



TOWN OF PAONIA
THURSDAY, MAY 02, 2024
SPECIAL TOWN BOARD MEETING AGENDA 5:30 PM
[HTTPS://US02WEB.ZOOM.US/J/82432899818](https://us02web.zoom.us/j/82432899818)
MEETING ID: 824 3289 9818

Roll Call

Approval of Agenda

Actions & Presentations

[Consideration](#) and Selection of Town Attorney RFP's for Interviews

Adjournment

AS ADOPTED BY:
TOWN OF PAONIA, COLORADO
RESOLUTION NO. 2017-10 – Amended May 22, 2018

I. RULES OF PROCEDURE

Section 1. Schedule of Meetings. Regular Board of Trustees meetings shall be held on the second and fourth Tuesdays of each month, except on legal holidays, or as re-scheduled or amended and posted on the agenda prior to the scheduled meeting.

Section 2. Officiating Officer. The meetings of the Board of Trustees shall be conducted by the Mayor or, in the Mayor's absence, the Mayor Pro-Tem. The Town Clerk or a designee of the Board shall record the minutes of the meetings.

Section 3. Time of Meetings. Regular meetings of the Board of Trustees shall begin at 6:30 p.m. or as scheduled and posted on the agenda. Board Members shall be called to order by the Mayor. The meetings shall open with the presiding officer leading the Board in the Pledge of Allegiance. The Town Clerk shall then proceed to call the roll, note the absences and announce whether a quorum is present. Regular Meetings are scheduled for three hours, and shall be adjourned at 9:30 p.m., unless a majority of the Board votes in the affirmative to extend the meeting, by a specific amount of time.

Section 4. Schedule of Business. If a quorum is present, the Board of Trustees shall proceed with the business before it, which shall be conducted in the following manner. Note that all provided times are estimated:

- (a) Roll Call - (5 minutes)
- (b) Approval of Agenda - (5 minutes)
- (c) Announcements (5 minutes)
- (d) Recognition of Visitors and Guests (10 minutes)
- (e) Consent Agenda including Approval of Prior Meeting Minutes (10 minutes)
- (f) Mayor's Report (10 minutes)
- (g) Staff Reports: (15 minutes)
 - (1) Town Administrator's Report
 - (2) Public Works Reports
 - (3) Police Report
 - (4) Treasurer Report
- (h) Unfinished Business (45 minutes)
- (i) New Business (45 minutes)
- (j) Disbursements (15 minutes)
- (k) Committee Reports (15 minutes)
- (l) Adjournment

* This schedule of business is subject to change and amendment.

Section 5. Priority and Order of Business. Questions relative to the priority of business and order shall be decided by the Mayor without debate, subject in all cases to an appeal to the Board of Trustees.

Section 6. Conduct of Board Members. Town Board Members shall treat other Board Members and the public in a civil and polite manner and shall comply with the Standards of Conduct for Elected Officials of the Town. Board Members shall address Town Staff and the Mayor by his/her title, other Board Members by the title of Trustee or the appropriate honorific (i.e.: Mr., Mrs. or Ms.), and members of the public by the appropriate honorific. Subject to the Mayor's discretion, Board Members shall be limited to speaking two times when debating an item on the agenda. Making a motion, asking a question or making a suggestion are not counted as speaking in a debate.

Section 7. Presentations to the Board. Items on the agenda presented by individuals, businesses or other organizations shall be given up to 5 minutes to make a presentation. On certain issues, presenters may be given more time, as determined by the Mayor and Town Staff. After the presentation, Trustees shall be given the opportunity to ask questions.

Section 8. Public Comment. After discussion of an agenda item by the Board of Trustees has concluded, the Mayor shall open the floor for comment from members of the public, who shall be allowed the opportunity to comment or ask questions on the agenda item. Each member of the public wishing to address the Town Board shall be recognized by the presiding officer before speaking. Members of the public shall speak from the podium, stating their name, the address of their residence and any group they are representing prior to making comment or asking a question. Comments shall be directed to the Mayor or presiding officer, not to an individual Trustee or Town employee. Comments or questions should be confined to the agenda item or issue(s) under discussion. The speaker should offer factual information and refrain from obscene language and personal attacks.

Section 9. Unacceptable Behavior. Disruptive behavior shall result in expulsion from the meeting.

Section 10. Posting of Rules of Procedure for Paonia Board of Trustees Meetings. These rules of procedure shall be provided in the Town Hall meeting room for each Board of Trustees meeting so that all attendees know how the meeting will be conducted.

II. CONSENT AGENDA

Section 1. Use of Consent Agenda. The Mayor, working with Town Staff, shall place items on the Consent Agenda. By using a Consent Agenda, the Board has consented to the consideration of certain items as a group under one motion. Should a Consent Agenda be used at a meeting, an appropriate amount of discussion time will be allowed to review any item upon request.

Section 2. General Guidelines. Items for consent are those which usually do not require discussion or explanation prior to action by the Board, are non-controversial and/or similar in content, or are those items which have already been discussed or explained and do not require further discussion or explanation. Such agenda items may include ministerial tasks such as, but not limited to, approval of previous meeting minutes, approval of staff reports, addressing routine correspondence, approval of liquor licenses renewals and approval or extension of other Town licenses. Minor changes in the minutes such as non-material Scribner errors may be made without removing the minutes from the Consent Agenda. Should any Trustee feel there is a material error in the minutes, they should request the minutes be removed from the Consent Agenda for Board discussion.

Section 3. Removal of Item from Consent Agenda. One or more items may be removed from the Consent Agenda by a timely request of any Trustee. A request is timely if made prior to the vote on the Consent Agenda. The request does not require a second or a vote by the Board. An item removed from the Consent Agenda will then be discussed and acted on separately either immediately following the consideration of the Consent Agenda or placed later on the agenda, at the discretion of the Board.

III. EXECUTIVE SESSION

Section 1. An executive session may only be called at a regular or special Board meeting where official action may be taken by the Board, not at a work session of the Board. To convene an executive session, the Board shall announce to the public in the open meeting the topic to be discussed in the executive session, including specific citation to the statute authorizing the Board to meet in an executive session and identifying the particular matter to be discussed “in as much detail as possible without compromising the purpose for which the executive session is authorized.” In the event the Board plans to discuss more than one of the authorized topics in the executive session, each should be announced, cited and described. Following the announcement of the intent to convene an executive session, a motion must then be made and seconded. In order to go into executive session, there must be the affirmative vote of two thirds (2/3) of Members of the Board.

Section 2. During executive session, minutes or notes of the deliberations should not be taken. Since meeting minutes are subject to inspection under the Colorado Open Records Act, the keeping of minutes would defeat the private nature of executive session. In addition, the deliberations carried out during executive session should not be discussed outside of that session or with individuals not participating in the session. The contents of an executive session are to remain confidential unless a majority of the Trustees vote to disclose the contents of the executive session.

Section 3. Once the deliberations have taken place in executive session, the Board should reconvene in regular session to take any formal action decided upon during the executive session. If you have questions regarding the wording of the motion or whether any other information should be disclosed on the record, it is essential for you to consult with the Town Attorney on these matters.

IV. SUBJECT TO AMENDMENT

Section 1. Deviations. The Board may deviate from the procedures set forth in this Resolution, if, in its sole discretion, such deviation is necessary under the circumstances.

Section 2. Amendment. The Board may amend these Rules of Procedures Policy from time to time.

RESPONSE BY LISA VOORHIS LAW, LLC
TO
TOWN OF PAONIA REQUEST
FOR PROPOSAL
TOWN ATTORNEY
RFP 2024-03

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COVER LETTER

(See Next Two Pages)

Lisa Lett Voorhis*
LISA VOORHIS LAW llc
2536 Rimrock Ave., Ste. 400-575
Grand Junction, CO 81505
970-200-9970
lisa@lisavorhislaw.com
*Licensed in CO, NM, OK, MO, DC, CA, IL, MD and TN

Town of Paonia
Paonia, CO 81003

Re: **Response By Lisa Voorhis Law llc to Town of Paonia Request For Proposal
2024-03 Town Attorney**

Dear Town of Paonia:

This letter is the Submittal Summary of Lisa Voorhis Law, llc in response to the Request For Proposal identified above.

I am the owner and principal of Lisa Voorhis Law llc, a solo practice law firm.

I understand your are looking for a Town Attorney as defined in your RFP.

I have a wide breadth of experience as an attorney and am confident that I would provide you with high quality work. I enjoy working with internal clients and helping them achieve their business goals.

I am a highly detailed attorney with significant experience in drafting of language in legal documents. Writing is one of my strengths. Working with people is another.

My firm name, address, phone number and contact person are as stated in the above letterhead.

Lisa Voorhis Law llc was formed in 2012.

I am the person who is authorized to make representations on behalf of Lisa Voorhis Law, llc.

I am authorized to contractually bind Lisa Voorhis Law llc with respect to all contracts with the Town of Paonia.

Sincerely yours,

/s/ Lisa Lett Voorhis, Esq.

Lisa Lett Voorhis, Esq.

RESPONSE TO PROPOSAL REQUIREMENTS

Because I am the owner of a solo law practice, I would be your go-to person to get all work done properly and in a timely manner. There would be no handing-off of tasks to others and I would be accountable for the work product to assure that the Town of Paonia is satisfied that goals have been met.

I have worked in various organizations throughout my career as a lawyer and know how to get the job done properly and efficiently.

My approach is to listen first, suggest options to achieve the stated goal, and then do the work to get the goal accomplished.

I would manage the tasks by first sitting down with the internal client or clients and prioritizing the work. Once I have an understanding of priorities and the issues, I would proceed to get the work done. To the extent priorities change, I am open to change my schedule as needed.

I have current malpractice insurance in the amount of \$100,000/\$300,000 which I can verify with a certificate of insurance should you proceed with Lisa Voorhis Law. Likewise, I can provide references should you decide to proceed.

I am not aware of any conflicts of interest.

I am available for in-person or remote attendance, at the option of the Town of Paonia.

QUALIFICATIONS

Lisa Voorhis Law, llc is a business owned an operated by Lisa Lett Voorhis, Esq. in Grand Junction, Colorado.

