



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Meeting Agenda Board of Trustees

Tuesday, September 20, 2022

6:30 PM

Virtual

Study Session

Meeting Link: <https://bit.ly/0920BOTSS>

I. Discussion Topics

[22-358](#) Preliminary Analysis of Erie Housing Stock and Affordability Challenges

Attachments: [DRAFT Prelim Analysis Memo czb for Erie Revision 9.8.22](#)
[czb presentation](#)

6:30-7:45 p.m.

[22-373](#) Mobility & Access for All Ages and Abilities (M4A or MAAAA)
Presentation

Attachments: [MAAAA Presentation](#)

7:45 p.m.-8:45 p.m.

[22-336](#) Discussion of contracted vs. in-house legal services; cost comparison,
pros and cons

Attachments: [2022.08.26 M re Contracted vs In-House Counsel](#)
[2022 Municipal Survey of Larger City Legal Departments](#)
[Legal Expenses by Vendor 2018-2021](#)
[2018 Contract](#)
[2019 1st Amendment to Contract](#)
[2022 2nd Amendment to Contract](#)

8:45-9:45 p.m.

II. Adjournment

9:45 p.m.

(The Board's Goal is that all meetings be adjourned by 10:30pm. An agenda check will be conducted at or about 10:00 p.m., and no later than at the end of the first item finished after 10:00 p.m. Items not completed prior to adjournment will generally be taken up at the next regular meeting.)



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Board of Trustees

Board Meeting Date: 9/20/2022

File #: 22-358, **Version:** 1

Subject: General Business

Preliminary Analysis of Erie Housing Stock and Affordability Challenges

Department: Planning and Development

Presenter(s): Ariel Tolefree, Affordable Housing Manager

Time Estimate: 60 minutes

Staff Recommendation:

Discuss Housing Assessment findings and potential housing tools identified by consultants CZB

Summary and Background of Subject Matter:

The Board of Trustees wants to address the lack of affordable housing in the Town of Erie. Diverse, attainable and affordable housing contributes to community vitality and economic development, helps promote family stability, improves environmental outcomes, and increases public safety. In 2021, staff began looking at how to successfully implement an affordable housing policy in Erie. The first step in this effort was to conduct an Affordable Housing Assessment and Strategy. In 2022, and with grant funding from the Colorado Department of Local Affairs, staff hired CZB LLC, a consulting group, to assist staff in conducting the assessment and finding effective strategies to implement as part of an affordable housing program.

The Housing Needs Assessment and Strategy includes multiple milestones, including an initial memo (Attachment 1) outlining, on a preliminary basis with additional analysis to follow later, the Town of Erie's existing housing stock, demand for affordable housing, and potential tools that will need to be analyzed as part of the next phase of developing the Town's housing strategy. Staff, along with the consultants, will begin working on a suite of solutions for the Town to create affordable and attainable (workforce) housing.

Key Takeaways from the memo include:

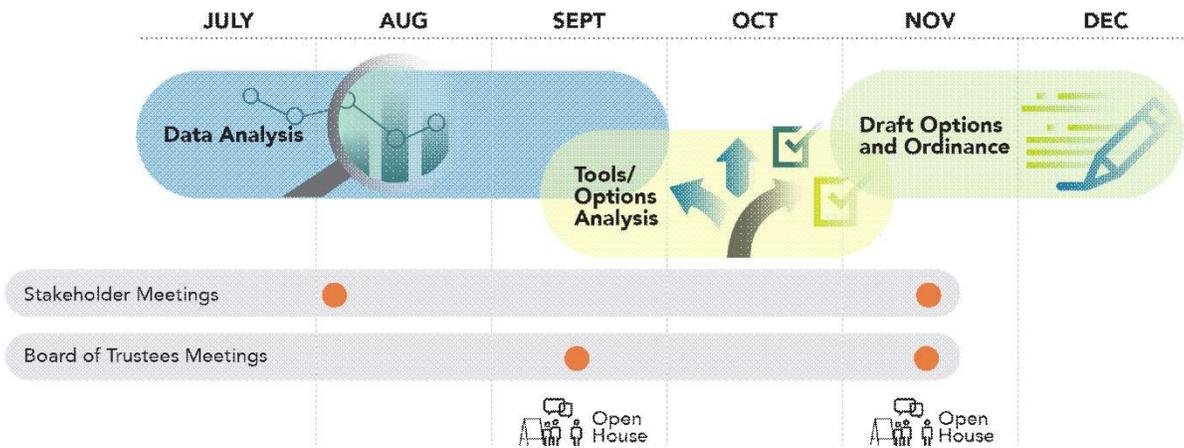
- Erie has significant affordability challenges for both owners and renters. In fact, less than half of the Town's housing stock is affordable to families with incomes at or less than the Town's area median income (approximately \$140,000, which is only enough to buy a home valued at \$500,000 or less). Additionally, 24% of Erie's households are considered housing cost-

burdened, meaning they pay more than 30% of their gross income for housing.

- The Town lacks housing diversity, both in type and tenure. Nearly 90% of all Erie housing units are single-unit detached houses and 85% of all Erie households are homeowners.
- Purchasing a single-unit house, Erie's dominant housing type, typically requires an income of at least \$150,000 depending on a number of variables. Increasing affordability in Erie will require the Town to have more rental options than it currently has and more ownership opportunities at prices lower than what the prevailing market provides.
- The Town currently has no permanently affordable housing, so reaching the Town's goal of 12% affordability would require 30% or more of new units built between now and 2035 to be affordable.
- Several tools, including inclusionary housing, incentives, regulatory changes, and others, will need to be evaluated as the Needs Assessment moves forward in order to move closer to the Town's affordability goal.

The Affordable Housing Needs Assessment and Strategy will continue through the end of 2022, with several activities planned in the coming months, as shown in the graphic below.

- Analysis will continue through Fall of 2022, including evaluation of approaches to an inclusionary housing ordinance.
- Staff and consultants will share early findings at a public open house on September 22nd.
- During the Fall, staff and consultants will continue working on strategic options, beyond inclusionary housing, that the Town may consider adopting in the future to support affordable housing production.
- Staff and consultants will present additional analysis and strategic options to the Board of Trustees for consideration at a future meeting, tentatively in November.
- Additional stakeholder meetings and a second public open house will take place in November to share progress and test options.



Fiscal Impact:

none

Board Priority(s) Addressed:

- ✓ Engaged and Diverse Community
- ✓ Prosperous Economy
- ✓ Safe and Healthy Community
- ✓ Effective Governance
- ✓ Environmentally Sustainable
- ✓ Fiscally Responsible

Attachment(s):

1. Draft Preliminary Analysis Memo from CZB



MEMORANDUM

To: Ariel Tolefree and Sarah Nurmela, Town of Erie

From: Eric Ameigh and Thomas Eddington, czb

RE: Affordable Housing Needs Assessment and Strategy – Preliminary Analysis

Date: September 9, 2022

Executive Summary

This memo to Erie Town Staff contains preliminary analysis and framing information related to the Town's Affordable Housing Needs Assessment and Strategy. The Assessment and Strategy is funded by a grant from the State Department of Local Affairs and will provide analysis and strategic options for the Town's future efforts to increase its amount of permanently affordable housing, in accordance with its adopted 12% goal stemming from the Town's participation in the Boulder County Regional Housing Partnership. The Assessment and Strategy will be the subject of discussion at a study session on September 20, 2022 and it is expected that this memo will be provided to the Board of Trustees as supporting information.

Existing Housing

The Town of Erie has limited affordable housing opportunities, compared to the surrounding region. The Town of Erie lacks housing diversity, both in type and tenure. Nearly 90% of all Erie housing units are single-unit detached houses and 85% of all Erie households are homeowners. Purchasing a single-unit house, Erie's dominant housing type, typically requires an income of at least \$150,000 depending on a number of variables. Increasing affordability in Erie will require the Town to have more rental options than it currently has and more ownership opportunities at prices lower than what the prevailing market dictates.

In Erie, approximately 81% of the housing stocks are single-unit detached ownership and just 15% of units are rentals of any kind. The single-unit detached opportunities are also expensive, with a median sale price of \$800,000 as measured within the first half of 2022. This means new households in Erie typically need incomes of \$150,000 or more to afford the Town's median sale price. This income exceeds the Area Median Incomes (AMI) of both Weld County and Boulder County of approximately \$100,000 and \$125,000, respectively, as reported by the U.S. Department of Housing and Urban Development (HUD). For reference, although HUD does not report AMI in the same way specifically for Erie, we estimate it to be approximately \$140,000.

The Town has no deed-restricted permanently affordable housing, generally defined as housing limited to households with incomes below 80% of the area median. This is not to say that the Town does not currently have any naturally-occurring affordable housing available in the marketplace. Our research indicates, for example, that the Town *may* have as many as 500 ownership units affordable to incomes at 80% of the Boulder County area median income, but *this conclusion is provisional pending further analysis*. Among that number are approximately 50 mobile homes.

Moving Forward

The Town’s goal of 12% permanently affordable housing by 2035 will be difficult to achieve considering that it has no permanently affordable housing today. If the Town adds new housing units at an annual pace similar to that of the past two decades, over 30% of all new housing units would need to be permanently affordable in order to meet the goal by 2035.

Moving forward, the Town may consider a handful of tools for increasing the production of affordable housing, including but not limited to:

- Inclusionary housing ordinance, in which developers are required to produce some percentage of units as affordable housing under rules set by the Town.
- Financial incentives for affordable housing developers in the form of direct cash assistance and/or considerations such as certain fee reductions or rebates.
- Regulatory changes to create densities better able to support affordable housing, especially affordable rental housing. Such changes can improve economies of scale that facilitate properly functioning inclusionary housing ordinances and/or enable affordable housing developers to lower development costs per unit.
- Below-market sale or transfer of publicly-owned land for the purposes of affordable housing development.
- Affordable homeownership program(s) using various means, such as down payment assistance, deed restrictions, and/or a potential land trust where a public or nonprofit entity controls the underlying land to control disposition of the home.

Introduction and Background

The greater Denver-Boulder region has been an expensive housing market for some time. This is especially true in Boulder and Boulder County. The Town of Erie, which has some of the newest housing stocks in the region and an unusually low proportion of rental units has recognized that each community in the region has a role to play in increasing the regional supply of affordable housing.

The Boulder County Regional Housing Partnership, which Erie joined in 2020, set a 2035 goal to establish 12% of the region’s housing inventory as permanently affordable. In 2021, the Erie Board of Trustees adopted Resolution 21-140 to ensure that 12% of the Town’s housing stock would be affordable by 2035. In 2022, the Town retained consulting firm czb to assist with an Affordable Housing Needs Assessment and Strategy. The process and resulting report will provide Erie with the information and analysis needed to more firmly establish affordable housing goals and begin taking action.

Affordability Context

There is no debate that housing has become expensive in the region by any objective measure. The challenge is regional, not just local to Erie. However, before Erie can figure out where it is going, it needs to understand its starting point. How is Erie doing when it comes to affordability? What is happening in the region’s housing market and how does Erie compare?

What does it mean for housing to be “affordable”?

By federal government definitions, housing is considered “affordable” when it costs less than 30% of a household’s gross income, and those spending 30% or more on housing are considered “cost-burdened” which means housing is no longer affordable. Because the metric is a percentage, and not just an absolute number, affordability is relative, as illustrated in Table 1 below.

