districts throughout the State of Colorado.

Education Law: General representation of large and small school districts throughout the State of Colorado including board governance; special education; employment and personnel matters; contracts; charter schools; student matters; and compulsory attendance.

Employment Law: Trainings; Investigations; Defense of claims before the EEOC and CCRD; and Draft policies and contracts.

Litigation: District, County, and Municipal Courts, including teacher employment and dismissals, special education due process, collections, traffic infractions, and personal injury.

**Employment**

Lyons Gaddis, P.C., Longmont, CO  
Associate Attorney: 2021 – present

Boulder City Attorney's Office, Boulder, CO  
Law Clerk: 2020 – 2021

Getches-Green Natural Resources, Energy, and Environmental Law Clinic, Boulder, CO  
Student Attorney: 2020

Scott Skinner-Thompson, University of Colorado, Boulder, CO  
Research Assistant: 2019

Judge Christopher Zenisek, 1<sup>st</sup> Judicial District, Golden, CO  
Judicial Intern: 2019

University of Denver Chancellor's Office, Denver, CO  
Research Fellow: 2016 – 2017

**Education**

University of Colorado Law School, J.D. 2021  
Articles Editor, Environmental Law Review  
Environmental Law Society Member  
Volunteer: I Have a Dream Foundation

University of Denver, B.A. 2016  
*cum laude, International Studies*  
Honors: Crimson and Gold Merit Scholar



**LYONS GADDIS**  
ATTORNEYS & COUNSELORS

**Bar Admission**

Colorado, October 2021

**Professional Development**

Colorado and Boulder Bar Associations, Member

Colorado Association of School Boards, Member





IRELAND  
STAPLETON

*July 26, 2022*

*Proposal to:*

Anna Jones, District Manager  
[anna.jones@claconnect.com](mailto:anna.jones@claconnect.com)  
Roxborough Village Metropolitan District

*Submitted by:*

Dino A. Ross  
Ireland Stapleton Pryor & Pascoe, PC  
717 17<sup>th</sup> Street, Suite 2800  
Denver, CO 80202  
(303) 628-3686 | [dross@irelandstapleton.com](mailto:dross@irelandstapleton.com)

**Confidential and Proprietary Information**  
**C.R.S. 24-72-204(3)(a)(IV)**



## **Response to Roxborough Village Metropolitan District's Request for Proposals for District Legal Services**

### **Introduction**

Ireland Stapleton Pryor & Pascoe, PC ("Ireland Stapleton" or the "Firm") is pleased to submit our proposal to serve as General Counsel to Roxborough Village Metropolitan District ("Roxborough" or the "District"). The Firm's Special Districts Practice Group is comprised of partners and associate attorneys representing over 50 park and recreation districts, metropolitan districts, fire protection districts, and other local governments of all sizes and organizational structures throughout the State of Colorado as general or special counsel. Our legal representation is full service, including advice and assistance in matters of taxation, finance, and budgeting; statutory compliance; Board governance practices and procedures; elections; employment and volunteerism law; paid and volunteer firefighter pension plans; drafting and reviewing contracts of all types, including intergovernmental agreements, lease agreements, and vendor contracts; boundary realignments, inclusions, and exclusions; district mergers and consolidations; fire code enforcement; the lease, sale, purchase, and construction of apparatus, stations, and other real property and facilities; and, when necessary, special district litigation and other means of dispute resolution.

Community service is a core value at Ireland Stapleton. We strongly support parks and recreation districts and emergency services in Colorado by providing legal services, without charge, to emergency services organizations and groups, including serving as general counsel to the Colorado Parks and Recreation Association and the Colorado State Fire Chiefs (CSFC), and by regularly providing cost-free legal trainings on a wide array of local government subjects as part of industry conferences and interest group meetings. Members of the Special Districts Practice Group also serve on the Special Districts Association's legislative committee and the CSFC's legislative committee, and they prepare or assist with the development of legislation impacting Colorado's special districts.

### Conflict of Interest

The Firm has conducted an internal conflicts check and has not identified any actual or potential conflicts of interest.

### Public Contracts for Service

C.R.S §8-17.5-101 was repealed earlier this year. Ireland Stapleton verifies its employees through the E-Verify system.



### Timeline

If selected as counsel, we would be available to start working on matters immediately. We will promptly work with the District's current legal counsel to accomplish a smooth transfer of client files to our Firm. Depending on schedules, we would expect that within the first week we would work with Board members and Chief Staff, as appropriate, to identify and begin assuming responsibility for any outstanding legal matters.

### Board Meetings

We understand that the regularly scheduled monthly Board meetings occur on the third Tuesday of each month at 6:00 p.m. Attorney Dino Ross has another long-standing special district that conducts its regularly scheduled monthly Board meetings on the third Tuesday of each month. If the Board determines that our firm would best meet the legal needs of the District and the Board, the scheduling conflict would need to be resolved.

### Approach

The four partners in the Special Districts Practice Group have worked together for more than a decade as a seamless, cohesive team to ensure that high quality legal services are provided to each client in a timely and cost-effective manner. While each client has a partner who is primarily responsible for all legal services provided to that client, each matter is evaluated for its unique aspects. Because each of the partners has extensive experience in providing general counsel services to special districts, specific matters may be handled by the partner with the more specific expertise, although in such cases the primary partner will often supervise the work.

For example, Dino Ross, the head of the special districts practice group, will often handle or supervise matters involving financing mechanisms, such as bond issuances, lease-purchase financing, and certificates of participation, labor/management (union) matters, and construction projects. Emily Powell has specific expertise in inclusions, exclusions, mergers, and other boundary realignments, as well as in Board governance and statutory compliance matters. Kelley Duke, who is the head of the Firm's litigation practice group, will often handle or supervise matters involving litigation, subpoenas, depositions, hearings, and public records ("CORA") requests. She also has specific expertise in real property matters. Michelle Ferguson, who is the head of the Firm's employment law practice group, will often handle or supervise all types of employment and volunteerism matters, disciplinary actions, discrimination claims, benefits issues, ADA, or other employee accommodation matters, FLSA or other compensation issues, and developing bylaws, handbooks, and SOGs/SOPs. She also has specific expertise in election issues.

Because all of the partners have extensive experience in providing general counsel services, every partner routinely handles negotiating and drafting all types of contracts and intergovernmental agreements, notices, agenda, and other routine meeting and Board governance matters, annual budget and audit issues, , routine employment law questions, and the numerous other legal issues that arise during the day-to-day administration and operation of a special district.