I have been licensed to practice law in Colorado since 1996. I am also licensed to practice law in eight other states and have a diverse and well-rounded background, much of which has been as in-house counsel for businesses of various types. I don't believe I have a Martindale-Hubbell rating which I think is due to my relatively recent return to Colorado in early 2023.

During my time in Chicago, Illinois, I worked for a law firm whose entire client base was municipalities.

I was Assistant General Counsel for Xcel Energy Inc. in Denver for eleven years. While there, I was the Transactional Practice Area Leader and responsible for several large litigation matters. I was also responsible for the land rights issues of the company, real property matters and other areas which required a significant amount of time interfacing with municipalities given the fact that Xcel Energy as a large utility has facilities and customers in a large geographic area throughout the State of Colorado.

Although I have not represented municipalities during the last five years of my practice, I have represented clients with respect to issues as to which municipalities and governmental entities were directly involved, including the following within the last year: Short-term rental regulations impacting client in a Colorado mountain county; Mobile home building department regulations impacting a disabled client. I also do work involving home owner's associations and am very familiar with the Colorado statute on that topic.

COST PROPOSAL

The hourly rate for Lisa Voorhis, Esq. is \$250. There would be no billings to the Town of Paonia for any additional timekeepers, and no additional billings for equipment, supplies, overhead or other expenses except mileage for travel to and from Paonia at IRS rate for purpose of on-site meetings.



Joseph Rivera

April 30, 2024

Original sent via electronic mail to: StefenW@TownofPaonia.com

Stefen Wynn, Town Administrator
Town of Paonia
214 Grand Avenue
Paonia, CO 81428

Re: Response to Request for Proposals: Town Attorney Services

Dear Mr. Wynn:

On behalf of Murray Dahl Beery & Renaud, LLP (Firm), I am pleased to respond to your Request for Proposals for Town Attorney Services. Our Firm is uniquely qualified and fully capable of serving as the Town Attorney for the Town of Paonia (“Town”).

As a Firm, we leverage our cumulative knowledge and experience to provide timely, accurate, cost-effective, and ethical legal opinions to the Town.

Our Firm proposes that I, Joseph Rivera, serve as the lead attorney for the Town and that Nicholas Klein serve as the designated back-up.

The Firm has structured its proposal in the following way:

Attachment 1 provides our Firm’s responses to the Town's specific information requests;

Attachment 2 contains the résumés for each Firm attorney; and

Attachment 3 conveys the Firm’s cost schedule.

Thank you very much for your consideration of this proposal. Please do not hesitate to contact me with any questions you may have. I would appreciate the opportunity to meet with you to discuss this proposal further.

Sincerely,

MURRAY DAHL BEERY & RENAUD LLP

Joseph Rivera, Special Counsel

JMR/cw
Attachments as stated above

cc w/Attachments: Paonia@TownofPaonia.com



**RESPONSE OF MURRAY DAHL BEERY &
RENAUD LLP TO THE MARCH 29, 2024
REQUEST FOR PROPOSALS FROM THE
TOWN OF PAONIA, COLORADO**

ATTACHMENT 1

**MDBR'S RESPONSE TO REQUEST FOR PROPOSALS (RFP)
TO THE TOWN OF PAONIA**

SPECIFIC INFORMATION REQUESTS



SPECIFIC INFORMATION REQUESTS

- 1. **Describe your and/or your firm’s experience with municipal law generally and specifically speak to your experience regarding municipal elections, municipal land use regulations, real property matters, zoning law, constitutional issues (state and federal) affecting municipalities, municipal finance, complex litigation, appellate practice, and any other areas you believe are relevant to the Town’s decision.**

Murray Dahl Beery & Renaud LLP (“MDBR” or the “Firm”) is a local government and litigation firm with offices in Lakewood. We are committed to the practice of municipal law and have extensive demonstrated experience in providing statutory and home rule municipalities with a wide variety of legal services. The Firm has considerable expertise serving as municipal general counsel and assisting its municipal clients to successfully navigate through day-to-day business and the many issues unique to municipalities, such as Colorado Open Records Act requests, conducting meetings in accordance with the Colorado Open Meetings Law, development and application of local zoning law, business licensing, the coordination of elections, drafting resolutions and ordinances, navigation of constitutional questions and municipal prosecution.

The five attorneys at the Firm have a cumulative total of over 100 years of municipal legal experience and currently serve as town or city attorney for seven Colorado municipalities. MDBR also serves as special counsel to numerous municipalities, counties and special districts on both sides of the Continental Divide on a broad variety of issues, including condemnation, litigation, real property, local governmental tax, and land use matters.

Each of the senior attorneys of the Firm have performed nearly every legal service related to the successful functioning of a local government, and we have a team approach that takes advantage of particular areas of expertise. The Firm regularly consults and works hand-in-hand with clerks, planning and zoning officials, and other municipal staff members. The Firm considers itself a part of its clients’ day-to-day operations and is readily available to assist with any issue staff may encounter.

Below are brief bios of each attorney who would be providing services to the Town. Their respective résumés are provided in **Attachment 2**.

Joseph Rivera

Since 2007, Mr. Rivera’s practice has been almost exclusively devoted to the representation of Colorado municipalities and other local governmental entities. Mr. Rivera’s practice focuses on general municipal representation and real estate litigation. Mr. Rivera’s local government practice extends over a broad range of municipal legal services, including general counsel to municipal administrators and governing bodies, counsel of planning commissions, the prosecution of municipal code violations, and advising liquor licensing authorities. Mr. Rivera currently serves as the Assistant City Attorney for the City of Wheat Ridge and Assistant Town Attorney for the Town of Georgetown. Mr. Rivera formerly served as the Town Attorney for the Town of Monument and the Town of Morrison.

Mr. Rivera also has an active and varied litigation practice and has acted as special counsel for several Colorado cities and towns concerning various land use and litigation matters. He has also represented several Colorado municipalities and other governmental entities in condemnation and quiet title actions, land use matters, and employment matters.

Gerald Dahl

Mr. Dahl was admitted to the Colorado bar in 1976 and is a founding partner of the Firm. He has been a city and town attorney for his entire career representing both statutory and home rule municipalities on election matters, drafting numerous ballot questions and TABOR notices, and handling recall elections, special elections, and election contests. Mr. Dahl also regularly writes and lectures on local government land use, annexation, and public officials’ duties and responsibilities. Mr. Dahl is the City Attorney for the City of Wheat Ridge and the town attorney for the Towns of Georgetown, Poncha Springs and Mt. Crested Butte.

Carmen Beery

Since her admission to the Colorado bar in 2000, Ms. Beery has provided direct advice to municipal staff and officials, planning commissions, licensing authorities, and boards of adjustment on the multitude of issues that arise in local government operations, such as Open Records Act requests, Sunshine Law issues, the review of proposed contracts, easements, ordinances and resolutions. Additionally, Ms. Beery has drafted and provided guidance related to licensing rules and regulations, contracts, intergovernmental agreements, and policies for the Firm’s governmental clients. She will contribute to the District’s success by offering expertise and experience in election, land use, TABOR and taxation, and statutory compliance matters. Ms. Beery is the city attorney for the Cities of Idaho Springs and Edgewater.

Thad Renaud

Mr. Renaud is a founding partner of the Firm and was admitted to the Colorado bar in 1993. He has practiced in the areas of local government, land use and real estate law. He has been the Town Attorney for the Town of Frisco since 2004 and served as the City Attorney for the City of Edgewater from 2008 to 2023. He has acted as special counsel for several Colorado cities and towns in various land use and litigation matters. Mr. Renaud has written and lectured on topics as varied as the regulation of speech in public forums; the law of subdivisions in Colorado; and the use of local code provisions to promote affordable housing.

Nicholas Klein

Mr. Klein is an Associate attorney with the Firm who was admitted to the Colorado Bar in 2022. His experience includes advising the Firm’s clients in the areas of municipal election law, liquor licensing, land use law and litigation, code enforcement, business licensing, and drafting of a wide variety of ordinances and agreements. He serves as the municipal prosecutor for the Towns of Frisco, Hayden, Mt. Crested Butte and City of Leadville. He is the Deputy City Attorney for the Cities of Edgewater and Idaho Springs.

2. Provide a list of other municipal clients with whom you and/or your firm have worked in the past five years.

Joseph Rivera:

Town of Monument: Town Attorney December 2018 to September 2020; Interim Town Attorney from August 2021 to November 2022

Town of Mt. Crested Butte: Special Counsel 2021 to present

Town of Trinidad: Special Counsel 2022 to present

Thad Renaud:

Town of Frisco: Town Attorney from 2004 to present

Beaver Creek Resort: 1997 to present

Gerald Dahl:

City of Wheat Ridge: City Attorney 1995 to present

Town of Georgetown: Town Attorney 2012 to present

Town of Poncha Springs: Town Attorney 2016 to present

Town of Mt. Crested Butte: Town Attorney 2023 to present

Carmen Beery:

City of Edgewater: City Attorney 2023 to present; Deputy City Attorney 2008 to 2023

City of Idaho Springs: City Attorney 2006 to present

Town of Hayden: Special Counsel 2008 to present

Nicholas Klein:

Town of Frisco: Prosecuting Attorney 2022 to present

Town of Hayden: Prosecuting Attorney 2023 to present

City of Leadville: Prosecuting Attorney 2023 to present

3. Describe any knowledge or experience that makes you and/or your firm particularly qualified for the position.

All of the attorneys associated with MDBR are municipal law specialists. The Firm’s attorneys understand that legal issues facing its clients are dynamic and unique to each client. The Firm prides itself on its outstanding professionalism, identification of its clients’ needs, as well as achieving effective results and utilizing creativity for our clients. Our attorneys have the advantage of having addressed similar issues in a variety of other jurisdictions. When working with MDBR, the client receives comprehensive legal advice that is cost-effective, functional and responsive to the client’s needs. Providing personalized, effective counsel to a client means combining expertise in the law and originality in problem-solving.

The Firm provides a particular advantage to our municipal clients by having an in-house litigation team. When a client is faced with litigation for which legal services are not provided by an insurance carrier, we are able to provide litigation services without the need to search for and secure an agreement with an additional attorney or firm. Joseph Rivera typically provides lead litigator services to our municipal clients who are in need of those services. Mr. Rivera’s specialty is representing municipal, special district and private clients in condemnation, land use, and real property litigation, including hearings, trials and appeals.