Table 1. Examples of Affordable Housing Costs by Income

Household Income	Can afford up to this much each month	Can afford up to this much each year
\$50,000	\$1,250	\$15,000
\$75,000	\$1,875	\$22,500
\$100,000	\$2,500	\$30,000
\$150,000	\$3,750	\$45,000

Erie’s Existing Housing Offerings: Mostly Single-Unit Detached Ownership

Relative to the region, Erie is dominated by single-unit detached houses, as shown in Table 2 below. This is the largest, most land-consumptive housing type which means, all things being equal, it is almost always the most expensive. In addition, the Town features relatively few rental units.

Table 2. Tenure and Single-Unit Detached Housing, 2020

	Weld Co.	Boulder Co.	Broomfield Co.	Erie
Percent of Occupied Units that are Single-Unit Detached	76%	63%	63%	88%
Percent of Occupied Units that are Owner-Occupied	75%	64%	69%	85%
Percent of Occupied Units that are Renter-Occupied	25%	36%	31%	15%

Source: 2016-2020 ACS Five Year Estimates

As of 2020, the Town had an estimated 7,842 single-unit detached houses and an estimated 649 of them were renter-occupied. Of an estimated 1,299 total renter-occupied units, fully half were found in single-unit detached houses that were almost certainly originally built for owner-occupancy. This fact reinforces just how few housing units have been built in Erie expressly for rental purposes. See Table 3 below for additional detail.

Table 3. Distribution of Occupied Housing Units in Erie by Type and Ownership/Rental Status, 2020

	Owned	Rented	Total
Single-Unit Detached Houses	7,193	649	7,842
All Other Units (Duplex, Townhome, Apartment, etc)	420	650	1,070
Total	7,613	1,299	8,912

Source: 2016-2020 ACS Five Year Estimates

Affordability Challenges for Single-Unit Detached Ownership

The reason Erie’s largely single-unit detached stocks impact affordability is because the stocks themselves are expensive. Single-unit detached house prices have risen steadily in the region in recent years, and Erie is no exception. Table 4 below shows the increase in Median Sale Price between years 2021 and 2022.

Table 4. Single-Unit Detached Median Sale Price, First Six Months of the Year, 2021 vs 2022

	2021	2022
Erie	\$685,000	\$808,000
Boulder County	\$795,000	\$900,000
Broomfield County	\$630,000	\$690,000
Weld County	\$430,000	\$498,950

Source: MLS via Colorado Association of Realtors

The income required to purchase a home varies, depending on many factors, including down payment, credit score, and interest rates. It is generally understood that a ratio of annual income to purchase price should be 3:1 to be considered affordable. Depending on individual buyer circumstances, down payment, etc., the ratio could go as high as 4:1 while remaining affordable. As a rule, however, it is fair to say that a buyer household, with few exceptions, should plan to spend in excess of \$600,000 for a detached house in Erie and such a purchase price will require *at least* a \$150,000 annual household income. (This analysis makes no attempt to predict how a shifting interest rate environment in 2022 and beyond, or any other macroeconomic factors, will impact single-unit detached house prices.)

An additional challenge to affordability in Erie is that it lacks lower-priced ownership opportunities relative to the region. Compared to Weld and Broomfield Counties, a smaller proportion of the Town’s ownership units are estimated to be valued at less than \$500,000. This includes all detached houses, townhouses, and condos. Ownership units below this value become affordable to households with incomes less than \$150,000. The Town’s proportion of units estimated to be valued in this range as of 2020 is similar to Boulder County’s, however, as shown in Table 5. (While this data source is comprehensive and beneficial for comparison between jurisdictions, it should be noted that values are self-reported and the data itself is dated. As such, it is sensible to assume that the true percentage of owner-occupied units valued at less than \$500,000 is likely smaller across the region at the time of this writing than is reported here.)

Table 5. Percent of Owner-Occupied Units Valued at \$500,000 or Less, 2020

Weld Co.	Boulder Co.	Broomfield Co.	Erie
84%	46%	58%	48%

Source: 2016-2020 ACS Five Year Estimates

Affordability Challenges for Renters

For those households who cannot or choose not to become homeowners, Erie provides limited rental alternatives. Only 15% of Erie’s housing units are estimated to be rentals, far below the proportion in surrounding counties. Among this relatively small number of rentals, the lack of availability is especially acute for households with incomes below \$75,000—among Erie’s limited rental offerings, very few are estimated to be affordable below that level. Across the rest of the region, as of 2020, estimates suggested that renter households with incomes of less than \$75,000 could hope to access roughly a quarter of all housing units. In Erie, they could access only 3% of all housing units (Table 6). The annual income figure of \$75,000 is an important breakpoint in Erie, as can be seen later in Table 7, as the demarcation between those who struggle greatly with affordability and those who struggle far less, or not at all.

Table 6. Percent of Units that are Affordable Rentals, by Income, 2020

	Weld Co.	Boulder Co.	Broomfield Co.	Erie
Percent of all occupied units that are rentals affordable at annual household income of \$50,000	16%	12%	5%	1%
Percent of all occupied units that are rentals affordable to annual household income range of \$50,000 - \$74,999	8%	17%	21%	2%
All other units of all types, owner-occupied and renter-occupied	76%	71%	73%	97%

Source: czb analysis of data from 2016-2020 ACS Five Year Estimates

Affordability for Existing Erie Households

The information presented thus far paints a general picture for any household that may consider locating in Erie. But what is the status of households already living in the Town? How many households, whether they are owner- or renter-occupied, are facing affordability challenges?

When households pay 30% or more of their gross income toward housing costs, they are considered “cost burdened.” Generally speaking, rates of cost burden are lower in homeowners because mortgage underwriting practices help to guarantee that buyers will not buy more house than they can afford. This system can of course be impacted by life events such as job loss, divorce, or retirement, that lower household incomes without lowering monthly housing costs. Renters generally are more susceptible to cost burden because rents can reset at the end of lease terms even if household income does not increase accordingly. Erie is so dominated by homeownership that it would be reasonable to expect a low rate of cost burden amongst its households. In point of fact, however, nearly 1 in every 4 Erie households was estimated in 2020 to have been paying 30% or more of its income toward housing, as outlined in Table 7 below. Again, the rates of cost burden are clearly higher amongst owners and renters with incomes below \$75,000 than for those with incomes above that level.

Table 7. Cost Burdened Households by Income and Tenure, 2020

Income Range	Owner-Occupied Households			Renter-Occupied Households		
	Households	Paying 30% or More	Percent Paying 30% or More	Households (Paying Cash Rent)	Paying 30% or More	Percent Paying 30% or More
Less than \$20,000	150	150	100%	145	145	100%
\$20,000 to \$34,999	297	195	66%	150	150	100%
\$35,000 to \$49,999	309	167	54%	92	92	100%
\$50,000 to \$74,999	624	312	50%	184	96	52%
\$75,000 or more	6,215	579	9%	635	227	36%
Total	7,613	1,403	18%	1,206	710	59%

Source: 2016-2020 ACS Five Year Estimates

Future Considerations: Defining Housing Needs, Goals, and Program Parameters

This memo speaks to preliminary analysis and framing, and does not firmly define housing needs, goals, solutions, or specific parameters that will be better defined during future discussions. The information that follows is meant to inform and prompt thought for staff and other readers of this memo, including but not limited to the Board of Trustees, stakeholders, and the general public. Further discussion about the scope and scale of housing challenges in Erie

and how they affect the Town’s long-term goals—economic vitality, community diversity, resilience, etc.— might lead to a more narrowly targeted strategy.

Thinking about “Housing Needs”

The determination of “housing needs” can be accomplished using a variety of methodologies, depending on how a community views the issue of housing. Any credible consultant should share the following caveats when it comes to calculating such figures:

1. There is no such thing as objective “housing needs.” Needs are subjectively defined, based on the nature of the problem(s) a community is hoping to solve.
2. Any calculations and resulting projections are based on a number of assumptions, and should be disclosed clearly.
3. Demographic and job creation projections over long periods of time—say, anything beyond five years—in a small and fast-growing geography within a larger, dynamic region, are very difficult to make, subject to large margins of error, and should be viewed skeptically by policy makers.
4. The exercise is largely academic, using numbers to make high-level points that can shape policy direction. If the projected needs are taken too literally, policy makers will quickly realize that the housing production system—inclusive of private, nonprofit, and public sectors—will not be able to respond at a level required to meet the needs and this can have a discouraging effect that is unhelpful.

At this time, the Town’s housing goals are not highly specific, beyond the acknowledgement that increased diversity is important and that it has a 12% goal for permanent affordability as part of the Boulder County Regional Housing Partnership. This is not a problem for the time being, and future discussions will help narrow the focus. For this discussion, as an example, let us consider a scenario in which the Town has only a single, simply-defined goal of matching the household composition of the greater region when it comes to housing tenure and household incomes. This is a reasonable approach, given the relatively rich diversity of housing options and households across the region, which Erie might like to match.

The first step would be to measure the gap between the Town of Erie and the greater region, as illustrated in Table 8 below. The region is defined here as the combination of Boulder, Weld, and Broomfield Counties.

Table 8. Distribution of Households by Tenure and Income, Erie vs. Region, 2020

	Composite Region - Boulder, Weld, Broomfield Counties		Erie	
	Households	Percent	Households	Percent
Owner Households by Income				
Less than \$50,000	36,328	14.2%	774	8.7%
\$50,000 to \$74,999	25,796	10.1%	624	7.0%
\$75,000 to \$99,999	23,668	9.2%	729	8.2%
\$100,000 to \$149,999	39,519	15.4%	2,116	23.7%
\$150,000 or more	49,840	19.4%	3,370	37.8%
Renter Households by Income				
Less than \$50,000	39,896	15.5%	480	5.4%
\$50,000 to \$74,999	14,798	5.8%	184	2.1%
\$75,000 to \$99,999	10,433	4.1%	217	2.4%
\$100,000 to \$149,999	10,041	3.9%	314	3.5%
\$150,000 or more	6,291	2.5%	104	1.2%
Total	256,610	100%	8,912	100%

Data Source: 2016-2020 ACS Five Year Estimates

The main differences, when compared to the region, are that Erie on a proportional basis has far fewer owner households with incomes below \$100,000, far more above \$100,000, and many fewer renter households at almost any income level. If Erie wanted to rebalance its household composition to match the estimated 2020 composition of the region, and it is further assumed that no current categories of household would be reduced to make this rebalancing happen, the Town would have to set a specific growth trajectory as described in Table 9.

Table 9. Future Household Composition Scenario where Erie matches Region

	<i>Erie Targets</i>		<i>New Households</i>	<i>MAX Price Points</i>
	Households	Percent	Units Needed	
<i>Owner Households by Income</i>				For Sale (3.5 Ratio Income to Value)
Less than \$50,000	2,456	14.2%	1,682	\$175,000
\$50,000 to \$74,999	1,744	10.1%	1,120	\$262,500
\$75,000 to \$99,999	1,600	9.2%	871	\$350,000
\$100,000 to \$149,999	2,672	15.4%	556	\$525,000
\$150,000 or more	3,370	19.4%	0	More than \$525,000
<i>Renter Households by Income</i>				For Rent (30% Gross Income)
Less than \$50,000	2,697	15.5%	2,217	\$1,250
\$50,000 to \$74,999	1,001	5.8%	817	\$1,875
\$75,000 to \$99,999	705	4.1%	488	\$2,500
\$100,000 to \$149,999	679	3.9%	365	\$3,750
\$150,000 or more	425	2.5%	321	More than \$3,750

Data Source: czb analysis of data from ACS Five Year Estimates

Because the Town is “oversupplied” with the highest-income owner-occupied households relative to the region, it would not, under this scenario, seek to add any more of the housing most likely to match with those households. Instead, it would seek to add thousands of the types of units that it does not currently have, or has in much smaller percentages than the rest of the region—namely for-sale ownership units priced below \$525,000 and rental units at any price point but especially those renting for no more than \$1,250 per month. (For ownership units, we have used a household income to value ratio of 3.5, halfway between 3 and 4.) If the Town wanted to pursue the approach illustrated in the table, it would need to reassess its land use regulations, including zoning, to ensure the private sector could deliver housing types that would match the projected needs. It would also need to determine the gaps between the costs to deliver the housing units and what the projected households could pay.