## Primary Attorney

For this engagement, the primary attorney would be Dino Ross.

## **Experience**

Attorneys in the Special Districts Practice Group have extensive experience in all types of construction projects from start to finish. We routinely prepare for our clients Requests for Qualifications, Requests for Proposals, and the related newspaper notices soliciting bids. We negotiate and draft agreements with architects, civil engineers, owner's representatives, and other contract professionals. Our practice group is conversant in the various construction forms used by the American Institute of Architects (AIA). We are knowledgeable about various construction delivery methods, including design-bid-build, design-build (integrated project delivery), and construction manager/general contractor involving stipulated sums or guaranteed maximum price structures. Further, we have negotiated and drafted numerous contracts with general contractors and construction managers, and we have assisted with resolving construction disputes. We also have assisted with the statutory "final settlement" process for closing out construction projects.

Our special district attorneys are very familiar and commonly advise clients on the Colorado Special District Act and the numerous other laws affecting special districts and other emergency services agencies, including:

- Taxpayer Bill of Rights (TABOR)
- Colorado statutes relating to the fiduciary and ethical obligations of Board members and public employees
- Federal and state military leave statutes
- Elections and campaign laws
- Federal and state grants
- Local Government Budget Law of Colorado
- Colorado Local Government Audit Law
- Federal and State environmental laws
- Colorado laws relating to public construction projects
- Colorado Sunshine (Open Meetings) Law
- Federal Title VII Civil Rights Act and Colorado Anti-Discrimination Act
- Federal Fair Labor Standards Act (FLSA) and related Colorado employment laws
- Unemployment compensation statutes
- Federal Family and Medical Leave Act (FMLA) and the new Colorado Family and Medical Leave Insurance (FAMLI) Act
- Federal Patient Protection and Affordable Care Act
- Federal Americans with Disabilities Act and related Colorado law
- Workers' compensation statutes
- Financing mechanisms, including bonds, certificates of participation, and lease purchase agreements

- Colorado Charitable Solicitations Act
- Prosecuting and defending Federal and State litigation, including boundary realignment issues, employment law claims, and breach of contract claims
- IRS Tax Code
- Federal and State real property laws and administrative actions related to zoning, land use, and foreclosure
- 1<sup>st</sup> and 14<sup>th</sup> Amendments of the United States and Colorado Constitutions
- Colorado Public (Open) Records Act

We have extensive experience in representing special districts in litigation. Dino Ross and Kelley Duke also have represented special districts in construction lawsuits, land use disputes, products liability litigation, boundary realignment litigation, public records litigation, and declaratory judgment actions. Michelle Ferguson has represented special districts before the Colorado Civil Rights Division and the Equal Employment Opportunity Commission. In those circumstances where insurance defense counsel is provided to a District, we work closely with the insurance defense attorneys to ensure the District's interests are fully protected during each phase of the administrative proceeding or litigation.

#### Special Districts Practice Group Attorney Biographies

**Dino A. Ross** leads the Firm's special districts legal team. For more than 30 years, Mr. Ross has served as general counsel or special counsel to metropolitan districts, park and recreation districts, fire districts, fire authorities, ambulance districts and emergency communications agencies.

On a daily basis, he advises Boards and management on issues relating to the Colorado Governmental Immunity Act; the Colorado Open Records Act; budget and finance laws affecting special districts; financing mechanisms, such as lease-purchase agreements, bond issuances and certificates of participation; TABOR issues; regular and special election rules and procedures; all aspects of negotiating and drafting contracts and intergovernmental agreements with vendors, contractors, and other public entities; construction contract negotiation and drafting; drafting district board bylaws; equipment warranty claims; insurance coverage issues; inclusions/exclusions of property and related boundary issues; all aspects of regular and special Board meeting procedures and statutory compliance; labor/management (union) matters; organizational restructuring, mergers and acquisitions; transactions involving the purchase, sale, or lease of real property, facilities, apparatus and other emergency vehicles and equipment; and special district litigation.

Additionally, Mr. Ross represents his clients in all aspects of employment law, including hiring or appointment of employees; day-to-day employment benefits issues; developing or updating employment related forms; job descriptions and handbooks; employment agreements; non-disclosure/confidentiality agreements and severance agreements; corrective and disciplinary actions; and employment-related litigation support and administrative proceedings.

Mr. Ross is very involved in helping to develop or change the Colorado laws affecting the emergency services profession. He serves *pro bono* (at no cost) on the Colorado State Fire Chiefs Legislative Committee. Mr. Ross has drafted numerous legislative bills.

**Emily J. Powell** focuses her practice on special districts law, representing metropolitan districts, park and recreation districts, fire districts and fire authorities. She is deeply involved in all aspects of representing special districts, including intergovernmental agreement negotiation and drafting; drafting district board bylaws; vendor and information technology contract review and negotiation; real property inclusions and exclusions and other boundary realignments; and advice and assistance on all aspects of regular and special board meeting procedures; statutory compliance; regular and special elections; and employment law, including preparation of personnel policies, job descriptions, and employment agreements. She also regularly provides legal advice on issues relating to the Colorado Governmental Immunity Act, the Colorado Open Records Act, the Colorado Open Meetings Law, the Patient Protection and Affordable Care Act, budget and audit laws, and TABOR issues. In addition to the foregoing, Ms. Powell has been significantly involved in numerous special district organizations, authority formations, and mergers of fire districts, municipal fire departments, and ambulance service agencies. Ms. Powell takes a preventative law approach to representation, assisting clients in understanding the legal issues that apply to them, and identifying and seeking to prevent areas of potential risk.

Ms. Powell is actively involved in helping to develop and improve Colorado laws affecting special districts. She serves on the Special Districts Association Legislative Committee and the Colorado State Fire Chiefs Legislative Committee. Ms. Powell has assisted in drafting legislation affecting special districts. She also has been a regular speaker at industry conferences, such as the Special District Association and Colorado State Fire Chiefs annual conferences.

**Kelley B. Duke** enjoys a diverse practice with Ireland Stapleton, focusing primarily on litigation, real estate, and special districts law. She chairs the Firm's litigation practice group and has been an attorney at Ireland Stapleton for more than 16 years.