4. The Town is soliciting talent and expertise first and foremost. While cost to the Town is important, the selection will not be based solely on cost. Please detail and explain your and/or your firm’s required fees to perform the requested services.

The Firm would provide all legal services required by the Town at the hourly rates indicated below. When in-person attendance is required, the Firm will charge 50% of its hourly rate during travel time.

<u>Attorney</u>	<u>Hourly Rate</u>
Joseph Rivera	\$ 240.00
Thad Renaud	\$ 240.00
Gerald E. Dahl	\$ 240.00
Carmen Beery	\$ 240.00
Nicholas Klein	\$ 175.00
Paralegals	\$ 115.00

5. Provide your Martindale-Hubbell rating and a biography.

MDBR does not have a profile on Martindale-Hubbell.

6. Please provide a list of all attorneys in the firm who might provide services under this proposal and list any disciplinary proceedings against them.

Please see the Firm’s response to No. 1 above and résumés for each attorney in **Attachment 2**. The Firm’s attorneys have never been the subject of any disciplinary proceedings in any jurisdiction.

7. Please disclose any potential conflicts of interest.

The Firm does not have any actual or known potential conflicts of interest that would inhibit its service to the Town.

8. Please provide a minimum of three client references.

1. Town of Georgetown

Contact Information:
Rick Keuroglan, Town Administrator
Town of Georgetown
404 6th Street
Georgetown, CO 80444
(303) 569-2555 ext. 3

2. City of Trinidad

Contact Information:
Jared Chatterly, Director – Office of Outdoor Recreation
City of Trinidad
135 N. Animas Street
Trinidad, CO 81082
(719) 680-4078

3. Town of Monument

Contact Information:
Don Wilson, former Mayor of Monument
(720) 849-8854

9. If you propose to bill for services at an hourly rate or a monthly fee, provide the current hourly/monthly rate for each lawyer and for each employee of your firm who may work on Town matters. State specifically whether you will work on a fixed fee basis and, if so, how you propose that such a fee be determined. State specifically that if you are the successful candidate and if your fee will be based on hourly rates that you will not increase for Town matters before January 1, 2026.

As set forth in No. 4 above, legal services would be performed at the identified hourly rates. Detailed billing entries are provided by the Firm’s attorneys which allow our clients to check the status of pending projects and requests. MDBR would agree that such fees would not be raised prior to January 1, 2026.

MDBR charges standard amounts for copying, postage, mileage, and delivery services, as set forth in more detail in the Schedule of Costs provided herein as **Attachment 3**.

10. Please provide the name of your professional liability insurance carrier and the limits of your professional liability insurance.

The Firm's professional liability insurance, general commercial liability insurance, and property/casualty insurance is with ALPS, P.O. Box 9169, Missoula, MT 59807-9169. Our policy limit is Two Million Dollars (\$2,000,000.00).

11. Describe the support services you would receive from your firm if selected.

If selected to serve as the Town's Attorney, the Firm will rely on the assistance of its two full-time paralegals.

12. Specify availability and preferences for in-person or remote attendance.

Mr. Rivera is available to attend remotely all Board of Trustee meetings in addition to Board of Adjustment and Appeals, Planning & Zoning Commission, bi-weekly staff meetings with Department Heads and other meetings as necessary. Upon request, Mr. Rivera will attend meetings in-person. Additionally, Nicholas Klein is available to handle municipal prosecution for the Town.

ATTACHMENT 2

**MDBR'S RESPONSE TO REQUEST FOR PROPOSALS (RFP)
TO THE TOWN OF PAONIA**

ATTORNEY RÉSUMÉS



Joseph Rivera, Special Counsel

Murray Dahl Beery & Renaud LLP
 710 Kipling Street, Suite 300
 Lakewood, CO 80215
 Direct dial: 303-493-6678
 Email: jrivera@mdbrlaw.com

Education

J.D. School of Law, University of Colorado, 2004
 M.S. Public Policy Research, School of Justice Studies, College of Public Programs, Arizona State University, Tempe AZ, 1998
 B.A. Political Science, University of Colorado at Boulder, 1994

Professional Experience

Mr. Rivera’s practice focuses on general municipal representation and real estate litigation. Mr. Rivera’s local government practice extends over a broad range of municipal legal services, including general counsel to municipal administrators and governing bodies, counsel of planning commissions, the prosecution of municipal code violations, and advising liquor licensing authorities. Mr. Rivera currently serves as the Assistant City Attorney for the City of Wheat Ridge and Assistant Town Attorney for the Town of Georgetown. Mr. Rivera formerly served as the Town Attorney for the Town of Monument and the Town of Morrison.

Mr. Rivera also represents governmental entities in condemnation matters, quiet title actions, and land use litigation throughout Colorado. He also advises Colorado municipalities on employment matters, police matters, land use and zoning issues, real property acquisition, and liquor licensing.

Prior to joining MDBR, Mr. Rivera served as an Assistant City Attorney for the City and County of Denver for approximately seven years. While with Denver, Mr. Rivera practiced extensively in federal court defending constitutional claims under 42 USC 1983, employment discrimination claims under Title VII, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), tort claims against the City and its employees in state court in addition to providing legal advice to human resource managers. Mr. Rivera also served as a deputy district attorney for 17th Judicial District (Adams and Broomfield Counties) for approximately three years and before that served as a Judicial Fellow to Colorado Supreme Court Justice Alex Martinez.

Before becoming an attorney, Mr. Rivera worked as campaign staff and designed and implemented public policy initiatives for elected officials at the municipal, state, and federal levels.

Bar Admissions

United States District Court of Colorado, 2007, Colorado, 2004

Professional Affiliations

Executive Council, Government Counsel and Litigation Sections, Colorado Bar Association
 Metro City Attorneys Association

Reported Cases

Forest View Co. v. Town of Monument, 18SC793
Town of Monument v. State Bd. of Land Comm’rs, 17CA1663

Speeches/Presentations

- *Urban Renewal and Eminent Domain: Challenges to Using Condemnation to Combat Blight*. CLE International, Denver, Colorado 2015.
- *Update on Condemnation Law*. Colorado Municipal League Attorney’s Conference, Colorado Springs, Colorado 2017.



Thad W. Renaud, Partner

Murray Dahl Beery & Renaud LLP
 710 Kipling Street, Suite 300
 Lakewood, CO 80215
 Direct Dial: 303-493-6676
 Email: trenaud@mdbrlaw.com

Education

J.D. with honors, University of Texas School of Law, 1993
 B.A. in Political Science with emphasis in Public Administration, University of Texas at Arlington, 1990

Professional Experience

Mr. Renaud’s practice focuses on general municipal representation of local governments. His particular specialty involves advising local governments in land use regulatory matters and representing local governments in land use litigation. He also represents private individuals and homeowners associations on a variety of land use and development issues. Mr. Renaud currently serves as the Town Attorney for the Town of Frisco and as City Attorney for the City of Edgewater. Mr. Renaud formerly served as the City Attorney for the City of Cherry Hills Village and as Assistant City Attorney for the City of Lafayette.

Mr. Renaud’s local government practice has involved a broad range of municipal legal services including general counsel to municipal administrators and governing bodies, counsel of planning commissions and boards of adjustment on land use matters, the prosecution of municipal code violations in both bench and jury trials, and advising liquor licensing authorities. Mr. Renaud’s practice addresses matters such as annexation, zoning, subdivision, economic development through public-private partnerships, real estate purchase and sale, intergovernmental agreements and subdivision improvement agreements.

Mr. Renaud also has extensive experience in the preparation of local legislation and has drafted ordinances addressing topics as varied as the comprehensive regulation of adult uses, affordable housing through inclusionary zoning, public improvement assessment districts, growth management and water conservation.

Professional Memberships and Activities

- Colorado Bar Association
- Denver Bar Association
- Colorado Municipal League
- Metro City Attorney’s Association



Gerald E. Dahl, Partner

Murray Dahl Beery & Renaud LLP
 710 Kipling Street, Suite 300
 Lakewood, CO 80215
 Direct dial: 303-493-6686
 E-mail: gdahl@mdbrlaw.com

Education

B.A., Political Science, University of Colorado, 1972
 J.D., University of Colorado, 1976

Professional Experience

Since 1976 Mr. Dahl has practiced in local government law, emphasizing land use regulation, annexation, government operations, public officials' roles and responsibilities, and governmental liability.

Mr. Dahl represents private and government interests in the planning and development of land. His practice in this field is statewide. He has authored numerous complete land use codes for municipalities and counties. He specializes in land use code diagnosis and revision to implement planning goals. He is a frequent speaker on land use and local government issues.

From 1984 to 1990, Mr. Dahl was General Counsel to the Colorado Municipal League. He represented the League in legislative matters before the Colorado General Assembly and supervised the conduct of litigation including participation by the league as amicus curiae in cases involving substantial statewide questions of municipal interest.

From 1978 to 1984, Mr. Dahl was General Counsel to the Northwest Colorado Council of Governments. This work included litigation of water and land use matters and drafting and defense of county and municipal zoning and subdivision regulations.

Representative Clients

- City of Wheat Ridge
- Town of Georgetown
- Town of Poncha Springs
- Colorado Municipal League

Professional Memberships

- Colorado Bar Association
- International Municipal Lawyers Association

Representative Publications

- Annexation in Colorado, Colorado Municipal League, 2014, 2017
- Colorado Land Planning and Development Law, Editor Donald L. Elliott, Esq., 2012
- Transferable Development Rights: Planning and Practice in Colorado, Colorado Municipalities, 2010
- Land Use Law, National Business Institute, 1998; 2000; 2003; 2008; 2012
- Boundary Law in Colorado, National Business Institute, 1991; 1992; 1996; 2002; 2003; 2007
- Negotiating and Drafting Joint Venture Agreements with Private Development Interests, National Institute of Municipal Law Officers, 1992
- The ABC's of Planning, Land Use and Zoning, Colorado Municipal League 1992; 1995



Carmen Beery, Partner

Murray Dahl Beery & Renaud LLP
 710 Kipling Street, Suite 300
 Lakewood, CO 80215
 Direct Dial: 303-493-6679
 Email: cbeery@mdbrlaw.com

Education

B.S., Communications/Theater, Manchester College (IN), 1995
 J.D., University of Colorado School of Law, 2000

Experience

Ms. Beery’s practice has focused on local government representation since her admission to the bar in 2000. She currently serves as City Attorney for the City of Idaho Springs; general counsel to the planning, zoning and licensing boards of the City of Edgewater; and special counsel to the Towns of Hayden and Snowmass Village. Additionally, she provides legal counsel to the governing bodies, staff, boards and commissions of the Firm’s other municipal clients.