As this project continues, and the analysis evolves, we may explore employment-based models and/or demographic scenarios to define ranges of potential housing intervention needs and inform possible future zoning changes as well as funding needs to fill financial gaps.

Town’s Goal of 12% Permanently Affordable Housing Units by 2035

As part of the Boulder County Regional Housing Partnership, Erie has made a commitment that 12% of its housing units will be permanently affordable by 2035. The goal is admirable, and ambitious, but as a practical matter it will be difficult to achieve. Erie has no permanently affordable housing, and it had just over 10,000 housing units in 2020, according to the 2020 Decennial Census, the last official count of housing units. It undoubtedly has more than that today. For ease of analysis and making a critical point, however, we will begin with the 2020 figure as the base starting point.

Assuming the 2020 base figure of 10,332, if no other housing units were built between 2020 and 2035, the Town would need to facilitate the construction of over 1,400 affordable units to reach its goal of 12%. Of course, this does not reflect reality, as the Town's housing supply continues to grow in the meantime, meaning the 12% goal is constantly on the move. As the market-rate supply increases, the number of permanently affordable units needed to hit the goal increases with it. On average, the Town of Erie added about 450 new housing units each year between 2000 and 2020. To grasp the challenge of achieving the 12% goal by 2035, consider the following scenarios at various paces of development:

- At a pace of 300 new housing units each year between 2020 and 2035, 40% of all new units would need to be affordable.
- At a pace of 400 new housing units each year between 2020 and 2035, 33% of all new units would need to be affordable.
- At a pace of 500 new housing units each year between 2020 and 2035, 29% of all new units would need to be affordable.
- At a pace of 600 new housing units each year between 2020 and 2035, 26% of all new units would need to be affordable.
- At a pace of 1,000 new housing units each year between 2020 and 2035, 20% of all new units would need to be affordable.

There are a number of reasons why these scenarios may be implausible, from constraints on currently developable land, to the private sector's capacity to build at such a pace, to the lack of public resources to help fill the gap for such high levels of affordability. None of this detracts from the fact that the Town has planted a flag and set an ambitious goal. Part of the work in this Housing Needs Assessment and Strategy will be to put goals and resources into their proper context so that the Board of Trustees can make informed policy decisions.

As the Town considers housing issues and opportunities in the coming months and beyond, it has the chance to either keep or modify its goal, but also to add to its list of goals and do so strategically. There may be opportunities to set ambitious but achievable goals when it comes to housing diversification, specific target markets, program development, funding, or other areas.

Potential Affordable Housing Income Limits and Target Markets

Public sector organizations that do affordable housing work traditionally determine affordability targets based on the Area Median Income, or AMI. Generally speaking, affordable housing is aimed at households with incomes at or below 80% of the AMI on the assumption that households with incomes above that level are likely able to find suitable housing in the marketplace that they can afford, and this is generally true for rental housing more than ownership housing. In particularly expensive markets like Erie's, there may be programs aimed at ownership housing for households earning up to 120% AMI or even higher in some cases. Understanding local incomes, in the form of AMI, may be helpful to policy makers and practitioners as they seek to define target markets and determine future eligibility criteria.

As stated above, affordability is relative, based on the premise that no household should spend 30% or more of its gross income on housing costs. When housing units are designated as affordable and regulated by any level of government, rents or prices are based on this premise

and a local affordable housing portfolio may have units affordable to different income levels. Further complicating matters, incomes vary by region and units of government regulating affordable housing usually change income limits based on household size. Table 10 below illustrates existing income limits for the Boulder Metropolitan Statistical Area (MSA) and the Greeley MSA, which consist of Boulder County and Weld County respectively, and the corresponding estimated incomes for the Town of Erie. The Boulder and Greeley MSA figures are provided by the Department of Housing and Urban Development (HUD), but HUD does not provide Town-specific limits, so they have been estimated using income data from American Community Survey five-year estimates.

Table 10. Actual and Potential Affordable Housing Income Limits for Erie

	Boulder County*	Weld County*	Erie**
60% AMI			
3 Person Household	\$60,750	\$53,475	\$83,417
4 Person Household	\$67,463	\$59,400	\$96,850
80% AMI			
3 Person Household	\$81,000	\$71,300	\$111,222
4 Person Household	\$89,950	\$79,200	\$129,134
100% AMI			
3 Person Household	\$101,250	\$89,125	\$139,028
4 Person Household	\$112,438	\$99,000	\$161,418
120% AMI			
3 Person Household	\$121,500	\$106,950	\$166,834
4 Person Household	\$134,925	\$118,800	\$193,702

*Data Source: FY 2022, Income Limits Summary, HUD User

** Data Source: 2016-2020 ACS Five Year Estimates

The estimated average household size in Erie is three (3). This is the same for both owner-occupied and renter-occupied households. According to the data presented in Table 8, Erie has a disproportionately small number of households with incomes below \$100,000, which is around 100% AMI based on county figures, depending on household size, and approximately in the 60-80% AMI range for Erie, specifically, depending on the household size.

If and when affordable housing projects in the Town access state and local funds, those projects will likely be subject to the limits defined by HUD for Boulder and Weld Counties. As the Town considers future programming using its own funds, it could have more flexibility in how it sets limits. If policymakers and program staff are to use AMI language going forward, understanding these nuances will become important.

Potential Housing Tools for Future Consideration

Moving forward the Town may consider a handful of tools for increasing the production of affordable housing, including but not limited to:

- Inclusionary housing ordinance, in which developers are required to produce some percentage of units as affordable housing under rules set by the Town.
- Financial incentives for affordable housing developers in the form of direct cash assistance and/or considerations such as certain fee reductions or rebates.
- Regulatory changes to create densities better able to support affordable housing, especially affordable rental housing. Such changes can improve economies of scale that

facilitate properly functioning inclusionary housing ordinances and/or enable affordable housing developers to lower development costs per unit.

- Below-market sale or transfer of publicly owned land for the purposes of affordable housing development.
- Affordable homeownership program(s) using various means, such as down payment assistance, deed restrictions, and/or a potential land trust where a public or nonprofit entity controls the underlying land to control disposition of the home.

Project Next Steps

The Affordable Housing Needs Assessment and Strategy will continue through the end of 2022, with a number of activities planned in the coming months.

- Analysis will continue through the early fall of 2022, including evaluation of approaches to a draft inclusionary housing ordinance.
- Early findings will be shared at a public open house on September 22.
- During the fall, work will continue on strategic options that the Town may consider adopting in the future to support affordable housing production.
- Additional analysis and strategic options will be presented to the Board of Trustees for consideration at a future meeting, tentatively in November.
- Additional stakeholder meetings and a second public open house will take place in November to share progress and test options.



Erie, CO

Housing Needs
Assessment
and Affordable
Housing Strategy



ERIE
COLORADO



Board of Trustees
September 20, 2022

AGENDA

-
- 1. Preliminary Data**
 - 2. 12% Goal Implications**
 - 3. Potential Tools**

TO NOTE

**Preliminary, not final analysis.
Do not have all the answers.**

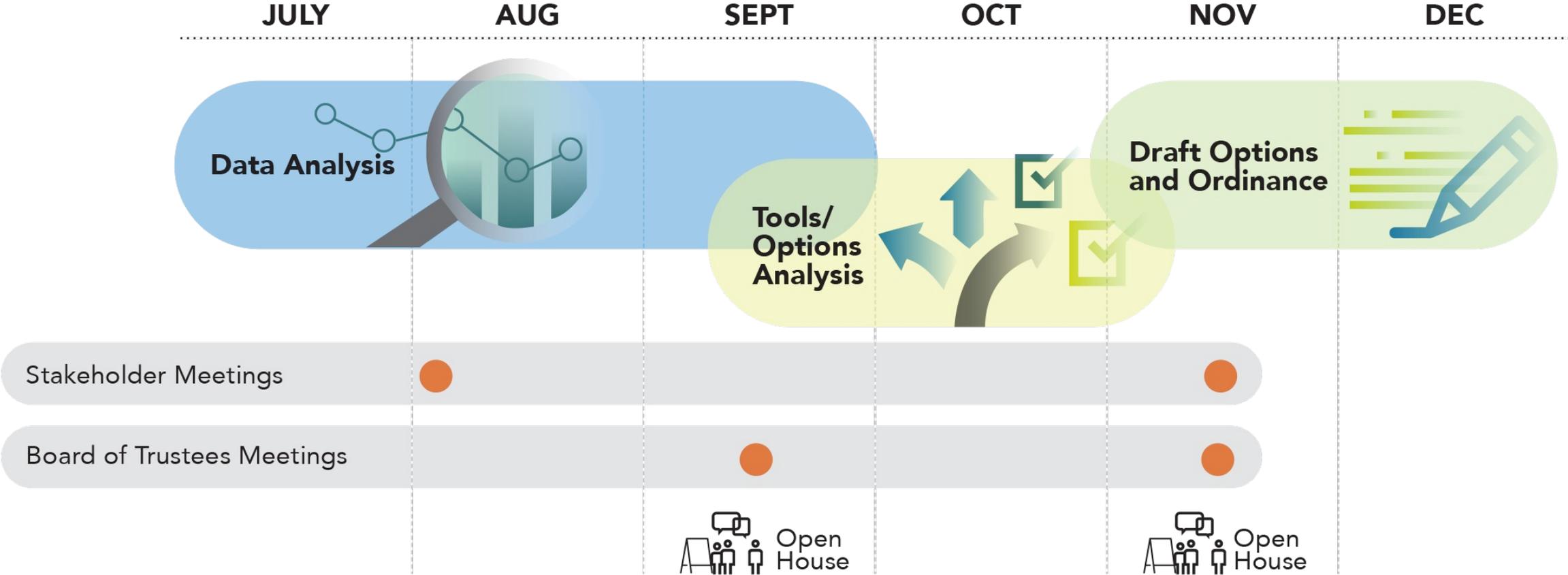
**First discussion, more to come.
Future strategic discussions
required.**

**Questions and feedback critical
for shaping next steps.**

QUESTIONS TO CONSIDER

-
- 1. Are there any questions or feedback on the preliminary analysis?**
 - 2. Which tools sound worthy of deeper exploration?**

SCHEDULE



Who are Erie households?

Disproportionately homeowners

	Erie	Boulder Co.	Weld Co.	U.S.
Owner-Occupied	85%	64%	75%	64%
Renter-Occupied	15%	36%	25%	36%

Who are Erie households?

High Income

	Erie	Boulder Co.	Weld Co.	U.S.
Median Household Income	\$124,480	\$87,476	\$74,332	\$64,994
Median Family Income	\$138,348	\$118,307	\$85,167	\$80,069

Who are Erie households?

