

RESOLUTION NO. 2035

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLDEN ESTABLISHING THE RATE OF COMPENSATION FOR PORZAK, BROWNING & BUSHONG, LLP, SPECIAL WATER COUNSEL

WHEREAS, Section 9.1 of the City's Charter provides that City Council shall appoint and establish the compensation for special counsel; and

WHEREAS, Porzak, Browning & Bushong have long served as special counsel for water-related matters; and


WHEREAS, Porzak, Browning & Bushong compensation was last increased in 2007.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

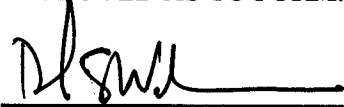
The compensation for Porzak, Browning & Bushong, special counsel for water-related matters shall be established as set forth in the January 14, 2010, letter from Glen Edward Porzak, of Porzak, Browning & Bushong, which letter is attached hereto and made a part of this resolution. And the Mayor is authorized to sign the Engagement Letter and Fee Agreement.

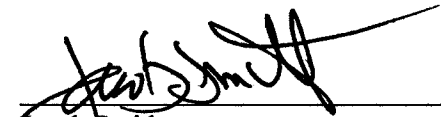
Adopted this 11th day of February, 2010.




Susan M. Brooks, MMC
City Clerk

APPROVED AS TO FORM:


David S. Williamson
City Attorney


Jacob Smith
Mayor

I, Susan M. Brooks, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing is a true copy of a certain Resolution adopted by the City Council of the City of Golden, Colorado at a regular business meeting thereof held on the 11th day of February, A.D., 2010.



ATTEST:

A handwritten signature in black ink, appearing to read "Susan M. Brooks", written over a horizontal line.

Susan M. Brooks, City Clerk of the City of
Golden, Colorado

Porzak Browning & Bushong LLP

A t t o r n e y s • a t • L a w

Please direct all correspondence to the Boulder office

Glenn E. Porzak
Michael F. Browning
Steven J. Bushong
P. Fritz Holleman
Kristin Howse Moseley
Kevin J. Kinnear

Thomas W. Korver*
Eli A. Feldman
Katherine A. D. Ryan
Karen L. Henderson

**Also Admitted in Wyoming*

Boulder Office:
929 Pearl Street, Suite 300
Boulder, CO 80302
303 443-6800 Tel.
303 443-6864 Fax.

Vail Office:
953 S. Frontage Road W.
Suite 202
Vail, CO 81657
970-476-5295 Tel.
970-476-5309 Fax.

January 14, 2010

City Council
City of Golden
911 10th Street
Golden, CO 80401

Re: Engagement Letter and Fee Agreement

Dear Council Members:

Thank you for engaging Porzak Browning & Bushong LLP to represent the City of Golden. We look forward to working with you, and will pursue your interests diligently in accordance with the highest ethical standards of the profession.

I will be the primary attorney working on this matter. My 2010 billing rate and those of the other attorneys in our office are shown on the enclosed table. We reserve the right to increase our billing rates periodically and will provide 30 days notice prior to any rate increase. We bill in six-minute increments and prepare and send out detailed invoices during the first week of each month showing the work performed during the previous month on a day by day basis. We expect payment of the invoiced amounts no later than the last day of the month in which the invoice is received. Any amounts not so paid will bear interest at the rate of 1.5% per month until paid. Costs, expenses and fees are payable regardless of the outcome of the matter. In the event we are required to travel on your behalf, we will charge at our regular rates for travel time.

We will undoubtedly incur some photocopying, postage, long distance calls, and other "out of pocket" expenses in connection with our work for you. All costs that we reasonably deem necessary in the rendition of legal services on your behalf would be at your expense (e.g. duplication of documents, filing fees, Federal Express charges, etc.). However, any unusual expenses (e.g., use of an independent expert or professional) would only be incurred after you have approved the same.

You agree that we may withdraw from this representation upon written notice being sent, if any bill is not paid within 30 days after mailing, if you refuse to follow our advice to an extent that we deem prejudicial to our continued relationship, or if you refuse to cooperate with us in our representation of the case. Such withdrawal will be made only upon Court approval if it involves a litigation matter. We will retain all our documents, files, information, or work product until payment is made to the extent allowed by Colorado law.

It is agreed that you will bear all costs of collection, including reasonable attorneys' fees, if payments are not made as agreed. You warrant and acknowledge that you have the financial ability to discharge all fees, costs, and expenses contemplated by this agreement.

If the foregoing is agreeable, please indicate your approval on the line provided on this letter, and return it to me in the enclosed self-addressed, stamped envelope. A second copy of this letter is also enclosed herewith for your information and records.

I look forward to working with you on this matter.

Very truly yours,

PORZAK BROWNING & BUSHONG LLP


Glenn E. Porzak

READ AND APPROVED this 11th day of February, 2010.

CITY OF GOLDEN

By: 

PORZAK BROWNING & BUSHONG LLP

2010 Billing Rates

<u>Attorney</u>	<u>Hourly Rate</u>
Glenn E. Porzak	\$295
Michael F. Browning	\$270
Steven J. Bushong	\$260
P. Fritz Holleman	\$255
Kristin H. Moseley	\$245
Kevin J. Kinnear	\$245
Thomas Korver	\$205
Eli Feldman	\$190
Kate Ryan	\$170
Karen Henderson	\$170
Law Clerk	\$ 70