Ms. Beery advises on the broad range of legal issues of particular concern to local government, such as marijuana licensing matters, taxation, planning and zoning, TABOR, public employment issues and law enforcement issues. She reviews, evaluates, provides guidance and drafts licensing rules and regulations, ordinances, resolutions, contracts, intergovernmental agreements, and policies and procedures. She has conducted training sessions for local government officials and employees on planning and zoning, police department liability, quasi-judicial decision-making, and various types of licensing. She has also represented private individuals and entities in state and local government issues.

Professional Memberships

Colorado Bar Association
 Colorado Municipal League

Sample of Presentations, Publications

- How to Survive a Recall*, CML Annual Conference, August 2020
- A Conversation on Quasi-Judicial and Ex Parte Issues*, Colorado Municipalities, Dec 2017
- Liquor Law Training for Municipal Officials (with CO Dept of Revenue)* 2014
- Working With Your (Municipal) Attorney*, Colorado Municipalities, Dec 2014
- Wheat Ridge Police Department Citizen’s Police Academy: Criminal Law*, 2011, 2009, 2008
- Edgewater Teen Court, Student-Attorney Trainer and Advisor*, 2009-2010
- Lorman Seminars: The Municipal Perspective of Plat and Subdivision Law*, 2005
- NBI Seminars: Major Land Use Laws in Colorado*, 2004; *Impact Fees in Colorado*, 2004



Nicholas Klein, Associate

Murray Dahl Beery & Renaud LLP
710 Kipling Street, Suite 300
Lakewood, CO 80215
Direct dial: 303-493-6678
Email: nklein@mdbrlaw.com

Education

J.D. J.D., University of Colorado School of Law, 2022
B.A. Florida State University, 2018

Professional Experience

Mr. Klein is an associate attorney at MDBR. He currently serves as Town Prosecutor for the Towns of Frisco, and Mt. Crested Butte and the City of Leadville. He also works on legal matters for all of our representative clients. He regularly attends meetings of the Idaho Springs planning commission and has experience attending meetings of municipal governing bodies. Prior to joining our firm, Mr. Klein interned for Judge Christine Arguello at the Colorado District Court and clerked in Xcel Energy's general counsel office.

Professional Memberships

Colorado Bar Association
Colorado Municipal League

ATTACHMENT 3

**MDBR'S RESPONSE TO REQUEST FOR PROPOSALS (RFP)
TO THE TOWN OF PAONIA**

SCHEDULE OF COSTS



SCHEDULE OF COSTS

- 1. **Long Distance Telephone Charges:** There is no charge for long distance calls.
- 2. **Faxes:** There is no charge for faxes received or for faxes sent.
- 3. **Copying and Scanning:** Document scanning and copying charges are \$.10 per page for black and white copies, and \$.50 per page for color copies made within the Firm. Copying, collating, binding, and scanning performed outside the Firm shall be charged at actual cost. The decision to use outside scanning, copying, collating and binding services shall be made on a case-by-case basis as the circumstances require.
- 4. **Deliveries:** Items delivered by commercial messenger service are billed at the actual rate charged by the service.
- 5. **Legal Research:** The charge to the Client includes the usage amount billed directly to the Firm from its on-line legal research provider in relation to the Client's case.
- 6. **Mileage:** Mileage is charged at a rate consistent with the guidelines published by the IRS.
- 7. **Postage:** Postage is charged at the current rate as set by the United States Postal Service.
- 8. **Other Costs:** Other third-party costs will be billed to clients at the same rate the Firm is billed for third-party services.



CLAYTON M. BUCHNER
ATTORNEY AT LAW, LLC
444 Lewis Street, P.O. Box 3855
Pagosa Springs, CO 81147
(970) 507-0227

TO: Town of Paonia

RE: Proposal, Town Attorney Services

Firm Information:

Clayton M. Buchner, Attorney at Law, LLC.

Attorney Number: 50996

Email and Phone: cmblawllc@gmail.com; 970-507-0227

1. Description of Experience.

I currently serve as the Town Attorney and Town Prosecutor for Aguilar, Coal Creek, Pitkin, Silverton, and Westcliffe, Colorado, and as Town Prosecutor for Pagosa Springs, Colorado. In these roles, I have extensive and present experience with every required function and duty required by the Town of Paonia. Further, as a former Municipal Judge, I have been exposed to multiple areas of municipal law and the application and enforcement of the same. My experience includes but is not limited to legal matters concerning public works, zoning/land use, parks and recreation, administrative services, public safety, water treatment facilities, franchise agreements, Town finance/budget, elections, constitutional issues, contracts, ordinances, resolutions, and parliamentary procedures.

Recently, I have written intergovernmental agreements, ballot ordinances for the recent elections; reviewed contracts for real estate for Town land purchases; written and reviewed contracts and contract amendments; drafted ordinances regarding municipal finance and zoning; argued constitutional issues in municipal court; drafted short-term rental ordinances involving private land use; and successfully prosecuted code enforcement issues.

In my private practice, I have experience in contracts and real estate law, which includes the transfer and purchase of property, as well as property law pertaining to land use conflicts.

My broad and continuing experience as a military/government attorney has taught me how to identify, research, and resolve legal matters across a wide spectrum of issues.

As Town Attorney, I will not only start with a wide base of knowledge but also the abilities and skills to research and provide legal services tailored to the needs of Paonia.

2. List of Municipal Clients.

Westcliffe, Colorado (Statutory). Currently serve as Town Attorney and Town Prosecutor.

Silverton, Colorado (Statutory). Currently serve as Town Attorney and Town Prosecutor.

Pitkin, Colorado (Statutory). Currently serve as Town Attorney and Town Prosecutor.

Pagosa Springs, Colorado (Home-Rule). Currently serve as Town Prosecutor. Previously served as Town Attorney, Special Legal Counsel, and Municipal Judge.

Coal Creek, Colorado (Statutory). Currently serve as Town Attorney and Town Prosecutor.

Aguilar, Colorado (Statutory). Currently serve as Town Attorney and Town Prosecutor.

Avon, Delta, Fairplay, Fruita, Mountain Village, New Castle. Draft ordinances, resolutions, contracts, etc... as needed for listed home-rule and statutory towns/cities as independent contractor.

I also served as Pagosa Springs’ Municipal Judge from February 2019 through February 2020. As the municipal judge, I was further exposed to the breadth of municipal issues from a different perspective. It became my duty among other things to understand and enforce the rules of the court, giving me a deeper understanding of municipal law and court procedure, which I would not have gleaned from legal practice alone. I heard traffic, criminal, animal control, land use, and many other municipal cases during my year on the bench. I only stepped down from the Municipal Judge position to pursue the position of Town Attorney and grow my private practice.

3. Other Specific Knowledge and Experience.

Prior to starting my private practice in Colorado, I served as a Department of Defense (DOD) attorney, GS-14 level. In this role, I gained experience in transportation law, regulation-based government contracts, ethics in government, and government employment and labor law issues.

My previous and continued experience as a U.S. Army Judge Advocate General (JAG) officer has trained and given me experience in matters of negotiation, litigation, leadership, interpersonal skills, and advisement to high-level officials. I am currently a Lieutenant Colonel in the U.S. Army Reserves.

I have experience with TABOR and a host of real property issues, especially as they relate to Colorado municipalities.

Although I do not have a direct history of working with Paonia, I know my current and extensive experience in similarly situated mountain communities will allow me to seamlessly transition into this role.

4. Pricing, Hourly Rates, Travel, etc...

Product	Member	Rate (U.S. Dollars)
Monthly Salary (10 hours)	Clayton M. Buchner	\$1,650.00 per month
Additional Hours	Clayton M. Buchner	\$180.00 per hour

Clayton M. Buchner, Attorney at Law, LLC is a sole practice located in Pagosa Springs, CO. Clayton M. Buchner will provide all legal services required by the RFP at the rate listed above.

My rate sheet does not include administrative costs, so please allow me to outline those. I am not requesting incidental costs for photocopying and/or postage. I would request use of Town resources for printing Town work-product and materials and sending Town correspondence if necessary. Incidental use of my firm’s printing, scanning, and mailing capabilities would be at no cost to the Town.

Charging the Town my hourly rate for travel time would be a significant expense for Paonia, as such, I am proposing a *\$800 fixed fee per roundtrip between my location in Pagosa Springs and Paonia with no mileage, stipend, or other expenses. For comparison, the \$800 fixed fee equates to \$89 per hour considering a 9-hour round-trip from my location in Pagosa Springs. I would also request hotel or other room accommodations for those occasions that require my physical presence in Paonia and do not permit daylight travel back to my home. This travel reimbursement request is of course negotiable, and I am open to proposals from Paonia and very flexible with travel arrangements and providing remote support to the Town. *On occasions when weather permits my flying into North Fork Valley Airport, the fixed fee travel cost will be significantly less, between \$400 - \$500.

Further, I am requesting to be hired as a private contractor and not as a Town employee. As such, benefits such as FICA, medical, and retirement matches, etc...are not requested or necessary and provide a cost savings to the Town. My status in the U.S. Army Reserve JAG Corps provides a retirement plan and medical benefits for me and my family.

Finally, if cost is the deciding factor in my selection versus the cost of another respondent, I respectfully request an executive session be called under C.R.S. §24-6-402(4)(e) in order to negotiate the rates quoted in this revised proposal.

5. Biography.

I do not have a Martindale-Hubbell rating, but I do have a family Husky named “Delta” after Delta County as his birthplace. For biography please see resumés attached.