High Income Owners and Renters

	Erie	Boulder Co.	Weld Co.	U.S.
Median Owner Income	\$138,346	\$115,235	\$86,818	\$81,389
Median Renter Income	\$73,424	\$51,005	\$44,329	\$42,147

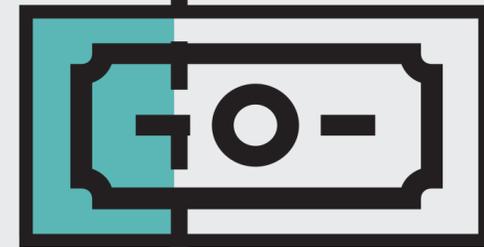
Who are Erie households?

Highly Educated

	Erie	Boulder Co.	Weld Co.	U.S.
BA Attainment or More	64.1%	63.0%	27.6%	32.9%
Advanced Degree Attainment	27.9%	28.4%	9.3%	12.7%

What does it mean for housing to be "affordable"?

Housing is considered "affordable" when it costs less than 30% of a household's gross income.



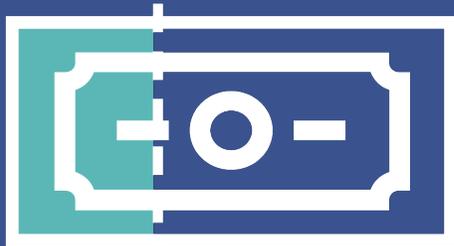
UNAFFORDABLE

→ **Paying AT LEAST 30% of income toward housing costs**

AFFORDABLE

← **Paying LESS THAN 30% of income toward housing costs**

Because the metric is a percentage, and not just an absolute number, affordability is relative.



AFFORDABLE
 Paying **LESS**
THAN 30% of
 income toward
 housing costs

Affordable housing costs for households by annual income

	\$50,000	\$75,000	\$100,000	\$150,000
How much income goes towards housing to be considered affordable?				
<i>per month</i>	Up to \$1,250	Up to \$1,875	Up to \$2,500	Up to \$3,750
<i>per year</i>	Up to \$15,000	Up to \$22,500	Up to \$30,000	Up to \$45,000

Erie is a single-unit detached ownership market.



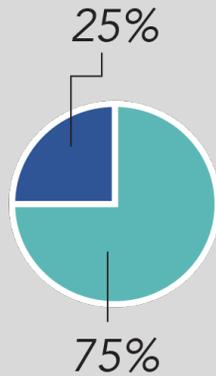
Source: 2016-2020 ACS Five Year Estimates

Renters

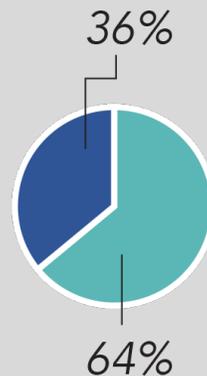
Owners

% of Renters and Owners in...

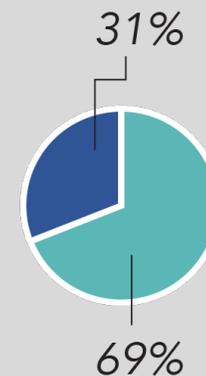
Weld County



Boulder County



Broomfield County



Erie



% of all units that are single-unit detached

Weld County

76%

Boulder County

63%

Broomfield County

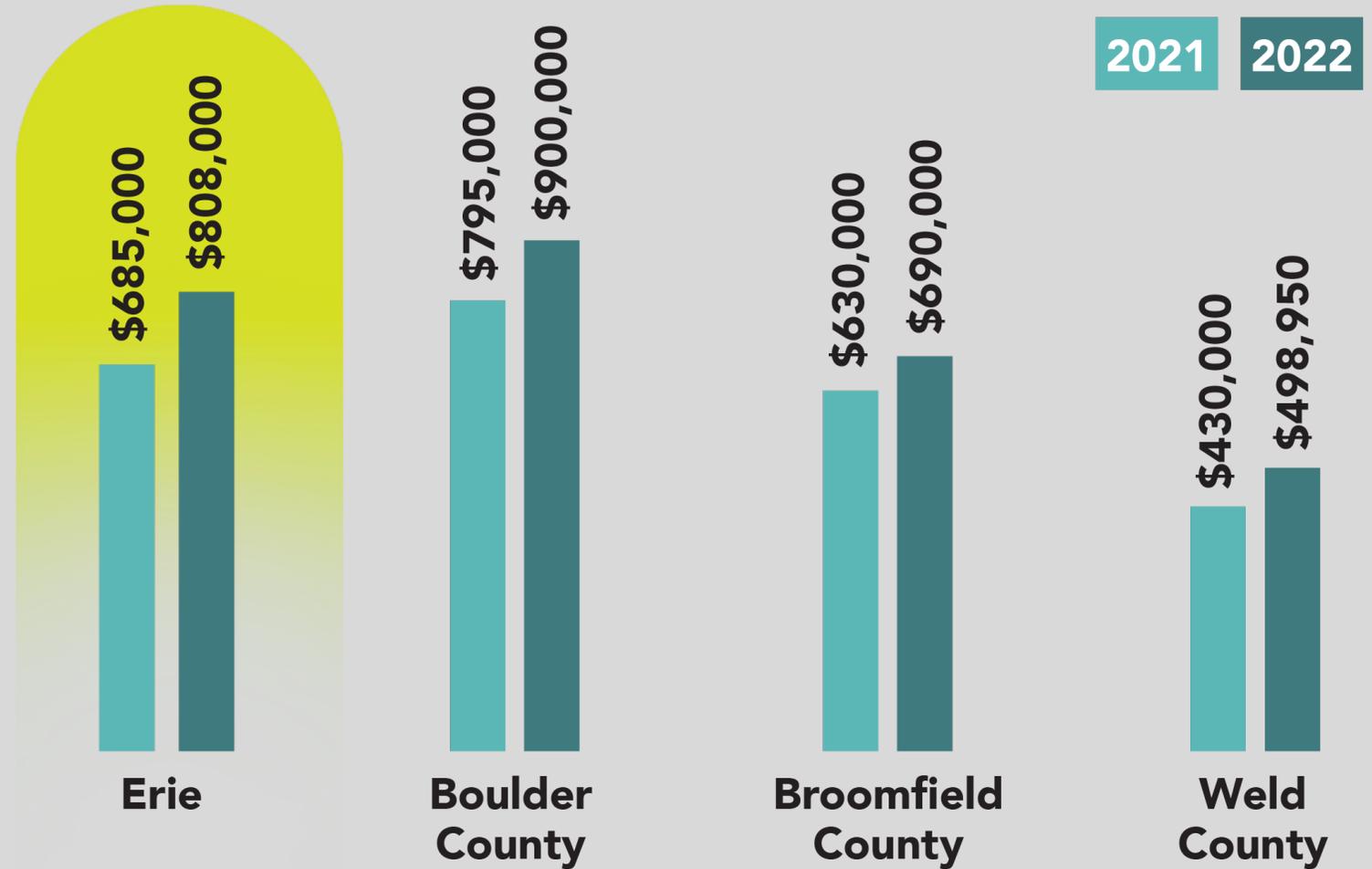
63%

Erie

88%

Buying in Erie requires at least \$150,000 annual household income.

Single-Unit Detached Median Sale Price, First Six Months of the Year

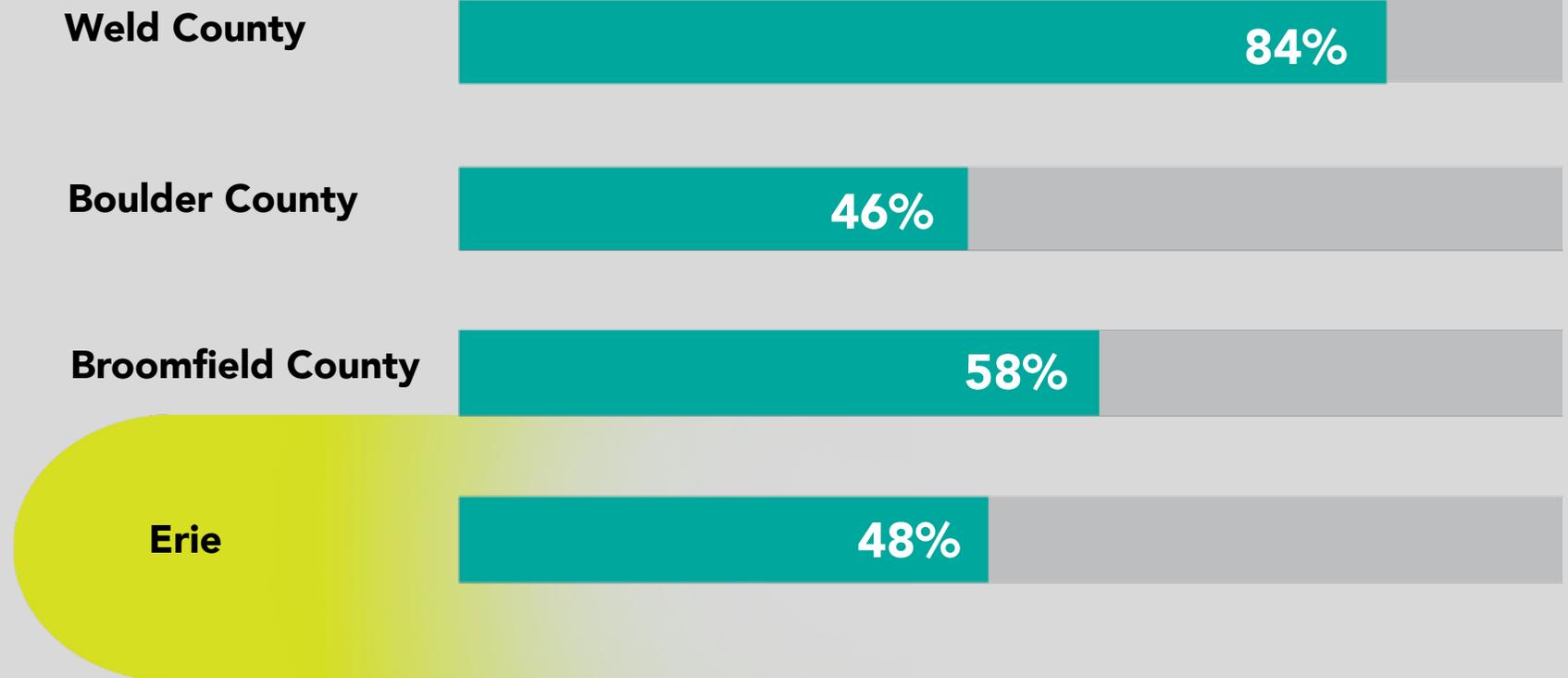


Source: MLS via Colorado Association of Realtors

Erie lags the region in affordable ownership opportunities.

