

RESOLUTION NO. 1638

**A RESOLUTION OF THE GOLDEN CITY COUNCIL
APPOINTING EMILY F. KEIMIG OF SHERMAN & HOWARD,
LLC AS SPECIAL LEGAL COUNSEL FOR TAX
ADVICE/SERVICES**

WHEREAS, Section 9.1 of the City of Golden's Home Rule Charter authorizes City Council to appoint special legal counsel; and

WHEREAS, the City has been informed by the Internal Revenue Service (IRS) that it has opined that, in accordance with its rules and regulations, the City's "volunteer" firefighters are employees. As employees, the IRS asserts that benefits provided the firefighters, such as call response compensation, are wages subject to federal income tax withholdings; and

WHEREAS, such determination raises numerous tax reporting and liability issues for the City and the current volunteer firefighters while also negatively affecting the volunteer firefighters eligibility for pension benefits; and

WHEREAS, in accordance with the Fair Labor Standards Act (FLSA), which is the federal law that governs the compensation of employees, the IRS's determination mean that firefighters will be deemed as employees under the FLSA; and

WHEREAS, such determination raises numerous pay, overtime, classification, job eligibility, reporting and benefit issues which will ultimately result in negative financial ramifications regarding the staffing and compensation for all City employees; and

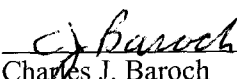
WHEREAS, City staff desires to obtain legal advice from a legal specialist in tax matters to determine the validity of the IRS's initial determination and to provide advice to the City in addressing the issue; and

WHEREAS, the City staff has been advised that Emily F. Keimig of Sherman & Howard has such specialized knowledge and is qualified to provide such legal services to the City.

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

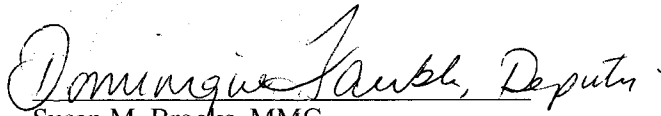
In accordance with Section 9.1 of the City of Golden's Home Rule Charter, City Council does hereby appoint Emily F. Keimig of Sherman and Howard LLC at an hourly fee of \$295.00 as special counsel for the pending Internal Revenue Service determination mandating that volunteer firefighters be considered City employees.

Adopted on the 8th day of December, 2005.

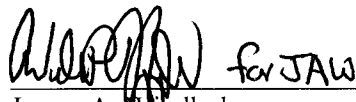


Charles J. Baroch
Mayor

ATTEST:

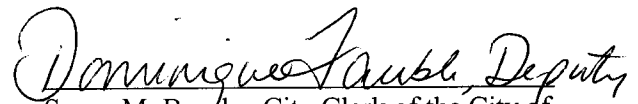

Susan M. Brooks, MMC
City Clerk

APPROVED AS TO FORM:

 for JAW
James A. Windholz
City Attorney

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 meeting thereof held on the 8th day of December, A.D., 2005.

(SEAL)

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