6. Attorney, Good Standing.

As the sole practitioner in Clayton M. Buchner, Attorney at Law, LLC, I alone will be providing legal services to the Town. This provides for better trust and attorney-client relationship and ensures continuity and efficiency in tailoring legal services to Paonia.

I am in good standing with the Colorado State Bar, and I have no past or present disciplinary proceedings.

7. Conflicts of Interest.

I cannot think of any potential conflicts of interest with the Town.

8. Client References.

- a. Gloria Kaasch-Buerger, Silverton Town Manager. Contact: (w) 970-880-4087, gkaasch-buerger@silverton.co.us
- b. Caleb Patterson, Westcliffe Town Manager. Contact: (w) 719-783-2282 (Ext. 12) Townmanager@townofwestcliffe.com
- c. Candace Dzielak, Court Administrator, Pagosa Springs Municipal Court. Contact: (w) 970-264-4151 (Ext. 250), cdzielak@pagosasprings.co.gov

9. Billing for Services.

Please see paragraph 4. above for details. I am proposing a fixed-fee-plus-cost type contract. *I will **not** increase* any proposed flat fee, hourly rates, or travel costs before January 1, 2026.

10. Professional Liability Insurance.

ALPS, Attorneys Liability Protection Society; \$1,000,000 Limit of Liability aggregate; \$500,000 Limit of Liability per claim.

11. Attorney, Support Services.

I will provide all legal services for the Town of Paonia. I have the capacity and knowledge to efficiently and effectively represent the Town.

12. Availability.

While I prefer being in-person for all BOT Meetings, my location will prevent that from being the norm. My goal with all municipal clients is to attend meetings in-person at least once per quarter, as requested by the respective Boards. I have been very successful supporting and attending BOT Meetings remotely, and I have experience in all major platforms, including Zoom, Teams, Webex, and more.

Philosophy and Commitment

The practice of municipal law is my utmost priority, and it is my sincere intent and will be my practice to prioritize Paonia’s legal requirements. My passion is municipal law, and I guarantee an existing capability to handle and the flexibility to grow along with the Town’s requirements.

From the onset of my legal career seventeen years ago, I have been in government service. At all levels, federal to local, the purpose of government is to ensure peace, deliver justice, and promote the general welfare of its citizens. To that end, the government’s most important tool is the enactment and application of the rule of law and its most destructive action is to do so unethically. In the role of public servant, my commitment is to provide ethical, consistent, and accurate legal advice to government leaders and decision-makers when creating, interpreting, and enforcing the rule of law.

My philosophy is that of selfless service rooted in integrity and aligned with the mission, vision, and goals of Paonia as my client. I promise to treat all government employees respectfully with a priority of work given to the Town Board and Staff. My principles of quality assurance are based on integrity and duty. Integrity in that all legal services are community-centered and rooted in moral and ethical values. Duty in that all legal services will be researched and knowledge-based to provide accurate and consistent advice in order to lower risk and increase efficiency in Town decision-making processes.

Thank you in advance for your time and consideration and thank you for this opportunity. I am standing by to clarify, explain or validate any of the contents contained in this proposal.



Clayton M. Buchner, J.D.

LTC CLAYTON M. BUCHNER, J.D.
444 Lewis St., P.O. Box 3855 • Pagosa Springs, CO 81147
Phone (970) 507-0227 • Email cmblawllc@gmail.com

EDUCATION and STATE BAR

Southern Illinois University School of Engineering May 2003
Northern Illinois University School of Law (Juris Doctor) May 2006
Illinois Bar – Admitted to Practice (Inactive) October 2006
Colorado Bar – Admitted to Practice (Active #50996) July 2017

PROFESSIONAL EXPERIENCE

Clayton M. Buchner, Attorney at Law, LLC (July 2017 – Present)

- Municipal Law, Civil/Criminal Litigation, Real Estate, Business Law, Contracts, Estate Planning

Town Attorney – Aguilar, Coal Creek, Pitkin, Silverton, Westcliffe (March 2020 - Present)

Municipal Prosecutor – Pagosa Springs, CO (February 2018 – Present)

Municipal Judge – Pagosa Springs, CO (February 2019 – February 2020)

Department of Defense – Attorney Advisor (GS-14) (April 2012 – October 2016)

- Titles: Fraud Counsel, Acquisition Attorney, Procurement Fraud Advisor
- Duties: Provide legal advice and support on a full spectrum of acquisition law and procurement fraud issues in support of the Army Surface Deployment and Distribution Command (SDDC) and the Defense Contract Management Agency (DCMA).

U.S. Army Judge Advocate General Corps (October 2006 – Present)

- Titles: Legal Assistance Attorney (1year); Special Assistant U.S. Attorney (6 months); Military Magistrate (1 year); Trial Counsel/Federal Prosecutor (3+ years); Assistant Staff Judge Advocate (2 years); Aide-de-Camp (1+ years); Adjunct Professor (2 years); Brigade Judge Advocate (2.5 years); Deputy Regional Defense Counsel (1 year); Senior Staff Officer (2 years); Command Judge Advocate (Present)
- Duties: Provide estate planning and general legal advice to military personnel. Prosecute concurrent jurisdiction cases in the Eastern District of Virginia. Felony prosecutor with significant trial experience. Provide graduate level instruction on government contracts at the Army JAG Legal Center and School. Provide legal advice to military commanders and staff. Manage a regional team of JAG attorneys.

CONTINUED EDUCATION

- Command and General Staff College December 2019
- Judge Advocate Officer Advanced Course (Commandant’s List) January 2014
- 11th Procurement Fraud (TJAGLCS) May 2014
- 84th Fiscal Law Course (TJAGLCS) March 2013
- 164th Contract Attorneys Course (TJAGLCS) July 2011
- 63rd Law of Federal Employment Course (TJAGLCS) August 2010
- 60th Legal Assistance Course (TJAGLCS) May 2007
- Trial Advocacy I Course (NAC) May 2009
- Prosecutor’s Boot Camp Course (NAC) February 2009

CLAYTON M. BUCHNER, J.D.
444 Lewis Street, P.O. Box 3855 • Pagosa Springs, CO 81147
Phone (970) 507-0227 • Email cmblawllc@gmail.com

EDUCATION

Northern Illinois University - School of Law (Juris Doctor) May 2006
Southern Illinois University - School of Engineering
Bachelor of Science – Engineering May 2003

PROFESSIONAL EXPERIENCE - CIVILIAN

Clayton M. Buchner, Attorney at Law, LLC July 2017 – Present
Sole practice to include legal areas of practice in Municipal Law/Prosecution, Criminal Defense, Contracts, Business, Real Estate, Landlord/Tenant, HOA Representation, and Civil Litigation.

Town Attorney/Prosecutor – Westcliffe, CO September 2020 – Present

Town Prosecutor – Pagosa Springs, CO January 2021 – Present
February 2018 – January 2019

Town Attorney/Prosecutor – Silverton, Colorado January 2022 – Present

Town Attorney/Prosecutor – Pitkin, CO December 2023 – Present

Town Attorney – Pagosa Springs, CO March 2020 – March 2023

Municipal Judge, Presiding – Town of Pagosa Springs, CO February 2019 – February 2020

DCMA Contract Integrity Center – Fraud Counsel (GS-14) February 2014 – October 2016
Provided legal advice and services to Defense Contract Management Agency (DCMA) organizations and customers, Department of Defense investigative agencies, and the Department of Justice, concerning criminal, civil, administrative and contractual remedies on issues of fraud, waste, abuse, and corruption involving DOD personnel and defense contractors.

U.S. Army SDDC – Contract Attorney (GS-13) May 2012 – February 2014
Provided legal advice and administrative support on a full spectrum of procurement law in support of the Surface Deployment and Distribution Command’s (SDDC) mission.

PROFESSIONAL EXPERIENCE - U.S. ARMY JUDGE ADVOCATE GENERAL

Command Judge Advocate, 95th Training Division (USAR) April 2022 – Present

Senior Staff Officer, 117th LOD (USAR) July 2020 – March 2022

Deputy Regional Defense Counsel, 22nd LOD (USAR) June 2019 – June 2020

Brigade Judge Advocate, 1st Brigade, 104th Training Division (USAR) July 2016 – June 2019

Adjunct Professor, JAG Legal Center and School (USAR) November 2013 – June 2016

Aide-de-Camp to the Commander, Legal Command (USAR) September 2013 – October 2014

Trial Defense Attorney (USAR) June 2013 – August 2013

Assistant Staff Judge Advocate and Trial Counsel (Active Duty) June 2010 – May 2012

- Trial Counsel (Active Duty) July 2008 – June 2010
 Provided legal advice to and organized/oversaw all legal actions taken in criminal and administrative matters for the 23rd Quartermaster Brigade (3 Battalions, 16 Companies), Fort Lee, VA, including Separation Boards, Article 15s, Admin. Separations, and 16 Courts-Martial
- Special Assistant U.S. Attorney (Active Duty) June 2008 – June 2010
 Served as SAUSA for the Eastern District of Virginia prosecuting concurrent jurisdiction cases.
- Military Magistrate (Active Duty) July 2007 – July 2008
- Legal Assistance Attorney (Active Duty) May 2007 – July 2008

CONTINUING LEGAL EDUCATION

- The Judge Advocate General Legal Center and School, Charlottesville, VA
 - 11th Procurement Fraud Course May 2014
 - 84th Fiscal Law Course March 2013
 - 164th Contract Attorneys Course July 2011
 - 63rd Law of Federal Employment Course August 2010
 - 60th Legal Assistance Course May 2007
- National Institute for Trial Advocacy, Louisville, CO
 - Prosecuting Sexual Assault – Victim Advocacy Course August 2009
- National Advocacy Center, Columbia, SC
 - Trial Advocacy I Course May 2009
 - Prosecutor’s Boot Camp Course February 2009

MILITARY TRAINING AND SERVICE

- Commissioned Service Training
 - Command and General Staff College December 2019
 - Judge Advocate Officer Advanced Course (Commandant’s List) January 2014
 - Airborne School (Officer Honor Graduate) October 2008
 - Judge Advocate General Officer Basic Course October 2006 – April 2007
 - Commissioned U.S. Army (4-year ROTC Scholarship) May 2003

Service Awards

Meritorious Service Medal (Oak Leaf Cluster), Army Commendation Medal (Oak Leaf Cluster), Army Achievement Medal (Oak Leaf Cluster), National Defense Service Medal, Global War on Terrorism Service Medal, Army Service Ribbon

John Mallonee
85 Pinyon Mesa Drive
Glenwood Springs, CO 81601
john@malloneelawfirm.com
(302) 898-3438

April 29, 2024

Stefen Wynn, Town Administrator
Town of Paonia
214 Grand Avenue
PO Box 460
Paonia, CO 81428
StefenW@TownofPaonia.com
Paonia@TownofPaonia.com
Via Email Only

Re: ***Proposals for Town Attorney***

Dear Mr. Wynn:

Please find enclosed my proposal for Paonia Town Attorney. The attached proposal includes responses to the areas identified in the RFP, and my suggested rates for attorney services. I have also included my resume for your convenience.