% Ownership Units Affordable at or below \$150,000 Household Income
(Valued at \$500,000 or less)

Affordable at or below \$150,000 household income



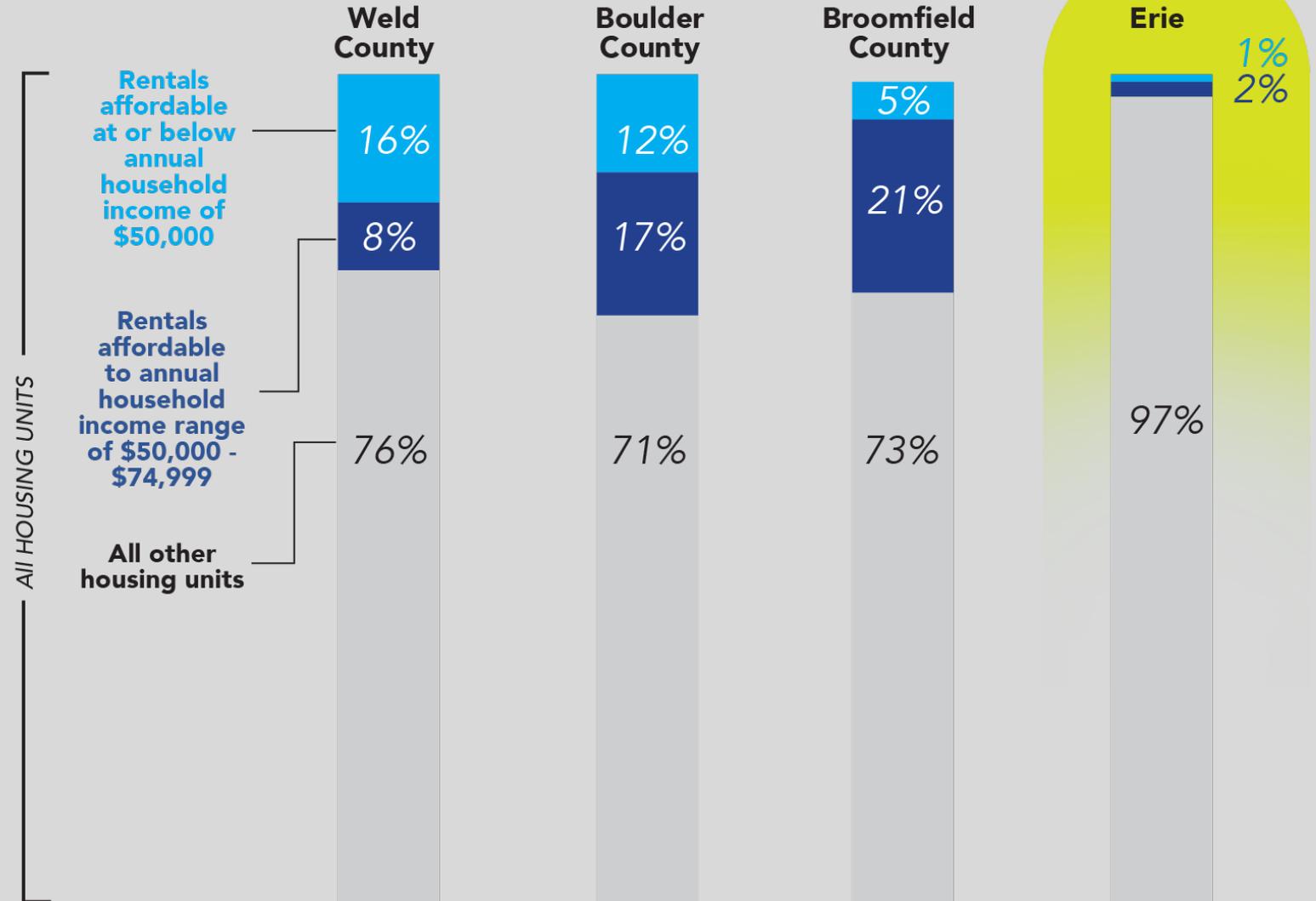
Source: 2016-2020 ACS Five Year Estimates

Erie's general lack of rentals means a lack of affordable rentals.



Source: 2016-2020 ACS Five Year Estimates

Rental Units



Erie market currently hardest on existing households with incomes below \$75,000.

Cost Burdened Owners by Income, 2020



Cost Burdened Renters by Income, 2020



Source: 2016-2020 ACS Five Year Estimates

Ambitious goals require significant future affordability.

To reach 12% permanently affordable by 2035...

At the annual building pace of.....

300

500

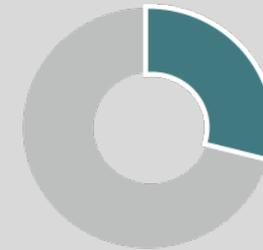
1,000

% of all new units 2020-2035 that must be income restricted

40%

29%

20%





Inclusionary Housing

- Local ordinance.
- Requires a share of new housing to be affordable.
- Income limits set locally.





Financial Incentives

Cash assistance



Fee Reductions





Regulatory Changes

Increased density



Creates economies of scale



Lowers development cost per unit



Supports functioning Inclusionary Housing program





Publicly Owned Land

Sell or dispose of below-market



Reduce land costs for affordable housing





Affordable Ownership

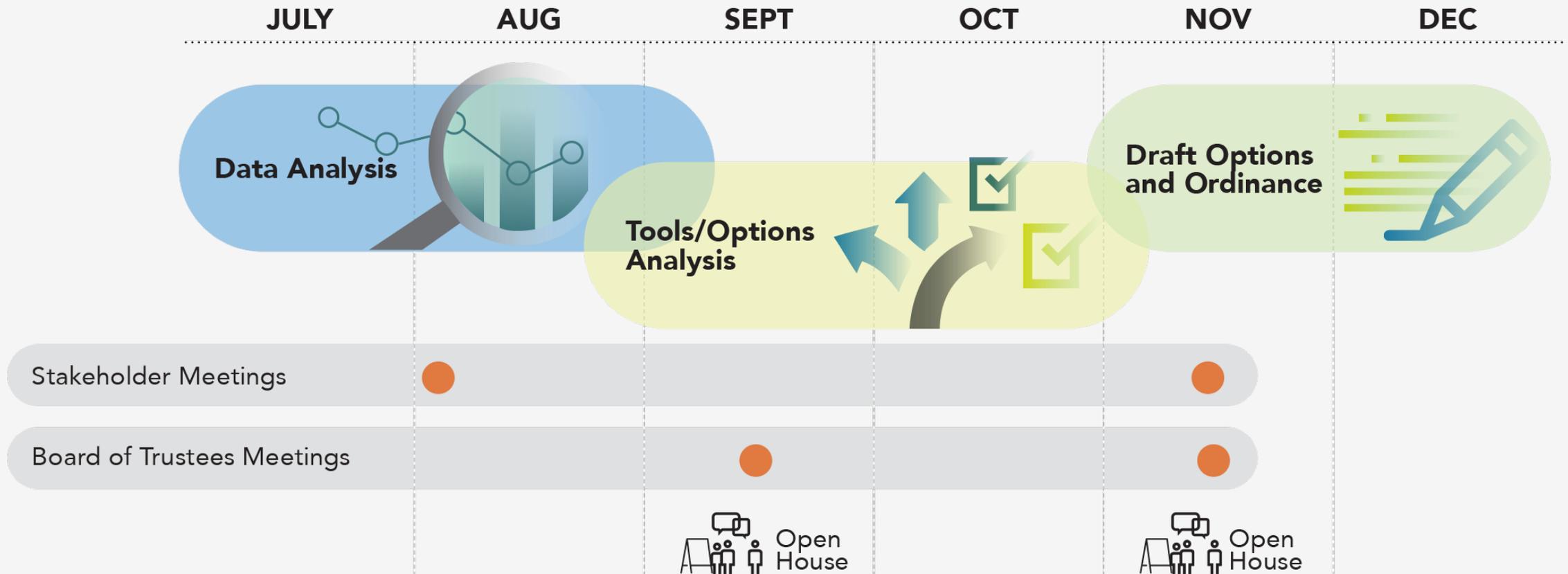
- Program to support purchase for those who otherwise could not.
- Various tools.
- Down payment assistance.
- Deed restrictions.
- Land trust.



Project Next Steps

Analysis will continue through the end of summer 2022.

Preliminary findings will be shared with the Town Board of Trustees and at a **public open house in September**. During the fall, work will continue on **strategic options** that the Town may consider adopting in the future to support affordable housing production.



Discussion

1. Are there any questions or feedback on the preliminary analysis?
2. Which tools sound worthy of deeper exploration?





TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Board of Trustees

Board Meeting Date: 9/20/2022

File #: 22-373, **Version:** 1

Subject: General Business

Mobility & Access for All Ages and Abilities (M4A or MAAAA) Presentation

Department: Legislation

Presenter(s): Alberto De Los Rios, Diversity, Equity, and Inclusion Manager; Carlos Hernandez, Senior Transportation Planner; Angel Bond, Boulder County Mobility for All Manager; Cammie Edson, Youth Transportation Program Manager; Jessica Villena Sanchez, PhD, Mobility for All Bilingual Planner

Time Estimate: 60 minutes

Summary and Background of Subject Matter:

Boulder County Community Planning & Permitting Department's Mobility for All and Youth Transportation Programs, in coordination with community partners, regional stakeholders, and members of the public, concluded the Mobility & Access for All Ages & Abilities (MAAAA) 18-month planning process. [Mobility & Access for All Ages & Abilities \(MAAAA\) Plan](https://bouldercounty.gov/transportation/multimodal/mobilityforall/mobility-and-access-for-all-ages-and-abilities/) [<https://bouldercounty.gov/transportation/multimodal/mobilityforall/mobility-and-access-for-all-ages-and-abilities/>](https://bouldercounty.gov/transportation/multimodal/mobilityforall/mobility-and-access-for-all-ages-and-abilities/) is the working name of the 2021-2026 Boulder County Coordinated Human Services Transportation Services Plan, which builds on the [Boulder County Transportation Master Plan](https://bouldercounty.gov/transportation/plans-and-projects/transportation-master-plan/) [<https://bouldercounty.gov/transportation/plans-and-projects/transportation-master-plan/>](https://bouldercounty.gov/transportation/plans-and-projects/transportation-master-plan/) and serves as a new guide for Boulder County's multimodal transportation policy as it pertains to people with special needs for the next 5 years. [<https://bouldercounty.gov/transportation/multimodal/mobilityforall/mobility-and-access-for-all-ages-and-abilities/>](https://bouldercounty.gov/transportation/multimodal/mobilityforall/mobility-and-access-for-all-ages-and-abilities/) [<https://bouldercounty.gov/transportation/plans-and-projects/transportation-master-plan/>](https://bouldercounty.gov/transportation/plans-and-projects/transportation-master-plan/)

Mobility for All and Youth Transportation Program Staff will provide a presentation on the MAAAA Strategies to improve multimodal transportation access for individuals with disabilities, older adults, Spanish-speaking households, veterans, youth, and other populations with unique transportation needs and gaps in Boulder County. The presentation will provide an opportunity to ask questions, identify overlap in strategic priorities and opportunities to collaborate to advance equitable transportation access for all members of our community. The plan can be viewed here <https://boco.org/MAAAA> and the plan video here: <https://boco.org/MAAAAVideo>

Board Priority(s) Addressed:

- ✓ Engaged and Diverse Community
- ✓ Prosperous Economy
- ✓ Strong Transportation Infrastructure
- ✓ Safe and Healthy Community
- ✓ Effective Governance
- ✓ Environmentally Sustainable

Attachment(s):

1. MAAAA Presentation



Presentation & Discussion

Town of Erie Board of Trustees
Study Session
September 20, 2022

About the Project

About the Project

- Improve mobility for seniors, people with disabilities, low-income individuals & youth.
- Organizations involved **coordinate** and **provide** transportation services.
- Federal transit law requirement for Section 5310 (Enhanced Mobility for Individuals and Individuals with Disabilities Program) **project funding**.
- Projects "must be included in a **locally developed coordinated plan**."
- This is the **first such plan of its kind for Boulder County**.