Ms. Duke serves as general counsel to several special districts, where she regularly attends and participates in monthly Board meetings. She handles issues involving litigation (including subpoenas and depositions), property inclusions, exclusions, and related boundary issues, insurance coverage issues, advice and assistance related to statutory compliance and Board governance, and transactions involving the purchase, sale, or lease of real property and/or facilities. Ms. Duke also is well-versed in negotiating and drafting contracts and intergovernmental agreements with vendors, contractors, and other public entities. She regularly provides legal advice on issues relating to the Colorado Governmental Immunity Act, the Colorado Open Records Act, the Colorado Open Meetings Law, and TABOR issues.

Ms. Duke has litigated many special district specific issues, including land use disputes for fire stations, Section 502 boundary disputes, governmental immunity claims, restraining and protective orders, trespass and related property disputes, and she has defended many Colorado Open Records Act claims. Ms. Duke is involved in preparing firefighters in connection with testimony either as a witness in depositions or in matters involving hearing or trial testimony.

Ms. Duke regularly speaks about legal process, litigation matters, the Colorado Open Records Act, premises liability, and related real and personal property issues. She is committed to guiding her clients through both the legal issues and practical application of the law to help them prevent potential risk.

Ms. Duke also is an arbitrator and panel member with the American Arbitration Association. Arbitration provides speedy and economical justice for parties that want to resolve conflicts out of court. She is the Chair of the international law-firm network SCG Legal.

**Michelle B. Ferguson** leads the Firm's employment law practice group. Ms. Ferguson serves as general counsel to fire districts throughout the state of Colorado, providing legal advice on issues regarding Board governance, open meetings laws, open records, elections, TABOR, and contracts.

Ms. Ferguson started her career in 1998 representing one of the largest government employers in the country, New York City (including the New York City Fire Department) in various employment-related federal, state, and administrative actions. In her employment practice, she focuses on finding ways to keep fire districts out of court by being proactive in identifying and solving employment issues before a claim is filed. Ms. Ferguson provides advice to fire districts on all matters of employment/volunteerism law and day-to-day personnel issues, and she represents her clients in all types of administrative claims or audits by federal and state agencies.

Further, she conducts anti-discrimination training, drafts employment agreements, non-disclosure, and other employment-related contracts, and also drafts and counsels employers on appropriate personnel policies, disciplinary actions and forms. She also provides legal advice on collective bargaining and volunteer firefighter pension issues. Additionally, Ms. Ferguson conducts independent investigations regarding claims of discrimination, harassment, retaliation, and violations of the Fair Labor Standards Act. Ms. Ferguson has presented numerous seminars to professionals in the Denver Metro Area on topics such as investigations of employee misconduct and implementation of disciplinary action, workplace violence, the Fair Labor Standards Act, the Family and Medical Leave Act, family responsibilities discrimination, hiring and termination processes, and overviews of federal and state anti-discrimination laws.

#### Fundraising

Dino Ross and Emily Powell have established separate 501(c)(3) qualified non-profit corporations that raise funds to assist the fire district to which they are associated. They also advised clients on the laws associated with fundraising and contributions, including the Colorado Charitable Solicitations Act.

#### We Work for the Board

We work hard to develop and maintain solid working relationships with the District's staff; however, we make clear that we work for the Board of Directors as the governing body of the District. We ultimately take direction from the Board of Directors through the majority vote of the Board members. We represent and advocate on behalf of the Board in many circumstances, whether it be at the regular or special Board meetings, in negotiations on collective bargaining agreements or intergovernmental agreements with other governmental agencies, or before agencies in administrative procedures, including planning commissions, the P.O.S.T. Board, and various Boards of County Commissioners. We also work hard to advocate on behalf of our Boards in connection with legislation that is introduced in the Colorado General Assembly.

## References

Roxborough is welcome to contact the following references:

Fossil Ridge Metropolitan Districts No. 3

Craig Brown, President

720-556-0524 (c)

[frmd3cab@gmail.com](mailto:frmd3cab@gmail.com)

Frederick-Firestone Fire Protection District

Ed Weimer, President

(303) 845-2112 (c)

[eweimer@fffd.us](mailto:eweimer@fffd.us)

North Metro Fire Rescue District

Dick Miller, President

720-384-8287 (c)

[rmiller@northmetrofire.org](mailto:rmiller@northmetrofire.org)

## Cost

We take a hands-on, proactive approach to limit risk exposure, to provide solutions to problems, and to help clients achieve desired results. This philosophy is reflected in our billing practices. Our fees are based upon hourly rates charged by each attorney or paralegal working on a matter.

Our billing is based on the actual time spent multiplied by the hourly rate of the billing attorney or paralegal. Bills are sent to clients monthly and are due upon receipt. Dino Ross would be the primary attorneys representing Roxborough. The hourly rates of our team members are as follows:

Dino A. Ross, Partner .....	\$325/hour
Emily J. Powell, Partner.....	\$325/hour
Kelley B. Duke, Partner .....	\$325/hour
Michelle B. Ferguson, Partner.....	\$325/hour
Sarah H. Abbot, Associate .....	\$235/hour
Tanya Mundy, Paralegal.....	\$195/hour

We assist our districts in legal cost containment by taking a hands-on, proactive approach to ensure they work directly with the Firm's most experienced, senior attorneys while also using the cost-effective support of our capable associates and paralegals. In order to achieve these goals, we:

- Designate a primary attorney to represent the District, in order to provide the Board and staff with consistency and continuity in communications, work product, and remaining current on the legal issues affecting the District;
- When appropriate, delegate specific legal projects to a senior attorney with the knowledge and experience to best provide an efficient and cost-effective response;



- Utilize associate attorneys and paralegals to conduct research, draft or review documents, and manage administrative filings at their lower billing rates, when appropriate and under the supervision of a Firm partner;
- Have all invoices personally reviewed by a Firm partner before sending to the District; and
- Maintain an open-door communication policy with the District regarding any questions or concerns related to our fees, billing practices, or invoices.

In addition to our hourly rates, the Firm bills for reimbursement of out-of-pocket expenses, including large copying projects, delivery and courier fees, court filing fees, recording fees, and other out-of-pocket expenses. We will charge mileage at the then-current mileage rate established by the Internal Revenue Service.

Once again, we are pleased to submit this proposal for your consideration. If there are any questions, please do not hesitate to reach out to Dino Ross, [dross@irelandstapleton.com](mailto:dross@irelandstapleton.com); (303) 909-0514.