I have worked for large municipalities on the front range. More recently I have been in private practice in Glenwood Springs, representing a variety of interests, which have dealt with numerous municipal issues. I live just 65 miles from Paonia Town Hall and would expect to attend Board of Trustee meetings in person. I could be available in person for volunteer boards as well. In addition to my legal experience described below, I have served as a Trustee for the Garfield County Public Library District for more than two years, and have had the experience of being a consumer of legal services in a situation similar to that of the Paonia Town Trustees. I think this has improved my ability to express legal advice in common-sense terms.

As described below, I would propose a flat rate of \$6,950 per month for up to 35 hours of legal work, with work in excess of 35 hours being billed hourly. For a fully utilized month, this is an effective rate of just about \$198.50 per hour.

If you require any additional information, beyond the response to the proposal below, or would like to schedule an interview, please contact me. I would be happy to visit with the Trustees and department heads in person, or by video if preferred.

Very truly yours,

/s/

John Mallonee

PROPOSAL FOR TOWN ATTORNEY LEGAL SERVICES
TO THE TOWN OF PAONIA

April 29, 2024

Submitted by:
John Mallonee
85 Pinyon Mesa Drive
Glenwood Springs, CO 81601
(302) 898-3438
john@malloneelawfirm.com

1. Municipal Law Experience

Please see my resume for a list of past employment. I have worked as Deputy City Attorney, second-in charge of a ten-attorney legal department, in the City of Thornton (population 140,000), and for a short time was Assistant Director in Denver’s Civil Litigation Department. In these positions I experienced most municipal issues, including those that arise in smaller towns. In private practice, I have represented private interests with respect to land use and zoning, as well as open records, in a number of small towns on the Western Slope.

In particular, with respect to election law, I have researched and drafted legal memoranda about the requirements of eligibility for elected municipal positions, and have advised with respect to re-districting principles for population shifts. For land use regulations, I have assisted in revising particular areas of a land use code, and have engaged with municipalities about particular land use issues. I have provided opinions about zoning issues, including legal non-conforming use, and have argued a takings claim at a county level.

I have significant knowledge of constitutional law issues for municipalities, in the 4th amendment area, having represented both the Denver and Thornton police. I have also kept abreast of changing 1st amendment issues that apply to elected officials, particularly in the social media space. I have a particular interest in this area, and have provided updates related to changing case law to elected officials and police officers. I only have general knowledge of legal issues related to municipal finance, but know who to contact for these issues.

During my 25 years of practice, much of my time has been devoted to complex litigation and appellate practice. I have tried numerous cases, and have participated on trial teams from Maryland to Seattle to Hawaii. I have also argued many appeals, including in the U.S. Court of Appeal for the 4th Circuit in Richmond Virginia, and the 10th Circuit in Denver.

Closer to home, I have tried cases and argued a number of motions in Colorado’s 9th Judicial District, in Glenwood Springs, and settled a case that was just days from trial, in

Delta, in the 7th Judicial District. I have used my litigation experience to describe to municipal clients what is happening in litigation that is performed by outside counsel. In addition, and potentially relevant to Paonia, I have stayed up to date on the frequent cases with respect to open meetings and open records which have been issued both at the appellate and trial level over the past several years. I have re-written portions of a municipal code, and have litigated and negotiated contracts arising out of pre-existing relationships with ambiguous terms and historical course of conduct (which would potentially be relevant to Paonia’s water situation). With twenty-five years of experience, in both litigation and municipal law, I hope I have gained the experience to be able to provide wise and just counsel to a Board of Trustees such as Paonia.

2. List of Municipal Law Clients from the Past 5 Years

City of Thornton
City and County of Denver

3. Knowledge or Experience that makes you particularly qualified

I have lived and worked relatively near Paonia (between Carbondale and Glenwood Springs) since 2021, and have dealt with municipal issues representing private clients with respect to Snowmass Village, New Castle, Glenwood Springs, Cedaredge, and Garfield County, among others. I have specific knowledge of this area of the West Slope, and have learned to apply the municipal law knowledge I gained while working in large cities on the front range to the specific issues of mountain towns.

One of my tasks in Thornton was cleaning up both the liquor code and the marijuana code. These clean-ups involved fixing numerous hanging citations and conflicts with other parts of the code. This experience should provide helpful with Paonia’s upcoming municipal code revisions.

I have had significant litigation experience including litigating issues related to missing or ambiguous contract terms, including a trip to the U.S. Court of Appeals for the 10th Circuit, in Denver, on such an issue. This experience may prove helpful in negotiating water agreements with previously missing terms.

I have served as a Trustee for the Garfield County Public Library District for more than two years. As a consumer of legal services on a Board of seven people whose decisions are made at public meetings, I have become much more aware of what people in such a position expect from their attorney. I would hope and expect that my time in such a role would improve my ability to provide legal services to the Paonia Board of Trustees. That is to say, we all appreciate a common-sense explanation of legal requirements.

4. Cost Proposal

I propose a flat rate of \$6,950 per month for up to 35 hours of billable legal work. For a fully utilized month, this is an effective rate of just about \$198.50 per hour. Required hours

in excess of 35 hours per month will be billed at \$255 per hour.¹ Travel time will be billed at half-rate, or full rate for only one direction of travel.

5. Martindale-Hubbell rating and biography

Please see my resume attached to this proposal for a full biography. I do not have a Martindale-Hubbell rating.

6. Attorneys who may provide services

I will be the only attorney providing services.

7. Conflicts of Interest

No known conflicts of interest.

8. Three Client References

Kristen Rosenbaum, Thornton City Clerk, (303) 538-7309

Luis Corchado, Past Thornton City Attorney, (303) 618-2686

Michelle Kline, Past Thornton City Prosecutor, michellerkline@gmail.com

9. Hourly Rates

I propose a flat rate of \$6,950 per month for up to 35 hours of billable legal work. For a fully utilized month, this is an effective rate of just about \$198.50 per hour. Required hours in excess of 35 hours per month will be billed at \$255 per hour. Travel time will be billed at half-rate, or full rate for only one direction of travel.

10. Professional Liability Insurance

I can obtain professional liability insurance from CNA with limits of \$500,000 upon contracting with Paonia.

11. Describe Support Services

I am currently a solo practitioner and would not generally engage support services for this engagement. When required, I have access to contract paralegals, and knowledge of subject matter specialists for particular legal topics, if needed.

12. Preferences for in-person or remote attendance

While remote attendance for many meetings has become the norm since covid, much is missed by not attending meetings in person. I have a strong preference for in-person attendance at Trustee meetings, and would not have geographic limitations to this aspiration (subject to winter weather on McClure Pass) as I live just 65 miles from Paonia Town Hall. I would not expect to be in Paonia every day, and would be available by phone, email, and video-conference if preferred at other times.

¹ This hourly rate can be provided if that is preferable to the certainty of a monthly flat fee.

JOHN E. MALLONEE

Delaware Cell Phone: 302-898-3438, Email: John@malloneelawfirm.com

SUMMARY

Experienced litigator and municipal lawyer, working with complex socio-political, cultural, and commercial cases. Excellent case and project management skills. Known for teamwork and clear communication. Recently involved in supervising municipal cases, including defense of 42 U.S.C. 1983, CGIA waiver, and liquor/marijuana licensing cases, as well as advising on issues related to open records and open meetings, land use, open meeting procedure, contracts, elections, and legislation. Past representation has included corporations, investors, domestic non-profit organizations, and individuals.

EXPERIENCE

Mallonee Mediation, LLC, Glenwood Springs, CO

Owner, February 2024 - Present

- Mediation services to assist with the resolution of civil litigation and other disputes

Balcomb & Green, P.C., Glenwood Springs, CO

Of Counsel, October 2021 - January 2024

- Litigated cases about local government issues as well as business, property & contract disputes
- Advised and mentored associate attorneys

City and County of Denver, Denver, CO

Assistant Director, Civil Litigation Section, May 2021 - October 2021

- Supervised a team of eight involved in evaluating and defending claims against the city, primarily in civil rights and tort/CGIA issues
- Communicated data about team performance to executive leadership team

City of Thornton, Thornton, CO

Deputy City Attorney, August 2019 - April 2021 (Interim City Attorney - Jan. 19, 2021-Feb. 23, 2021)

Assistant City Attorney, March 2018 - August 2019

- Litigated and managed litigation related to, 1st and 4th Amendment (*i.e.*, defense of 1983 claims), CGIA, fire dept.-related issues, and enforceability of oil and gas regulations
- Legal counsel for city for liquor-licensing and marijuana-licensing issues
- Police legal advisor, including review of policies, CCJRA/subpoenas, and IA issues
- Assisted with creation of special districts and infrastructure reimbursement agreements
- Advised with respect to new state legislation, and revised and drafted resolutions and ordinances related to various municipal topics
- Supervised, managed, and mentored assistant city attorneys

Mallonee Law Firm, Boulder, CO (previously Bethesda, MD)

Owner, August 2007 – March 2018

- Solo practitioner in business/commercial practice in areas of litigation, financial damages, real estate/foreclosures, adversary proceedings, municipal issues, civil rights and trade secrets
- Outside general counsel for a financial firm, handling litigation, arbitration, and mediation
- Responsible for cases from initial client contact through trial and appeal; cross-examined and deposed experts and other witnesses; drafted and argued motions; negotiated settlements; supervised and managed litigation

