CITY OF LAFAYETTE RESOLUTION NO. 2013-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, APPOINTING SPECIAL COUNSEL TO PROVIDE LEGAL REPRESENTATION TO THE CITY, INCLUDING FILING OF LEGAL PROCEEDINGS, WITH RESPECT TO CLAIMS FOR DEFECTIVE PAVEMENT ON SOUTH BOULDER ROAD, AND SETTING THE RATE OF COMPENSATION THEREFOR

WHEREAS, Section 4.9 of the City's Charter provides that City Council may employ special legal counsel; and

WHEREAS, the City is engaged in a dispute with Asphalt Specialties Company, Inc., ("ASI") regarding ASI's fulfillment of its contractual obligations to the City with respect to the repavement of South Boulder Road; and

WHEREAS, litigation may be necessary to resolve the dispute with ASI; and

WHEREAS, City Council wishes to retain specialized legal services to represent the City in the dispute with ASI and to set compensation for such counsel as required by Section 4.10 of the Charter.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lafayette, Colorado as follows:

Thomas E. Merrigan of the firm of Berg, Hill, Greenleaf & Ruscitti, LLP, is appointed to serve as special counsel to provide legal representation to the City, including the filing of legal proceedings, if necessary, with respect to claims for defective pavement on South Boulder Road. The rate of compensation for such special counsel is established at \$185 per hour for partners, and \$160 per hour for associate attorneys, in accordance with the engagement letter which is attached hereto and made a part of this resolution. The Mayor is authorized to execute the engagement letter on behalf of the City.

CITY OF LAFAYETTE, COLORADO

RESOLVED AND PASSED THIS 4TH DAY OF JUNE, 2013.

ATTEST:	Carolyn D. Cutler, Mayor
Susan Koster, CMC City Clerk	APPROVED AS TO FORM:
	David S. Williamson, City Attorney