**PROPOSAL TO PROVIDE  
GENERAL COUNSEL LEGAL SERVICES  
FOR**

**ROXBOROUGH VILLAGE  
METROPOLITAN DISTRICT**



2154 EAST COMMONS AVENUE, SUITE 2000  
CENTENNIAL, COLORADO 80122

PHONE: (303) 858-1800  
FAX: (303) 858-1801  
[www.whitebearankele.com](http://www.whitebearankele.com)

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**APPENDIX**

Appendix A Firm Resume

## **A. FIRM OVERVIEW AND INTRODUCTION**

WHITE BEAR ANKELE TANAKA & WALDRON (“WBA”) is pleased to submit this proposal to provide general counsel legal services to the Roxborough Village Metropolitan District (the “District”).

WBA specializes in the practice of law pertaining to the formation and continued representation of various types of local governmental entities—primarily Title 32 special districts, Title 30 improvement districts and Title 29 intergovernmental authorities.

WBA was formed in 1997 and currently consists of a specialized group of professionals with senior principals each averaging nearly 30 years of experience in real estate development and local government law, with particular emphasis on special district and local government law. Our collective experience allows WBA to quickly and efficiently respond to issues and address client needs.

Based upon its excellent reputation, WBA has established its place at the forefront of development and local government representation in Colorado. We pride ourselves on our creativity, professionalism and ability to serve our clients’ needs in the most efficient and cost-effective manner possible. To that end, we have assembled a group of professionals, including attorneys with broad experience, a paralegal staff skilled in special district and municipal law, and sufficient administrative staff to ensure delivery of timely, cost-effective and comprehensive legal services.

In addition to our local government practice, WBA’s attorneys are experienced in a full range of development and community related practice areas, including:

- \* Public-Private Partnerships
- \* Real estate development
- \* Real property transactions
- \* Nonprofit corporation
- \* Corporate entity formation for special tax-exempt financing structures

As general counsel to hundreds of local government entities, WBA has encountered virtually every situation involving governmental financing, intergovernmental relations, TABOR compliance and day-to-day operations and maintenance issues facing governments.

Our firm routinely provides advice and services to clients on a broad range of legal matters, including, but not limited to:

- \* Statutory, regulatory and common law requirements and principles applicable to special districts
- \* Tax-exempt financing structures, including general obligation bonds, revenue bonds, special assessment bonds, and other municipal financing alternatives
- \* Contracts, including construction contracts, funding agreements, construction contracts,

service contracts, real estate sales and purchases, and intergovernmental agreements

\* Colorado election law

\* TABOR compliance

\* Eminent-domain

\* Property interests

\* Personnel matters

\* Municipal-law, including zoning, annexation, subdivision and land use

In order to provide timely, cost-effective legal advice and guidance to the District, we believe open communication and collaboration with the District's staff and other consultants, including managers, accountants, operators and engineers, is vital to achieving the District's goals and objectives. We are committed to developing an efficient and hard-working team with your staff and consultants, and we look forward to working with them on this project.

## **B. EXPERIENCE WITH LOCAL GOVERNMENT LAW**

### **i. Vision as General Counsel to the District**

The role of general counsel differs from district to district depending on the vision of the board of directors of the district, the staff and overall needs of the district. In working with many different districts and boards, WBA has adapted to the specific client to meet their needs on both a support level and an economic feasibility level. In many instances, boards look to WBA to provide leadership, guidance and advice with regard to business, financial and operational matters while others depend on WBA purely for legal advice. Oftentimes, this role defines itself as the members of the board, other consultants and staff members and WBA develop the relationship.

### **ii. Existing Local Government Clients and Benefit to the District**

With hundreds of local government clients throughout the State of Colorado, WBA's expertise is invaluable to our clients and allows us to provide tailored and specialized services to our clients which are directly beneficial and applicable to each. This depth of experience means that WBA is able to address the most complex legal issues facing Colorado special districts.

### **iii. Experience and Approach in Specified Areas of Law**

#### **a. Legal Support for Financial Matters**

One of the primary uses of special districts is to finance the construction and ongoing operation of a wide array of public improvements. These functions are implemented through a combination of taxes, fees, grants and other financing sources. A major tool in the provision of public infrastructure is the issuance of bonds or the use of other financing structures. WBA has participated in financings involving well over \$1 billion in par amount, and has experience in the most sophisticated forms of financing structures available to special districts.

**b. Election Support**

The attorneys and paralegals at WBA are experts in election law and WBA conducts director elections and debt/TABOR elections on an annual basis for our clients. In instances where the district has its own staff or manager who run the election, WBA serves in a consultation capacity to the staff when questions or issues arise. WBA's expertise has been relied upon by others in the industry, including the Special District Association of Colorado, and various cities and counties who have consulted WBA on election practices.

**c. Intergovernmental Agreements/Authorities**

Intergovernmental agreements are a regular and necessary aspect of special district and municipal clients. The attorneys at WBA are experts in the negotiation, drafting and implementation of intergovernmental agreements for our clients and are routinely involved in these matters. From simple agreements to the most complex arrangements, WBA has negotiated and drafted thousands of agreements for our clients throughout the years.

In addition, WBA has extensive experience in the creation of Intergovernmental Authorities, which are cooperative ventures that can offer unique opportunities for cooperation among the primary districts represented or in arrangements involving other special districts, cities, counties and other local governments.

**C. WBA Legal Team**

WBA utilizes a team approach to client representation, with a mix of senior attorneys and support personnel being employed to provide the most cost-effective means of delivering legal services. Below are some highlights of those attorneys who will be primarily involved in the representation of the District. Please also refer to the Firm Resume attached to this Proposal for biographies of these and other attorneys with WBA.

**Trisha K. Harris** is of counsel at WBA. Her practice focuses on representing metropolitan districts as general counsel, as well as representing WBA's community association clients. Ms. Harris also draws upon her many years of experience representing community associations to assist developer clients with drafting covenants and governing documents for new communities. Ms. Harris brings to WBA almost two decades of experience in representing homeowners' associations in the State of Colorado, as well as her experience with metropolitan districts and development matters.

**Erin K. Stutz** is an attorney at WBA. Her practice focuses on the representation of special districts, metropolitan districts, and developers. She brings to her practice experience in corporate, commercial, and trademark law.