Ocean Tomo, LLC, Intellectual Property Merchant Bank, Bethesda, MD

Associate, March 2006 – August 2007

- Performed economic analysis & prepared expert reports for intellectual property cases

Simmons & Associates, Chartered, Bethesda, MD

Associate Attorney, February 2004 – February 2006

- Argued appeals and motions, conducted depositions, second-chaired trials, and drafted motions and other papers in commercial law, real estate, trade secret, breach of contract, securities, partnerships, business law, employment law, toxic torts, defamation, and land use cases
- Drafted bylaws, operating agreements, buy/sell agreements, and offers-in-compromise for corporate and tax practice

Gordon & Simmons, LLC, Frederick, MD

Independent Contractor Attorney, October 2001 – August 2002

- Participated on team which litigated issues related to the Patriot Act, including questions of the propriety of freezing the assets of a United States non-profit corporation
- Wrote and researched for defamation, employment, and commercial contract cases

Ittig & Ittig, P.C., Washington, DC

Associate Attorney, February 2000 – August 2001

- Drafted motions and briefs regarding expert testimony, evidence admissibility and business torts
- Second-chaired at trial, prepared exhibits, researched issues, conducted depositions, wrote demand letters and opinion letters, and reviewed and drafted contracts
- Cases ranged from international arbitration to homeowner/contractor disputes

BAR and COURT ADMISSIONS

Colorado, Maryland, District of Columbia (Inactive), California (Inactive)

United States District Courts for Maryland and the District of Columbia

United States Courts of Appeal for the Federal, 4th, 7th, and 10th Circuits

EDUCATION

Oxford University, Balliol College, Saïd Business School, Oxford, England

Master of Business Administration, September 2003

- SBS Scholarship (merit scholarship) Recipient
- Balliol College graduate student environment representative

University of North Carolina School of Law, Chapel Hill, NC

Juris Doctor, May 1999

- UNC Trial Law Academy Semi-Finalist

Franklin & Marshall College, Lancaster, PA

Bachelor of Arts, cum laude, May 1996

- Dean’s List, all semesters
- Hackman Scholarship (college summer research grant)

VOLUNTEER WORK

Garfield County Library System, Trustee and Member of Budget Committee

Mediator, Garfield County Small Claims Court

Alpine Legal, Pro Bono Representation

Western Slope Mock Trial Tournament, Scoring Panelist

PUBLICATIONS

“What Patent Lawyers Can Learn from Trademark Law”, ABA IPL Newsletter, Vol. 24, Number 3, Spring 2006 (with others)

“Surveys in Patent Infringement Litigation”, Patent Strategy & Management, Volume 6, Number 12, May 2006 (with others)

PRESENTATIONS

“IP Auctions – A Patent Seller’s Perspective”, Greater Washington DC Licensing Executives Society Lunch Meeting, March 2007 (with other)

"Lessons for the Licensing Executive: A Review of the IP Issues that Led Beleaguered Vonage to the Brink of Bankruptcy" to the Licensing Executives Society Greater Washington, DC Chapter, November 2007.

ORGANIZATIONS

Trustee, Garfield County Library System

Colorado Rising Municipal Attorneys Group

Colorado Police Legal Advisor’s Group, Past Member

University Club of Denver – Past Member; Assistant 12th Night Program Director

Judicial Appointment and Retention Advisory Commission, Thornton: Past Ex-Officio Member

Oxford University Society of Washington, DC – Past Treasurer

Licensing Executive Society, Washington, DC – Past Membership Coordinator

INTERESTS

Hiking: Twenty-Eight Colorado 14ers summited

Captain of UNC-Chapel Hill ultimate frisbee team during law school

Amateur nature photographer

Corey Y. Hoffmann
Kendra L. Carberry
Jefferson H. Parker
M. Patrick Wilson
Hilary M. Graham
Kathryn M. Sellars

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Denver, CO 80202-4260
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Austin P. Flanagan
Kunal A. Parikh
Bria I. May
Nicholas A. Hartman

Of Counsel
J. Matthew Mire

April 30, 2024

Via electronic mail transmission to:
stefenw@townofpaonia.com; paonia@townofpaonia.com

Stefen Wynn
Town Administrator
Town of Paonia
214 Grand Avenue
P.O. Box 460
Paonia, Colorado 81428

Re: Proposal for Attorney Services

Dear Mr. Wynn:

Please accept this letter and the accompanying materials as our proposal to provide Town attorney services for the Town of Paonia (the "Town"). As set forth below, we believe that you will find our qualifications and experience consistent with the needs of the Town. In addition to this response, we have also attached the individual resumes of Kathryn Sellars and Katharine Vera, who would be primarily responsible for representation of the Town.

Introduction

Hoffmann, Parker, Wilson & Carberry, P.C. was formed in 1985 with the specific goal of providing legal services to Colorado local governments. We currently work with over 40 different local governments in Colorado in various capacities, from general counsel to special counsel to hearing officer.

The firm includes six directors, one "of counsel" attorney, eight associate attorneys, and three paralegals/legal assistants. We are a full-service local government law firm, meaning that we provide representation in all areas of law and litigation related to local governments, including at the appellate level, other than water law and public finance.

Our Services and Approach

While the entirety of the firm's resources would be available to assist, we believe it is important for clients to have consistent personnel. Thus, we propose two primary attorneys for the Town's legal team: Kathryn Sellars and Katie Vera. All attorneys would collaborate to deliver timely legal work to the Town, but Kathryn and Katie would be the primary initial points of contact.

Our services include: advising the Town Board of Trustees and Town staff on legal issues; drafting and reviewing contracts, ordinances, resolutions, deeds, and other legal documents; advising licensing authorities and boards and commissions; assisting the Town with contract negotiations; drafting legal memoranda on new legislation and case law; and representing the Town in municipal court and in all stages of litigation, as necessary.

Qualifications and Experience

We are passionate about delivering exceptional legal services tailored to the needs of the individual client. The size of our firm allows us to provide expertise in various practice areas while still delivering highly personalized services. Our firm has extensive experience working with both statutory and home rule municipalities. We provide ongoing general counsel services to our existing home rule clients as well as our 16 existing statutory clients; we understand the challenges faced by statutory clients. From the day-to-day questions of how to interpret and apply a municipal code to complex constitutional issues, over the course of the firm's nearly 40 years of business we have worked on nearly every conceivable municipal legal issue. This experience includes municipal court prosecution, the representation of clients that supply water to customers, and advising clients at all stages of elections, including developing election calendars, drafting ballot questions, processing referendum petitions, and representing clients in election contests.

More specifically, Kathryn has over 15 years of experience in all aspects of municipal law, specializing in land use and zoning, real estate, contracts, constitutional law, employment, licensing, and open meeting and open records compliance. Her representative clients include without limitation the City of Cañon City, City of Yuma, Morgan County, Washington County, Wiggins Rural Fire Protection District, North Front Range Metropolitan Planning Commission, the Towns of Montezuma and Stratton and the Colorado Rural Water Association and she also serves as special counsel to other clients on employment matters. She has extensive experience drafting and interpreting land use and zoning regulations and contracts, advising clients on COML, CORA, elections, employment, taxation and participating in litigation. Katie has extensive experience representing statutory and home rule municipalities on general counsel and litigation matters and previously worked for the City of Denver in its municipal operations division. Katie is City Attorney for the City of Walsenburg and has worked closely with the Town of Green Mountain Falls as their primary contact, which work has included rewriting their municipal code, drafting contracts, ordinances, resolutions, and agreements, and advising on various election and employment matters. Katie often serves as special counsel to various clients on eminent domain cases, employment matters, C.R.C.P. 106(a)(4) cases, and open meetings law cases.

Because our firm represents a number of local governments, we can offer substantial savings to each of them. For example, when new legislation is passed, we can draft a template memorandum for all of our local government clients, thus drastically reducing the cost to research and draft that memorandum. Likewise, we are happy to provide standard forms and templates for the Town for common types of agreements.

In the past five years we have worked with the following clients as general counsel:

- City of Yuma
- City of Cañon City
- Town of Montezuma
- Morgan County
- Washington County
- City of Northglenn
- Cañon City Area for Reinvestment Expansion
- City of Walsenburg
- Town of Buena Vista
- Town of Calhan
- Town of Deer Trail
- Town of Elizabeth
- Town of Erie
- Wiggins Rural Fire Protection District
- City of Leadville
- Town of Limon
- North Front Range Metropolitan Planning Commission
- Town of Green Mountain Falls
- Fremont Sanitation District
- Parker Water and Sanitation District
- St. Charles Mesa Sanitation District
- Town of Larkspur
- Town of Morrison
- Town of Mountain View
- Town of Ramah
- Town of Superior
- Town of Vail
- Town of Winter Park
- Town of Simla
- Town of Stratton
- Town of Hugo
- Town of Flager

In the past five years we have worked with the following clients as special counsel:

- Pueblo County
- Colorado Rural Water Association
- City of Centennial
- City of Colorado Springs
- City of Commerce City
- City of Englewood
- City of Fort Collins
- City of Grand Junction
- City of Lakewood
- City of Longmont
- City of Loveland
- City of Thornton
- City of Trinidad
- City of Westminster
- City of Wheat Ridge
- Town of Avon
- Town of Mountain Village
- Town of Parker

Rates and Expenses and Hourly Rate

Our firm has worked very hard to develop a reputation for quality, full-service representation at reasonable hourly rates. For the Town, we propose a rate of \$300 per hour for attorneys and \$135 per hour for paralegal work. Litigation matters would be billed at a rate of \$320 per hour for attorneys and \$135 per hour for paralegal work. These proposed hourly fees would not be increased before January 1, 2026. We do not charge for legal assistant time. Additionally, we bill for actual costs incurred, such as filing fees, copies, postage, and computerized legal research. Travel time is charged at our regular, non-litigation rate; however, we anticipate the majority of our work will be done without traveling and most meetings we attend will be remote. Our clients often find that we can do work much more efficiently than other firms lacking our experience with local government issues.