Boulder County Mobility & Access for All Ages & Abilities (MAAAA) Plan Video



Shortcut to video link
<https://boco.org/MAAAAVideo>

Overarching Goals & Objectives



Accessibility

- Supporting alternatives to car ownership
- Expanding information and experience using multimodal transportation options



Equity

- Determining which places/locations are sufficiently serviced relative to special needs
- Listening to marginalized populations and responding directly to needs



Reliability

- Recognizing and supporting personnel who keep the transportation system running
- Helping increase regular program and service use

Overarching Goals & Objectives



Efficiency

- Reducing strain on existing resources
- Evaluating program and service effectiveness



Sustainability

- Investing in Boulder County's future social and financial growth
- Continuing drive for greater fuel efficiency, fewer climate impacts, & improved air quality



Safety

- Embracing a philosophy of universal access
- Helping people feel more comfortable with multiple transportation options

Who Is Involved



Technical Advisory Committee

- 25 Partner Agency Representatives



Community Partners

- CDOT Transit & Safe Routes to School
- Regional Planners (DRCOG & NFRMPO)
- Boulder County Area Agency on Aging
- RTD Paratransit
- CU Boulder and CU Denver
- Aging Advisory Council
- IDD Mill Levy Advisory Council
- Mobility and Access Coalition
- Bicycle Colorado



Affinity/Focus Groups

- Youth Programs Leadership
- People with Disabilities
- Racial, Ethnic, and Income Equity
- Healthcare Access and Aging
- Municipal Planners
- Boulder Valley & St. Vrain Valley School Districts

The Process

Public Comment Period:

- Feb. 18 - Mar. 25, 2022
 - Meetings: MAC, TAC
 - Newsletters, Social Media, Partners
- Received Over 110 Plan Comments
- Feedback Integration by Consultant
- Public Comments for Public Hearing



Existing Conditions Report

Plan Review

Key Findings

- Transportation is a crucial issue which intersects with climate policy, social equity, affordability, and public health.
- Unmet travel needs go beyond County borders in all directions.
- Not enough supply to meet demand, in both housing and transportation services.



Demographic Analysis

Key Demographics for Colorado, Boulder County, & Neighboring Counties

	Total Population	Percent of Older Adults (aged 65 and older)	Percent of Population with a Disability	Percent of Population with Income below 150% of federal poverty level	Percent of Youth (aged 18 and younger)	Percent of Households with Youth
State of Colorado	5,610,349	13.8%	10.6%	16.9%	22.5%	30.6%
Boulder County	322,510	13.7%	8.1%	16.4%	19.4%	27.1%
Weld County	305,345	11.9%	10.3%	17.5%	26.3%	38.8%
Broomfield County	67,886	13.3%	8.1%	8.5%	23.2%	32.2%
Gilpin County	6,018	17.9%	9.6%	10.1%	13.6%	15.0%
Grand County	15,303	16.7%	5.0%	17.9%	17.4%	18.6%
Jefferson County	574,798	16.0%	10.0%	11.7%	20.0%	27.7%
Larimer County	344,786	15.1%	9.7%	17.3%	19.8%	26.5%

Source: ACS 5-Year Estimates (2015-2019, 2011-2015, and 2006-2010)

Demographic Analysis

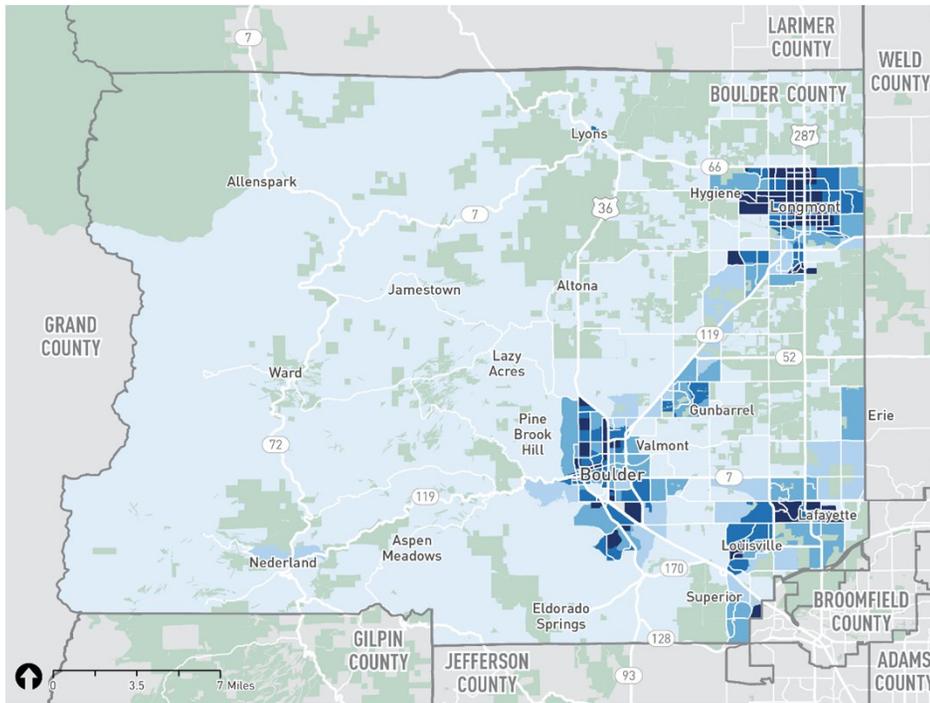
Boulder County Race Figures

Group	2019 (5-Year)	%	2015 (5-Year)	%	2010 (5-Year)	%
Total Population	322,510	--	310,032	--	290,177	--
White	286,950	89	274,075	88.4	253,057	87.2
Black or African American	2,944	0.9	2,803	0.9	2,321	0.8
American Indian and Alaska Native	1,416	0.4	1,695	0.5	1,116	0.4
Asian	15,281	4.7	13,374	4.3	11,856	4.1
Native Hawaiian and Other Pacific Islander	203	0.1	214	0.1	79	0
Some other race	5,934	1.8	8,812	2.8	14,922	5.1
Two or more races	9,782	3	9,059	2.9	6,826	2.4
Hispanic or Latino (of any race)	44,740	13.9	42,487	13.7	37,374	12.9

Source: ACS 5-Year Estimates (2015-2019, 2011-2015, and 2006-2010)

What is Boulder County's Transit Propensity?

- Older Adults
- Youth
- Disabled
- Low-Income

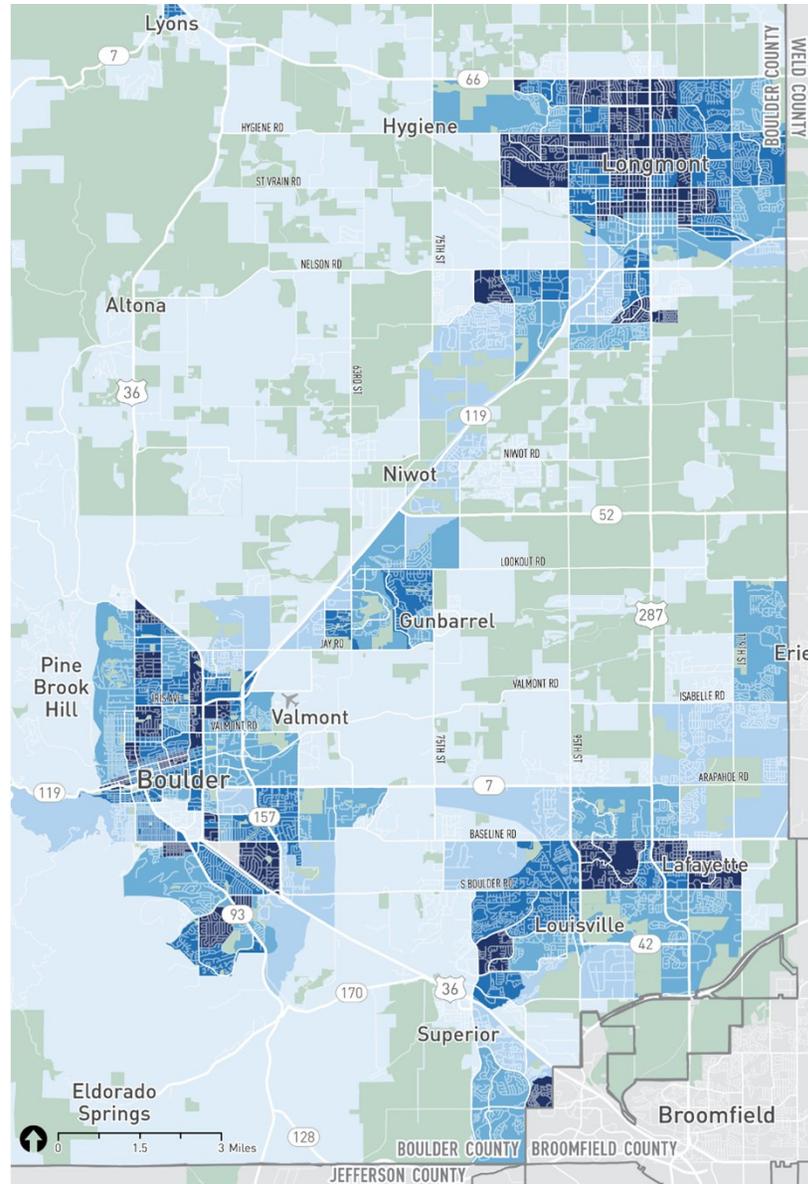


Transit Need

Needs is based on cumulative density of older adults population, youth population, low-income households (40% AMI and lower), and people with disabilities.

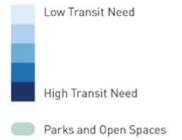


Source: Esri, US Census Bureau, ACS 5-year Estimate (2015-2019), Boulder County. Map created March 2021.



Transit Need

Needs is based on cumulative density of older adults population, youth population, low-income households (40% AMI and lower), and people with disabilities.