In addition, WBA has a number of associate attorneys and an experienced paralegal staff to assist in the provision of legal services and we will endeavor to respond to all phone messages, emails and facsimiles within 24 business hours of receipt

**D. RATES, FEES & COSTS**

In addition to superior qualifications and expertise, an equally important aspect of an attorney-client relationship is the matter of fees and costs. While hourly rates are a key factor to determining the cost for an attorney, that attorney's efficiency is equally important and can often impact the equation in a greater manner than the hourly rate itself. Through its years of experience, WBA has mastered the art of cost control for its governmental clients. The use of various levels of attorneys, paralegals and administrative staff also aides us in our cost-control practices. Further, due to our size, client base and expertise, we are able to collectively debate, research and address issues facing public entities globally so that all clients are advised on new and upcoming issues while receiving the benefit of reduced hours for that work.

**i. Hourly Rates**

WBA bills legal services in increments of one-tenths of an hour for retainer services. Our current rate structure is as follows:

Shareholders	\$420.00 to \$500.00 per hour
Of Counsel	\$350.00 to \$495.000 per hour
Associate Attorneys	\$250.00 to \$350.00 per hour
Paralegals	\$21000 to \$230.00 per hour
Administrative Staff	No charge

The current rates of the attorneys designated above are as follows: Trisha K. Harris: \$395 per hour; Erin K. Stutz: \$260 per hour. These rates are subject to adjustment annually upon notice to the client.

**ii. Administrative Expenses**

WBA charges for certain out-of-pocket costs incurred by WBA in representing the District. Charges for long distance telephone calls (domestic only), conference calling services (domestic only), facsimiles (domestic only), in-office copying, ordinary postage (under \$10.00), and deliveries made by in-house staff are covered by an administrative fee, currently equal to 2.5% of the legal fees charged. This administrative fee is in lieu of itemizing those expenses and may be adjusted over time. If there are other expenses, such as filing and recording fees, computer-assisted research fees, mileage, delivery service fees, travel, meals or hotel accommodation charges, those will be billed separately.

**iii. Transition Costs**

We recognize that transition to new legal counsel can be time consuming, and, therefore, expensive. In order to assist the District with a smooth and efficient transition, we will reduce our hourly rates by 50% for the first 60 days of representation. In addition, we can begin working with the District immediately upon receiving a signed engagement letter.

**E. CLIENT REFERENCES**

Professional references for WBA are as follows. Additional can be available upon request:

Home Place Metropolitan District  
David Ware, President  
c/o McStain Neighborhoods  
2429 West 26<sup>th</sup> Avenue, Suite D-480  
Denver, CO 80211  
dbw@mcstain.com

**F. PROFESSIONAL LIABILITY AND MALPRACTICE INSURANCE**

Malpractice insurance coverage for WBA is provided by New York Marine and General Insurance Company. The current policy is a claims made policy which applies only to claims first made and reported during the policy period or any extended reporting period. The limits of liability (inclusive of claims expenses) are \$2,000,000 maximum limit of liability per claim and \$2,000,000 maximum aggregate limit of liability for all claims, both of which meet the standard in the industry for firms serving as general counsel to local governmental entities and the requirements pursuant to Colorado law.

**G. CONFLICTS OF INTEREST**

We have performed an internal review for existing or potential conflicts of interest and find none at this time.

**H. EMPLOYMENT ELIGIBILITY**

We do not knowingly employ or contract with a worker without authorization. Further, we certify that we comply with the provisions of C.R.S. § 8-17.5-101, et seq.

**I. CONCLUSION**

Thank you for providing us with the opportunity to submit this proposal. WBA and our attorneys have been committed to the representation of public sector clients since the creation of WBA and throughout our careers. Over the course of many years, we have provided legal services to clients in a variety of circumstances to aid them in achieving their goals. We are available at any time to answer questions that you, the Board, staff or consultants for the District may have. We look forward to working with you.



**J.     CONTACT INFORMATION**

Trisha K. Harris  
WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law  
2154 East Commons Avenue, Suite 2000  
Centennial Colorado 80122  
Phone: (303) 858-1800  
[www.whitebearankele.com](http://www.whitebearankele.com)  
[tharris@wbapc.com](mailto:tharris@wbapc.com)

## Appendix A Firm Resume

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The law firm of White Bear Ankele Tanaka & Waldron (“WBA”) consists of attorneys, paralegals, legal assistants, and a support staff located in Centennial, Colorado at “The Streets at SouthGlenn.” WBA is Colorado’s largest law firm specializing in the representation of special taxing districts and other governmental agencies and has been serving clients and Colorado communities since 1997. The attorneys of WBA are among Colorado’s most experienced and innovative leaders in the use of local and governmental entities to provide infrastructure and public services in new and existing developments.

WBA’s practice areas include municipal law, special taxing districts and intergovernmental authorities, owners’ associations and related matters. The services provided in these areas include:

1. Representation of municipalities as general and special counsel in all aspects of local government work including drafting and enforcing ordinances, resolutions, charters, and contracts, facilitating annexations, implementing zoning and other land use controls, contract negotiations, and management of all other day to day legal activities of municipal clients.
2. Representation of counties as special counsel, and representation of all other types of quasi-municipalities and regional governmental authorities in all aspects of day to day operations.
3. General counsel services to local governments, land developers, homebuilders and property owners relating to the use of special taxing districts and other limited-purpose public entities to provide for the construction, management, operation and financing of essential public services, including roads, water, sewer, drainage, transportation, fire protection, park and recreation, library and other services.
4. Ongoing representation of local governments, special taxing districts, authorities and other local entities to ensure compliance with relevant local government law, including property taxation, capital project financing, annexations, elections, budget and audit law, adoption, certification of levies for taxes, TABOR compliance, meeting activities, protection of public officers and directors, insurance matters, and numerous other aspects of local government law.
5. Representation of land developers and other parties in the formation and/or use of home owners’ associations or special taxing districts for common area maintenance, covenant enforcement and design review.
6. General Counsel services to home owner and commercial associations, including document amendments, rule review and drafting, compliance with applicable laws and regulations, contract drafting and review, document interpretation, collection of assessments and covenant enforcement.

7. Assisting parties interested in acquiring property by conducting due diligence into whether special taxing districts overlap the property being purchased, and if so, investigate the financial structure and obligations of, and the services provided by, the special taxing districts.

Our talented team of professionals and our collective experience allows WBA to quickly and efficiently respond to our client's needs. The following brief biographies introduce our attorneys.