We typically bill our time on or before the tenth day of each month, with payment being due on or before the last day of the month within which the billing is sent. Our bills detail the date upon which the work was accomplished, the name of the attorney, a description of the work, the time (in tenths of an hour) spent on the work, and the total amount due for the particular work accomplished. At the Town's request, we will provide separate accounting for specific activities (such as meetings, litigation, and work for particular matters).

Availability and Meeting Attendance

We are able to begin working with the Town immediately and prefer to attend meetings remotely. We can accommodate occasional travel, as needed, for in-person attendance.

Potential Conflicts of Interest

We have run a conflicts check and we do not see any potential conflicts of interest for our firm.

Martindale-Hubbell Rating

We have for many years been listed in the Martindale-Hubbell Bar Register of Preeminent Lawyers under the category of Municipal and Zoning Law. In addition, we have maintained Martindale-Hubbell's highest rating, AV, since 1985.

Insurance

Our firm carries \$2,000,000 in professional liability insurance with The Hartford.

Client References

We would encourage you to contact any of our current clients for an honest assessment of our responsiveness and professionalism. Their contact information is as follows:

April 30, 2024
Page 5

Scott Moore
Manager, City of Yuma
970-848-3878
r.moore@yumacolo.org

Nicole Hay
Planning Administrator, Morgan County
970-542-3526
nhay@co.morgan.co.us

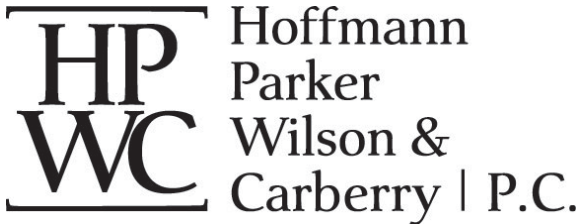
Becky Frank
Manager, Town of Green Mountain Falls
719-684-9414 ext. 5
manager@gmfco.us

Conclusion

We are excited about the opportunity to work with the Town of Paonia. We believe our qualifications and experience will provide the Town with the necessary legal services for the Town to continue to thrive. We look forward to discussing this response with the Town Board and Town staff either virtually or in person. In the meantime, please let us know if we can answer any questions or be of further assistance.

Kathryn M. Sellars
kms@hpwclaw.com

Katharine J. Vera
kjv@hpwclaw.com



Corey Y. Hoffmann
Kendra L. Carberry
Jefferson H. Parker
M. Patrick Wilson
Hilary M. Graham
Kathryn M. Sellars

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Austin P. Flanagan
Kunal A. Parikh
Bria I. May
Nicholas A. Hartman

Of Counsel
J. Matthew Mire

RÉSUMÉ OF KATHARINE J. VERA

POSITIONS:

Associate, Hoffmann, Parker, Wilson & Carberry, P.C. (2020-Current)

Responsible for representing municipalities in litigation and administrative hearings and advising client municipalities on various matters, including without limitation eminent domain, employment matters, land use and zoning, marijuana and liquor licensing, election law, business licensing, open meeting and open records, and drafting ordinances, resolutions, and contracts as well as providing municipal prosecution services.

Currently serving as:

- City Attorney, City of Walsenburg
- Greeley Urban Renewal Authority, General Counsel
- Parker Special Licensing Authority, General Counsel
- City of Fort Collins, Special Counsel

Municipal Operations Fellow, Denver City Attorney’s Office, Denver, CO (2019-2020)

Served as in-house counsel to City agencies, drafted and negotiated contracts, booking agreements, and leases; prepared legislation, ordinances and rules; represented the City in administrative proceedings, tax and bankruptcy disputes; and handled subpoenas and CORA requests.

Law Clerk, Gates Corporation, Denver, CO (Jan-May 2019)

Worked alongside legal counsel in conducting contract negotiations, drafted commercial agreements and NDAs, and edited existing contract templates; researched and helped to advise counsel in government contracting, employment, and compliance matters.

Law Clerk, Fidelity National Title Insurance Company, Omaha, NE (May-Aug 2018)

Analyzed policies to make coverage determinations and resolved disputes involving insured property and loan priority; conducted extensive legal research, including title searches; attended conferences and mediations.

Law Clerk, Well, Anderson & Race, LLC, Denver, CO (May-Aug 2017)

Researched assigned matters and assisted attorneys in the defense of civil rights, insurance, construction defect, and aviation cases; drafted legal memoranda; assisted with motions and pleadings.

EDUCATION:

University of Colorado Law School, Boulder, CO: J.D. 2019; Class Vice President

University of Colorado Environmental Law Review: Production Editor

Florida State University, Tallahassee, FL: B.S. Communications

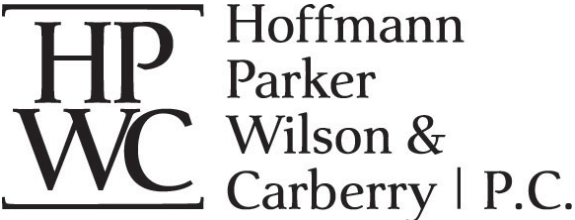
PROFESSIONAL ASSOCIATIONS AND POSITIONS:

Colorado Hispanic Bar Association: Nominations and Endorsements Committee
Rising Municipal Attorneys Association

Admitted to practice: Colorado (all state courts)

PRESENTATIONS AND PUBLICATIONS:

Lecturer: 2022 Eminent Domain Law Conference CLE Presentation, *Who Can Take What From Whom When, Where and Why.*



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Of Counsel
J. Matthew Mire

RESUME OF KATHRYN M. SELLARS

POSITIONS:

Director (2024-Present), Of Counsel (2018-2023), Associate (2015-2017)
Hoffmann, Parker, Wilson & Carberry, P.C.

Responsible for advising client municipalities, counties and special districts on various matters, including without limitation land use and zoning, real estate, contracts, constitutional law, employment, licensing, open meeting and open records, and drafting ordinances, resolutions and contracts.

Currently serving as:

- City Attorney, City of Cañon City
- City Attorney, City of Yuma
- County Attorney, Morgan County
- County Attorney, Washington County
- General Counsel, Wiggins Rural Fire Protection District
- General Counsel, North Front Range Metropolitan Planning Commission
- Town Attorney, Town of Montezuma
- Town Attorney, Town of Stratton
- General Counsel, St. Charles Mesa Sanitation District
- General Counsel, Cañon City Area for Reinvestment Expansion
- Special Counsel, Colorado Rural Water Association

Shareholder, Masters & Sellars, P.C. (2012-2014), Associate Attorney, The Masters Law Firm, P.C. (2007-2012)

Responsible for advising client municipalities and counties on various matters, including but not limited to, land use, real estate, contracts, constitutional law, employment, licensing, open meeting and open records, water, and litigation representation. Responsible for advising individuals and businesses in a variety of matters, including without limitation business organization and governance, employment, real estate, land use, contract,

personal injury, medical and legal malpractice, behavioral health, HIPAA, and litigation representation.

Associate Attorney, Law Office of Brent A. Martin/Martin & Kidnay, LLC (2006-2007)

Responsible for advising individuals in various matters, including criminal, domestic relations, personal injury, contracts, and real estate.

PROFESSIONAL ASSOCIATIONS AND POSITIONS:

Admitted to practice: Colorado
United States District Court for the District of Colorado
New York
U.S. Supreme Court

CBA/DBA Joint Management Committee (2014-2015), Seventh Judicial District Bar Association (Member, 2006-2015, President, 2007-2010), Colorado Bar Association (2005-Present), Professionalism Committee (2009-2010), CBA President Nominating Committee (2008-2009), Seventh Judicial District Bar Association Representative, CBA Board of Governors (2008-2010), CBA Economic Task Force (2009), CBA Executive Council (2009-2010), 2009 Cobalt Class, Colorado Bar Foundation (2009-present), New York State Bar Association (2007-2009), American Bar Association (2008-2014)

PRESENTATIONS:

When Things Go South; Navigating Client Conflict as a Municipal Attorney, Colorado Municipal League Annual Seminar on Municipal Law, October 2023.

Attorneys' Guide to Local Governmental Law, National Business Institute, November 2016.

Land Use Law, Current Issues in Subdivision, Annexation and Zoning: Take a Comprehensive Look at Land Use Law, National Business Institute, March 2015.

What You Need to Know about Public Records and Open Meetings in Colorado, Case Law and Legislative Update on Open Meetings and Public Records Law, Lorman Education Services, May 2014.

EDUCATION:

University of San Diego Law School, San Diego, California (J.D., 2004)

Tulane University, New Orleans, Louisiana (B.A., History, 1999)

Town Attorney Interview Questions
August 30, 2022

1. Please describe your experience addressing issues regarding water rights, water and sewer infrastructure, and water availability for residential users or other pertinent water issues affecting the Western Slope.
2. Tell us about your most contentious negotiation and how it was resolved? In addition, please describe your experience with ADR (Alternative Dispute Resolution).
3. What is your experience with prosecuting ordinance violations?
4. Explain your experience with developing wording describing the purpose of an Executive Session for incorporation into a Trustee Meeting agenda with respect to the Colorado Open Meetings Law. What is your approach when advising Trustees on the pros and cons of entering into an executive session which was not part of an Agenda?
5. A sense of urgency can, at times, compromise thoughtful decision-making and a thorough process. Can you think of a few examples of when this happened? What was your role?
6. What is your experience with disruptive/contentious meetings, rules of procedure for board meetings, or other meeting situations that require attorney involvement to help maintain order.
7. What advice can you give us about inclusion of public input as it relates to the length of meetings and making wise decisions?
8. Can you describe an example of a time when your legal opinion helped bring a positive outcome to the community? Now think of a time when your opinion was not well received, what was the result?
9. Please think of a time when you had to re-do a work product because it didn't meet standards. What was the context and outcome?
10. Please describe your preferred form of communication with town staff/individual Trustees/Mayor (e-mail, phone, other?).
11. We are currently meeting on the second and fourth Tuesday of every month. Are you available for these days?
12. Please describe how many municipalities you are personally representing at this time, and will you have any scheduling conflicts that would require others to serve in your place?
13. What questions do you have for us?

Conclusion: Mayor Bachran outlines process of decision-making, reference checking, and selection/notification.