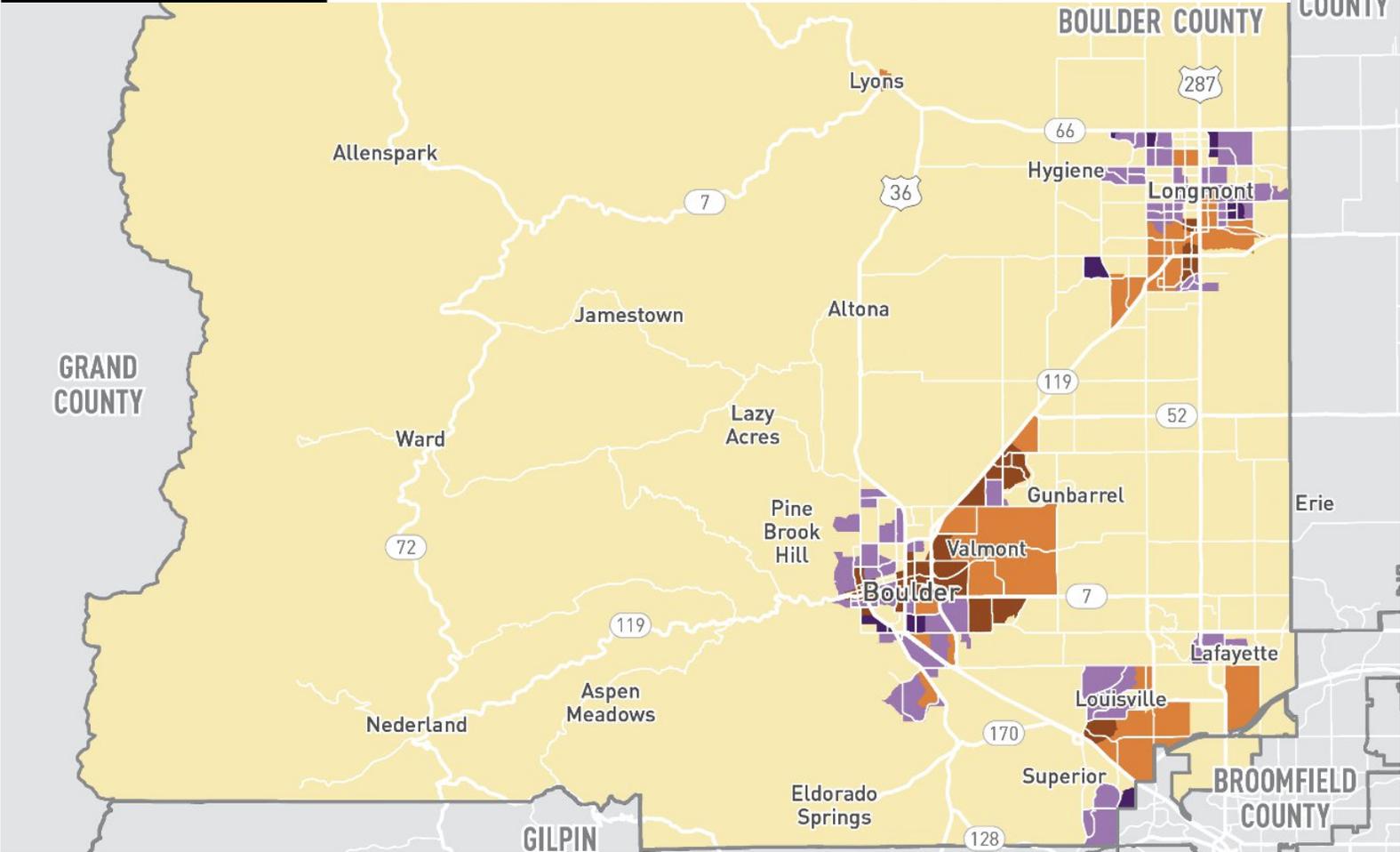
Source: Esri, US Census Bureau, ACS 5-year Estimate (2015-2019), Boulder County. Map created March 2021.

Jobs - Housing Balance

Difference in Jobs per acre versus Households per acre, per Census Blockgroup

- Proportionally Higher Jobs
- Somewhat Higher Jobs
- Balanced Jobs and Households
- Somewhat Higher Households
- Proportionally Higher Households

Source: Esri, US Census Bureau, ACS 5-year Estimate (2015-2019), LEHD 2018, Boulder County. Map created March 2021.



Summary of Needs

- Need for additional **data** and organizational support for transportation planning and policy.
- Region's land use and urban design is not conducive to transit-supportive communities, compromising the journey one takes to **access** transit.
- The **cost** of transportation is a burden on top of the rising cost of housing.
- Community groups, non-profits, and governments alike may not necessarily have enough **resources** (administrative staff, operators, etc.).

Summary of Needs

- **Service gaps** for localities and communities outside regional transit hubs.
- Limited **awareness** of all transportation options.
- **Long-term** challenges demand big moves:
 - climate change
 - systemic discrimination
 - aging infrastructure and population
 - technology's role in transportation

Strategy Priorities

About the Strategies

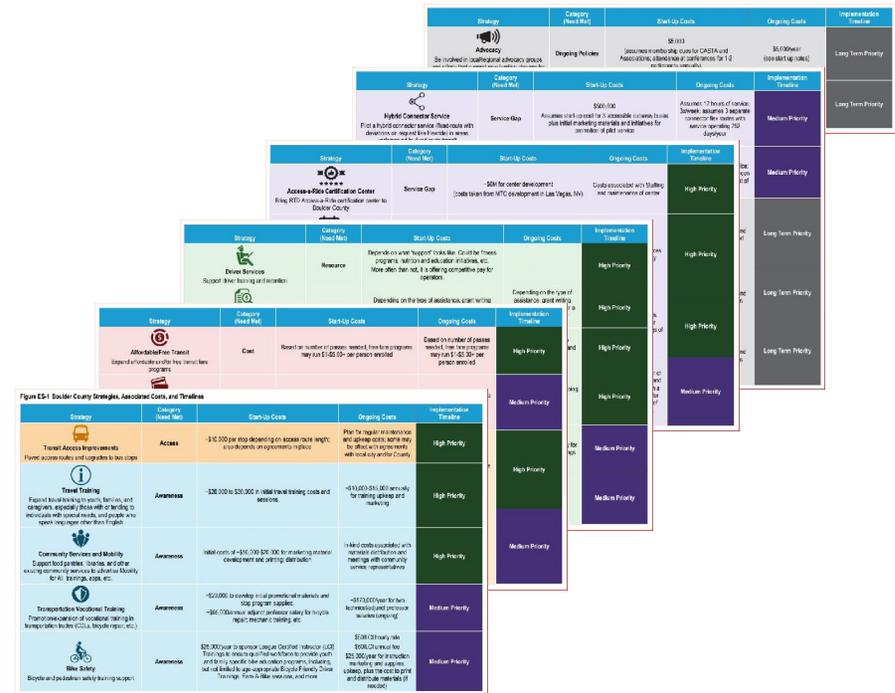
In Plan: Prioritized Strategies are organized by the **need** they are meeting

Presentation: Priority Strategies by program, county, partners

- Community Plan with responsibility meant to be shared among partners
- Strategies were organized into two timeframes based on priority votes from the Advisory Committee and feedback from the public meetings:
 - **In Progress - Low-Hanging Fruit**
 - **TIER I – Implementation in next 2 years**
 - **TIER II – Implementation in 3 to 5 years**
- We acknowledge that the ongoing shortage of drivers may affect the timeline of strategies
- There are also policies addressing ongoing needs with a **long-term** timeframe

Overview of Strategies

STRATEGY CATEGORIES	NUMBER OF STRATEGIES/ CATEGORY
1. Data	2
2. Access	1
3. Cost	2
4. Resource	6
5. Service Gaps	6
6. Awareness	4
7. Ongoing Policies	5
TOTAL SHARED STRATEGIES	25



Data Strategies



TIER I

- Boulder County Transit Plan (\$100k for Phase I in 2022)
- Vision Zero Safe Routes to School Action Plan

TIER II

- Formalize data analysis, collection, and reporting
- Study cost-effectiveness subsidizing taxis and ridehailing

Access Strategy

TIER I

- Paved access routes and upgrades to bus stops
- Year-round maintenance of access routes and bus stops



Cost Strategies



TIER I

- Expand affordable and/or free transit fare programs

TIER II

- Cover/reimburse bus pass requests made by community liaisons

Resource Strategies



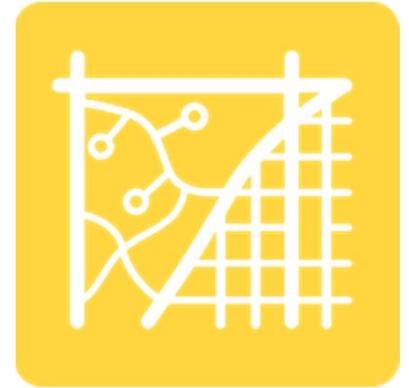
TIER I

- Support driver training & retention
- Grant writing assistance
- Youth representation on Mobility & Access Coalition
- Safe Routes Regional Hub

TIER II

- Expand pot of competitive funding community transportation projects
- Volunteer travel ambassador program

Service Gap Strategies



TIER I

- Boulder County RTD Access-a-Ride Certification Center
- Support volunteer driver programs
- Collaborate with transit and TMO/TMAs to survey major employers
- Include coordination clauses as part of grants awarded to transportation providers

TIER II

- Pilot a hybrid connector service in areas underserved by fixed-route transit
- Encourage nonprofit transportation providers to share fleets coordinate on maintenance
- Explore Via or others with fleets ability to provide school choice transportation
- Transportation for veterans under 60 to VA sites in Cheyenne, WY and Aurora, CO

Awareness Strategies



TIER I

- Expand travel training to special needs populations
- Advertise transportation options and programs at human services and community locations
- Encourage more coordination of funding streams and raise awareness of available grants

TIER II

- Promotion/expansion of vocational training in transportation trades (CDLs, bicycle repair, etc.)
- SHIFT Driver (formerly known as Bicycle Friendly Driver) training funding support

Ongoing Policies



LONG-TERM

- Thoughtful land use planning which promotes coordinated transportation
- Universal design in transit stations
- Adopting clear data sharing standards and expectations
- Be involved in local/regional advocacy groups and efforts that support new funding streams for transportation and mobility
- Continued equitable investments in communities, programs, & infrastructure

Priorities in Progress

TIER I Priorities In progress



Youth Transportation Resources



Travel Buddies



Community Services and Mobility



Bike Safety



Access-a-Ride Certification Center

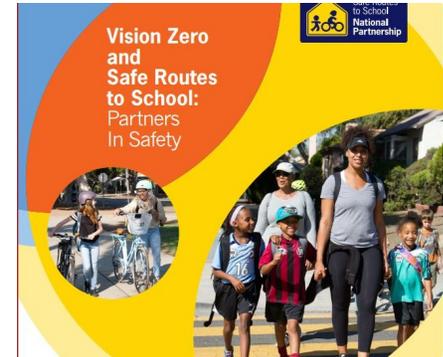
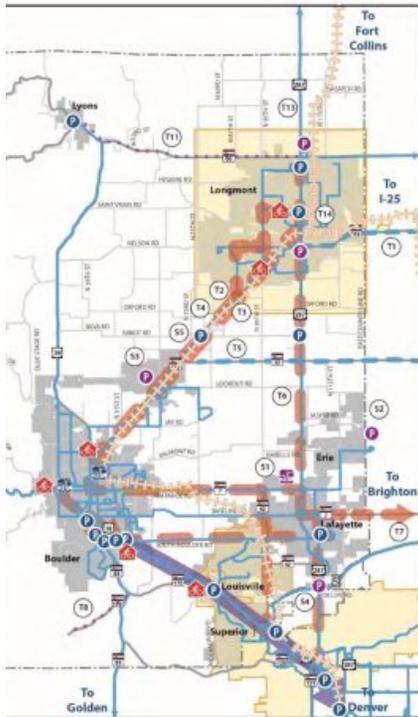


Youth Mobility



Affordable/Free Transit

Seeking Funding Tier 1 Priorities for Next 2 Years



Grant Writing



Service Study



Transit Access Improvements



Volunteer Drivers



Affordable/Free Transit



Bike Safety



Youth Transportation Resources

Summary of the 25 Strategies



Affordable/Free Transit



Travel Buddies



Transit Access Improvements



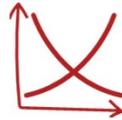
Advocacy



Data Integration



Community Services and Mobility



Data Standards



Youth Mobility



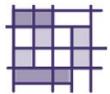
Services for Veterans



Grant Writing



Bike Safety



Land Use Planning



Driver Services



Funding Stream



Service Study



Youth Transportation Resources



Volunteer Drivers



Universal Design



Travel Training



Equitable Investment



Access-a-Ride Certification Center



Transportation Vocational Training



Bus Pass Reimbursement



Employer Survey



Hybrid Connector Service

Questions for Consideration

- 1 Which strategies seem most relevant to the Town of Erie?**
- 2 Given the limited funding sources, what are the top priorities for the Town of Erie?**
- 3 How do you see these strategies being integrated into the upcoming Comprehensive Plan and TMP update?**

Next Steps

Integration

- UZA Program of Projects
- DRCOG TIP
- Program Specific Work Plans
- MAC work plan and Charter

Funding

- DRCOG TIP Subregional/CDOT 5310 & Safe Routes/HST/Other Grants

Jurisdiction “Speaking Tour”

- Present to local TABs, City Councils, School Districts, and interested partner agencies



THANK YOU!