**William P. Ankele, Jr.** is a shareholder at WBA with 40 years of experience in the firm's practice areas. He has broad experience in the formation and representation of instrumentalities used to fund public infrastructure required to support development projects and community needs, including special taxing districts of all types, intergovernmental authorities, library districts and non-profit corporations. He has provided advice to the development community, citizen groups, and local governments on the organization and use of various public entities offering tax-exempt financing solutions for major public and private projects throughout Colorado. His experience includes representation of special districts, library districts, intergovernmental authorities, business improvement districts, county and municipal public improvement districts, and non-profit corporations. Mr. Ankele's practice includes extensive experience in the use of special taxing districts to serve mountain resort communities, such as Aspen, Vail, Breckenridge, Steamboat Springs, and Winter Park. He is co-author of Colorado Special Districts and Chapter 9, published in *The Colorado Lawyer* in December 1991/January 1992, and author of *Funding Schools Through Public-Private Partnerships*, published in *The Colorado Lawyer* in June, 2001. Mr. Ankele received a Bachelor of Arts in English and History at the University of Michigan. He received his Juris Doctorate, cum laude, from Wayne State University, where he was also the Executive Editor of the *Wayne Law Review*. He has received an AV Pre-eminent Peer Review Rating from Martindale Hubbell for 33 consecutive years.

**Jennifer Gruber Tanaka** is a shareholder at WBA. She practices local government law representing special districts, intergovernmental authorities, and limited-purpose public entities. The primary focus of Ms. Tanaka's practice is to assist governments, business entities, homeowners, and individual developers in utilizing special taxing districts and limited-purpose public entities to provide for the construction, management, operation, and financing of essential public services, utilities, and project infrastructure, through the creation of special districts, county and municipal general and local improvement districts, business improvement districts, and intergovernmental authorities. Ms. Tanaka's representation spans from boards represented by developers to those controlled entirely by homeowners and she has a specialized knowledge with representing water and sanitation districts. Ms. Tanaka is the Vice Chair of the Metro District Education Coalition and the Chair of the Legislative Committee and regularly advocates at the state and local levels for special districts through legislative and policy-making endeavors. Ms. Tanaka received her Juris Doctorate from the University of Denver, Sturm College of Law. Her Bachelor of Arts degree was awarded by Coe College where she graduated magna cum laude and Phi Beta Kappa with majors in History and Japanese Studies and minors in Asian studies, Religion, and Japanese. Ms. Tanaka is licensed to practice law in Colorado and New Mexico.

**Clint C. Waldron** is a shareholder at WBA. His practice focuses on the areas of local government, special taxing districts, and public finance, and serves as general counsel to local

governments across the State of Colorado. Mr. Waldron advises clients on a wide range of local government issues including the formation and operation of special taxing districts, public meeting and open record laws, and election law. He also advises boards of directors and real estate developers on the relationship and structure of owners' associations and related covenant enforcement and architectural review entities. Mr. Waldron has represented local governments in the restructuring and issuance of over \$400 million in general obligation and revenue debt. Mr. Waldron received his Juris Doctorate from Wake Forest University School of Law, and a Bachelors of Arts from Weber State University. He is licensed to practice law in Colorado and Idaho.

**Kristin Bowers Tompkins** is a shareholder at WBA. Ms. Tompkins specializes in local government law, public infrastructure, special districts, public finance, and commercial and real estate development. Ms. Tompkins has represented numerous residential, commercial, and mixed use developments, providing advice concerning special taxing district financing. Prior to joining WBA, Ms. Tompkins gained experience in special district law, as well as homeowners' association law. Ms. Tompkins has moderated and presented at a number of seminars concerning the use of special taxing districts, legislative and ballot measures affecting public entities, and public infrastructure financing. Ms. Tompkins received her Juris Doctorate from University of Colorado School of Law. She is licensed to practice law in Colorado and Michigan.

**Robert G. Rogers** is a shareholder at WBA. He focuses his practice on the representation of special districts and the private development community. He frequently advises clients on metropolitan district service plans, governance structures, property tax issues, public improvement fees, intergovernmental agreements, development agreements, and public-private partnership agreements, with an emphasis on negotiations between municipalities, developers, and special districts. He is also a frequent public speaker on special district matters. Mr. Rogers holds undergraduate and law degrees from the University of Texas in Austin, where he was the managing editor of the Texas Environmental Law Journal. He is an Eagle Scout, a former non-commissioned officer in the United States Marine Corps Reserve, a combat veteran of the Iraq War, and a recipient of the Navy Corps Individual Commendation Medal.

**Blair M. Dickhoner** is a shareholder at WBA. Mr. Dickhoner's practice focuses on local government law where he represents clients in the areas of special districts, public infrastructure finance, and real estate development. He assists developers and property owners with the organization of special districts and provides ongoing general counsel services following their organization. Mr. Dickhoner received his Juris Doctorate from the Columbus School of Law at the Catholic University of America in Washington, D.C. where he was an editor for the CommLaw Conspectus and a member of the Environmental Law Moot Court Team. During law school Mr. Dickhoner worked for the U.S. Department of Justice and the National Association of Home Builders. He also obtained a Master's Degree in Urban and Regional Planning from the University of Colorado, Denver. He received his Bachelor of Arts degree in Zoology from Miami University in Oxford, Ohio.

**George M. Rowley** is a shareholder at WBA. He has over 20 years of special district experience and has been instrumental in assisting districts with a wide range of legal issues. Mr. Rowley represents clients in special district matters including bond issuances, elections, revenue sharing arrangements, intergovernmental agreements, multi-district structures, construction

bidding and contracting, compliance with TABOR, cost recovery agreements, easements and right-of-way acquisition agreements and legislative matters. He has organized and represented special districts for commercial and residential projects. Additionally, he has worked with a significant number of governing jurisdictions in Colorado and has participated in the creation of cutting-edge approaches to structuring special taxing districts and special taxing district financing. Mr. Rowley earned both his Juris Doctorate, cum laude, and his Bachelor of Arts in History from Brigham Young University. While a student at the J. Reuben Clark School of Law, he was Associate Editor of the Brigham Young University Journal of Public Law and a member of the J. Reuben Clark Law Society.

**Kristen D. Bear** is of counsel at WBA. She has practiced exclusively in local government law and finance for over 20 years and has organized and represented special taxing districts for some of Colorado's premier commercial and residential projects, including The Streets at SouthGlenn, Belmar, and Denver West. Ms. Bear has extensive experience working with commercial and residential developers at the forefront of the Colorado development community, as well as governmental officials throughout the State of Colorado. She has been involved in the development and creation of cutting edge methods in structuring public financing, including the use of Urban Renewal Authorities and Public Improvement Companies. Ms. Bear earned her Juris Doctorate from the University of Denver, College of Law and a Bachelor of Science from Southern Methodist University, emphasizing business management and finance. Prior to her experience in local government law, Ms. Bear served as a law clerk on the Colorado Supreme Court for the Honorable Chief Justice Luis D. Rovira.

**K. Sean Allen** is of counsel at WBA with over 20 years of representing special taxing districts. He serves as general counsel to special taxing districts throughout the Denver and Colorado Springs metropolitan areas in their pre-development and development phases, and throughout the balance of their post development lifecycle. His practice focuses on special taxing district formation, elections, bond issues, public improvement financing, contracting, construction, as well as district operation, maintenance and administration. Mr. Allen earned his Juris Doctorate from the University of Denver College Of Law, and a Bachelor of Applied Arts in Economics from the University of Colorado.

**Trisha K. Harris** is of counsel at WBA. Her practice focuses on representing metropolitan districts as general counsel, as well as representing the firm's community association clients. Ms. Harris also draws upon her many years of experience representing community associations to assist developer clients with drafting covenants and governing documents for new communities. Ms. Harris brings to the firm almost two decades of experience in representing homeowners' associations in the State of Colorado, as well as her experience with metropolitan districts and development matters. She has taught numerous classes and seminars concerning myriad legal topics related to homeowners' associations. She earned her Juris Doctorate from the University of Colorado School Of Law and a Bachelor of Science degree in Marketing from Colorado State University.

**Zachary P. White** is of counsel at WBA. He advises clients concerning the formation, use and ongoing operations of special taxing districts, other special-purpose public entities, and intergovernmental authorities. His practice focuses on metropolitan districts, business improvement districts, water districts, and park and recreation districts. Mr. White has

represented numerous residential, commercial, and mixed-use developments from early planning stages through buildout. Mr. White received his Juris Doctorate at Phoenix School of Law where he received a merit scholarship for academic achievement, served as a member of the Pro Bono Committee, participated in the J. Reuben Clark Law Society and graduated with a special recognition for pro bono legal service. He is licensed to practice law in Colorado and Arizona.

**Heather L. Hartung** is of counsel at WBA. Her practice focuses on the representation of special districts and homeowners' associations throughout Colorado as general counsel. Ms. Hartung's legal career spans over 20 years and, prior to joining WBA in 2016, she practiced in the areas of community association law and real estate law. She regularly teaches classes relating to both special districts and homeowners' associations. Ms. Hartung earned a Bachelor of Arts degree in Political Science from Miami of Ohio in 1994 and her Juris Doctorate from the University of Montana, School of Law in 2003.

**Megan J. Murphy** is of counsel at WBA. She primarily represents land developers and metropolitan districts from formation through build out and beyond. Prior to joining WBA, Ms. Murphy advised clients on all aspects of real estate including title and survey matters, acquisitions, dispositions, foreclosures, quiet title actions, easements, and real estate financing. She earned her Juris Doctorate from St. Louis University School of Law and her Bachelor of Arts degree from Colorado State University.

**Eve M. G. Velasco** is an attorney at WBA. She specializes in the representation of special districts from organization, through buildout and ongoing operations. Prior to joining WBA, she practiced real estate law, representing financial institutions in matters such as quiet title actions, common interest ownership association issues, regulatory compliance, and foreclosures. Ms. Velasco received her Juris Doctorate from the College of William & Mary School of Law, earning the Order of the Coif and the National Association of Women Lawyers Award. She holds a Bachelor of Arts with honors in International Affairs from the University of Colorado at Boulder.

**Audrey G. Johnson** is an attorney at WBA. Her practice focuses on local government law in Colorado. She brings to her practice prior experience in the areas of land use, corporate, and commercial law. Additionally, Ms. Johnson previously served as a law clerk for the Colorado Municipal League, where she advised city and town officials on matters related to municipal governance, and as a legal intern at the Colorado Supreme Court for the Honorable Justice Gregory Hobbs, Jr. Ms. Johnson received her Juris Doctorate from the University of Denver, Sturm College of Law. She holds an M.B.A. from the University of Denver, Daniels College of Business and a Bachelor of Arts in History and Political Science from the University of San Diego.

**Carey S. Smith** is an attorney at WBA. His practice focuses on the representation of special districts, metropolitan districts, and developers. He provides transactional support on matters including district formation, public infrastructure finance, district elections, and ongoing district operations. His prior work experience includes water rights acquisition and defense, business formation, and taxation. Mr. Smith received his Juris Doctorate from Vermont Law School a Bachelor's of Arts degree in Environmental Studies from the University of Colorado Boulder.

**Erin K. Stutz** is an attorney at WBA. Her practice focuses on the representation of special districts, metropolitan districts, and developers. She brings to her practice experience in corporate, commercial, and trademark law. Prior to joining WBA, Ms. Stutz spent four and a half years working as a legal research attorney and law clerk at the 18th Judicial District of Colorado. Ms. Stutz received her Juris Doctorate from the University of Denver, Sturm College of Law and a Bachelor of Science in Business Administration from the University of Colorado.

**Jon L. Wagner** is an attorney at WBA. His practice focuses on the representation of special districts and homeowners' associations. Prior to joining WBA, Mr. Wagner practiced collections law, representing lenders in litigation involving debt recovery and creditor rights. Mr. Wagner received his Juris Doctorate from the University of Denver, Sturm College of Law. He holds a Bachelor of Arts in Political Science from the University of Colorado.

**Nelson G. Dunford** is an attorney at WBA. His practice at WBA focuses on the representation of special districts, metropolitan districts, and developers. Before joining WBA, Nelson represented special districts as outside general counsel and spent several years as a Colorado prosecutor. Mr. Dunford received his Juris Doctorate from the Case Western Reserve University School of Law and holds a B.A. in English from Brigham Young University.

**Ruth O. Borne** is an attorney at WBA. She specializes in the representation of local governments and homeowner associations. Prior to joining WBA, she practiced land use and real estate law for fifteen years, representing developers, local government and homeowners in matters such as entitlements, annexations, common interest ownership association issues, development agreements and subdivision improvement agreements. Ms. Borne received her Juris Doctorate from Stetson College of Law and is admitted to practice law in Florida and Colorado. She holds a Bachelor of Science degree in Energy Resource Management and certified in Petroleum Land Management & Finance from Daniels College of Business, University of Denver.



# Proposal for Roxborough Village Metropolitan District

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General Counsel Legal Services





**COLLINS | COLE  
FLYNN | WINN | ULMER**

July 27, 2022

**Via Email to [anna.jones@claconnect.com](mailto:anna.jones@claconnect.com)**

Board of Directors  
Roxborough Village Metropolitan District  
8390 East Crescent Parkway, Suite 300  
Greenwood Village, CO 80111

Re: General Counsel Legal Services

Dear Board Members:

I am pleased to submit this proposal on behalf of Collins Cole Flynn Winn & Ulmer, PLLC (“CCFWU”), a professional limited liability company, to provide general counsel legal services to the Roxborough Village Metropolitan District. Enclosed you will find information about the people and practices that make up CCFWU.

Your primary contacts at CCFWU would consist of Partner Timothy J. Flynn and paralegal Crystal Schott. Our Firm serves as general counsel to various types and sizes of special districts throughout Colorado, including many metropolitan districts.

We can attend your Board meetings, however, our attendance at any meeting is driven by your needs and is not something we require.

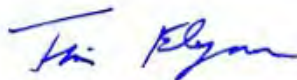
We regularly assist clients with Open Meetings and Open Records issues, elections, contract review and negotiations, preparation of Board Resolutions, inclusions/exclusions, and statutory compliance matters, such as filing annual budgets, boundary maps, and transparency notices.

We currently do not have any knowledge of conflicts with any individual, the District or any consulting firm the District contracts with.

If you select us to serve as general counsel to the District, we are available to start work immediately.

Thank you for your consideration, and please do not hesitate to contact me if you have any questions.

Sincerely,



Timothy J. Flynn

# Why Collins Cole Flynn Winn & Ulmer



## Responsiveness

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With 5 attorneys and 2 paralegals, we have the capacity and time to provide the services outlined in your RFP. We only take on new clients when we are certain that our staffing and workload will allow us to provide high-quality, responsive legal services at a reasonable cost to both the prospective client and our existing clients.



## Leaders in Colorado Local Government Law

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We think we live in the best state in America. We strive to make Colorado a place we all want to live, work, and play. We are active with the Special District Association (SDA) and State Legislature, lecture frequently on areas of specific interest to Colorado local governments, and annually prepare the Special District Board Member Manual and present the SDA Board Member Workshops.



## Economy & Value for Money

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We represent over 250 local governments in Colorado, of all sizes and types. This allows us to provide efficient and cost-effective legal services, tailored to fit your needs. Our goal is to provide economical and efficient legal services. We have numerous templates available for your use, including various Resolutions and Board Bylaws. In addition, all of our clients receive quarterly Legal Updates, via email, at no charge. These cover topics of interest, such as pertinent legislative bills, elections matters, personnel issues, statutory requirements and deadlines, and common legal questions.



## Competence, Focus and Experience

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Representing local governments is what we do. By specializing in Colorado local government law, we are not distracted by the requirements of attempting to be many things to many different types of clients. We've pretty much seen it all, and we emphasize a transactional practice focused on avoiding litigation. We represent local governments of all shapes, sizes and needs. We understand that no two communities or clients are identical – both in cultural and legal needs – and our level of involvement is determined by you and tailored to your unique needs. We can attend every Board meeting, file all statutory compliance filings, and run your elections – but only if you need us to. If you only need us to answer one or two questions a year, we're here for that as well. Regardless of our level of interaction, each client is a valuable member of the CC&C family and receives the same level of quality legal services.



## Intergovernmental Relationships

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We serve as general counsel to many park and recreation, metropolitan, water, sanitation, and fire districts, authorities and municipalities and have drafted hundreds of intergovernmental agreements.



## Straightforward Billing

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Our billing structure is comprehensive and straightforward. We believe you should pay for only the work you need. We do not bill for extraneous items, such as copies, secretarial time, mileage, postage, or phone costs. We bill for only half of our travel time to meetings at current billing rates.

# Tim Flynn - Shareholder

Tim Flynn has been practicing law since 1980. He represents a variety of local governments, including special districts (especially water and sanitation districts), authorities, and municipalities. Tim has a broad background in real property and general litigation.

He is a graduate of Claremont McKenna College and University of Utah College of Law. Tim continues his practice in representation of local governments, general litigation, probate administration, and wills & trusts



Tim has served on many public and private community organizations, including serving for 12 years as the Citizen Representative and District Representative on the Citizens Advisory Committee to the Denver Board of Water Commissioners, which is a 10-member volunteer committee that advises Denver Water staff and the Board of Water Commissioners on a variety of issues.

Tim also served as a board member of the South Suburban Park and Recreation District, which gives him perspective from a board member's position.

Tim has conducted many presentations for the Special District Association at Annual Conferences and the Spring Workshops, and has presented several lectures for Lorman Education Services for attorney continuing education.

## Hourly Rates

We are committed to keeping legal expenses as low as possible and we only charge for costs that are standard and customary. The hourly rates listed below are uniform for all legal services and the fees also encompass ordinary costs for providing such legal services.

Partner	\$390 - \$475
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Of Counsel	\$300 - \$450
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Associate	\$235 - \$300
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Paralegal	\$220 - \$250
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Paralegal Assistant	\$120 - \$150
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\*Tim Flynn's rate is \$410/hour  
Crystal Schott's rate is \$220/hour

## **Client References**

### **William "Bill" Steigers, President**

Polo Reserve Metropolitan District

Email: [wdsteigers@outlook.com](mailto:wdsteigers@outlook.com)

Work (303) 500-3113

Cell (303) 881-2618

### **Sam Calkins, General Manager**

Centennial Water and Sanitation District

Email: [scalkins@cwsdhrmd.org](mailto:scalkins@cwsdhrmd.org)

Office: 303-791-2185 Ext 3438

Cell: 805-540-8129

### **Charles Kurtz, President**

Country Homes Metropolitan District

Email: [brownlbr@msn.com](mailto:brownlbr@msn.com)