Please visit the [coordinated plan's website](#)
for information & updates

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www.BoCo.org/M4A

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www.BoCoSafeRoutes.org

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Mobility for All Bilingual Planner
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www.BoCo.org/M4A



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Board of Trustees

Board Meeting Date: 9/20/2022

File #: 22-336, **Version:** 1

Subject:

Discussion of contracted vs. in-house legal services; cost comparison, pros and cons

Departments: Administration and Human Resources

Presenter(s): Malcolm Fleming, Town Administrator
Alicia Melendez, Human Resources Director

Time Estimate: 45 minutes

Staff Recommendation:

Discuss information compiled by staff and provide direction on action the Board may wish to pursue further.

Summary and Background of Subject Matter:

The Town's need for legal services and the cost of those services are variable depending on numerous factors, including the number and complexity of contracts the Town must engage in every year in the course of normal operations, the level of land use planning and development activity that involves legal review and coordination, issues affecting the Town's water rights, oil and gas matters, new policies the Board may want to pursue, State and Federal legislation affecting the Town, new case law affecting the Town, public records requests involving confidential information, employment/personnel matters, litigation involving the Town, and other issues.

Currently, the Town contracts for general municipal legal services, which are provided and coordinated by the Town Attorney, Kendra Carberry, and her firm Hoffman, Parker, Wilson and Carberry. The Town Attorney is appointed by and serves at the pleasure of the Board of Trustees. Because Town operations and activities cover such a diverse spectrum, the Town also contracts with several other law firms for legal services involving specialized areas of the law, such as water rights, oil and gas matters, employment/personnel and litigation.

At the initial request of Trustee Sawusch, Human Resources and Finance staff conducted simple research on costs associated with the Town's contracted legal services, as well as information reflecting the potential costs of creating an in-house Legal Department as an alternative to continuing to contract with outside legal counsel some of the Town's legal work. Later, based on a

majority of Board members asking for this matter to be discussed, HR staff researched other cities of comparable size to Erie that have in-house legal departments. Town Administrator Fleming also asked Town Attorney Carberry to summarize staffing needs and the pros and cons of these different approaches. Staff will present this information and address Board questions during the study session.

Fiscal Impact:

None at this point. But changing the Town's approach to legal services could reduce or increase the cost of securing those services, or potentially impact the level of service for roughly the same cost.

Board Priority(s) Addressed:

- ✓ Effective Governance
- ✓ Fiscally Responsible

Attachment(s):

1. Memo re Contracted vs. In-House Counsel: Pros, Cons, Departmental Organizational and Costs
2. 2022 City Attorney Survey Compiled by Fort Collins
3. Summary of Town Legal Expenses 2018-2021
4. Town Attorney Contract & 1st and 2nd Amendments

Memorandum

To: Town of Erie Board of Trustees
From: Malcolm Fleming, Town Administrator
Date: August 26, 2022
**Re: Contracted vs. In-House Counsel: Pros, Cons,
Departmental Organizational and Costs**



When Trustee Sawusch first asked me to research this issue, I asked Human Resources Director Alicia Melendez to give me an estimate of costs and recommended staffing to establish an in-house legal department. Alicia contacted the Town's compensation consultant, Graves Consulting, for assistance. Based on that initial request and simple research (less than 3 hours), Graves' and Alicia's initial estimate was that two positions (Town Attorney with Paralegal support staff) would be adequate, and salary and benefits for those two positions would cost roughly \$350,000 annually.

When a majority of the Board expressed interest in researching this issue in more detail, I asked Alicia to see if she could get information on the staffing and budgets for legal departments in other Colorado cities similar in size to Erie, as well as any pros and cons of contracted vs in-house those cities observed. Alicia contacted Brighton, Commerce City, Steamboat Springs and Windsor. Through her contacts Alicia also found a summary of survey information on 12 legal departments compiled by the City of Fort Collins. This survey (attached) covers mostly larger cities, but also includes Littleton (population 48,000). This survey, and the responses Alicia received from those cities she contacted suggests that minimum staffing for a legal department serving a town the size of Erie should be 3, and consist of the Town Attorney, Assistant Town Attorney and Legal Assistant. As indicated in Alicia's summary below, the cost of staffing a department organized this way would likely be around \$550,000.

I also asked Town Attorney Kendra Carberry for her assessment of what staff we would need to form an in-house legal department and her opinion on the pros and cons of in-house vs contracted services.

Below you will find Kendra's summary of the staffing considerations and pros and cons followed by the information compiled Alicia on other comparably sized cities that have in-house legal departments.

There are pros and cons with both in-house and contracted legal services. However, based on this research, it appears the most cost-effective approach is to continue contracting for the Town's legal services.

Town Attorney's Assessment of Staffing Needs and Pros/Cons

1. A paralegal will not be super-helpful for an in-house Town Attorney. Paralegals are most helpful in litigation, and you will likely be contracting out all of your litigation that is not covered by CIRSA. Really what you would need is a 2nd attorney. That attorney could be less experienced (and therefore paid less), but would definitely be more than a paralegal. Greenwood Village dealt with this when they went to an in-house structure - they assumed one attorney and one paralegal, and immediately had to rethink.
2. You would need to pay for malpractice insurance. Just want to make sure that is included in your budget, because it is not cheap. You would also need to pay for filing services, Westlaw access, etc.
3. You would need offices for this staff.
4. Expanding on #1, you would still need: litigation attorneys (currently Pat from my office); CORA (currently Dan from my office); oil & gas attorneys (Barb Green and John Sullivan); special districts (currently me); specialists in construction defect (Kyle Kreisler); personnel, including police issues (Marni Kloster); prosecution (Andy Ausmus). It sounds like Alicia has already separated those items, but the costs for Pat, Dan and me are included in my yearly figures, and would not be included in a budget for an in-house attorney.
5. This one is a little squishy, but we have found that in-house attorneys are more beholden to their clients for their entire job, so they are often less likely to be objective. Instead, they give the answer that the elected officials want to hear. This can result in some bad/risky decisions. As my mentor liked to say, "If they fire me, I wake up with a job, but if they fire the in-house guy, he does not." That is overly simplistic, but it makes the point.
6. In-house attorneys often have a difficult time with big, immediate issues, because they simply do not have the staff. In that case, they would hire us to help out. We do this for many municipalities, even those with a vast in-house attorney staff (*e.g.* Loveland, Aurora).

HR's On In-House Legal Department Staffing for Comparably Sized Cities

The City of Steamboat Springs is smaller in resident count (13,500 but with tourists closer to 40,000 year around) and similar in employee count (260 FT and 150 PT/Seasonal. They have a legal team of 3 positions:

- City Attorney: \$190,108 (with benefits: \$247,141)
- Assistant City Attorney: \$134,950 (with benefits: \$175,435)
- Legal Assistant: \$72,197 (with benefits: \$93,856)
- **Total Compensation and Benefits: \$516,432**

When asked about the pros vs cons they only had Pros:

"I honestly cannot think of one con in having our legal team in-house. They are relied upon daily and have a heavy workload. Our City Attorney attends every council meeting and is much needed. In addition to contracts, procurement, council guidance, ordinances, etc., I personally find it very valuable to walk down the hall and discuss legal matters that pertain to personnel or Risk."

HR recommends this organizational model.

Commerce City is about twice the size of Erie both in resident count (60,392) and employee Count (400 FT and 400 PT) and currently has 6 positions in their Attorney office and are considering adding an administrative support position in 2023 the positions are:

- Assistant City Attorney – 1 position
- Deputy City Attorney – 1 position
- Paralegal – 1 position
- Senior Assistant City Attorney – 2 positions
- City Attorney – 1 position

When asked about the pros vs cons they only had Pros:

"I have worked with having in-house and contract services and greatly enjoy having the services in-house. They are very familiar with our processes and charter and I have always been able to form good relationships with them to just easily call and bounce ideas off of. I felt like with contract services I was always hesitant to call them with small questions. "

The Town of Windsor is similar in resident count (35,000) and smaller in employee count (199 FT and 67 PT) and currently has the following positions:

- Town Attorney \$180,000 (not fully burdened)
- Assistant Town Attorney/Prosecutor (no salary given)

When asked about the pros vs cons:

Pro : *"They are at your disposal and readily able to answer questions."*

Con: *"Majority of knowledge and experience is municipal and water. Unable to help with employment law."*

The City of Brighton is only slightly larger than Erie in both resident count (40,000) and employee count (240 FT and 300 PT) and currently has the following positions:

- City Attorney
- Assistant City Attorney

HR did not receive a response from Brighton; this information was obtained via Brighton's website.

Additional factors to consider include:

Continuing Need for Specialized Counsel. We would likely have to continue retaining separate legal counsel to cover issues involving water, oil and gas, employment / personnel, and litigation (when needed).

Based on our comparable market, the Town would need to budget:

	Salary	Benefits	Total
Town Attorney	\$ 211,631	\$ 68,000	\$ 279,631
Assistant Town Attorney	\$ 150,000	\$ 50,900	\$ 200,900
Legal Assistant	\$ 56,332	\$ 19,300	\$ 75,632
Total	\$ 417,963	\$ 138,200	\$ 556,163

Note: *Salaries are approximate and may change based on experience and negotiations.*

Benefits include employer paid taxes, retirement, health, life, & dental insurance, and workers' compensation. These estimates do not include one-time costs of onboarding a new employee, such as recruiting expenses, laptop, phone, and office furniture, which can vary greatly depending on position needs and schedule. We assume these positions would be hybrid (working in the office some days and remotely others), so there would be additional ongoing costs associated with providing office space.

2022 Annual City Attorney Survey												
	Arvada	Aurora	Boulder	Colorado Spgs	Englewood	Ft Collins	Greeley	Lakewood	Littleton	Longmont	Loveland	Thornton
Population	118,746	378,826	105,670	478,961	34,917	174,871	108,795	159,028	48,000	94,445	81,127	145,440
City Organization Budget (2022)	\$ 262,859,447	\$ 983,330,829	\$ 462,518,802	\$ 400,645,919	\$151,001,786	\$ 734,386,758	\$ 434,000,000	\$ 237,018,196	\$ 101,964,546	\$391,770,717	\$ 388,393,692	\$ 427,803,363
Annual Departmental Budget (2022)	\$ 2,821,827	\$ 10,345,604	\$ 3,938,066	\$ 8,347,886	\$ 1,391,765	\$ 3,453,555	\$ 2,488,501	\$ 2,103,627	\$ 946,570.00	\$ 1,541,825	\$ 1,566,783	\$ 3,259,726
Percentage of Dept budget of total budget	1.07%	1.052%	0.851%	2.084%	0.922%	0.470%	0.573%	0.888%	0.928%	0.394%	0.403%	0.762%
Approx. number of employees (excluding volunteers) in the City organization	860	3368.5	1460	2,574	589	1738	1011	REG: 839 VAR: 850	350	1675	1013	1092
City Attorney Base Salary	\$ 190,550.00	\$ 220,458.00	\$ 245,000.00	212756.8	\$ 175,950.00	\$ 212,723.00	\$ 223,916.00	\$ 206,003.00	\$ 209,958.00	\$ 217,736.00	\$ 190,008.00	\$ 215,572
Number of Attorneys (w/o Prosecutors)	9	21	13	28	3	14	10	6	2	6	7	9
Number of Prosecutors	1	21	3	7	1	2.25	1.5	3	1	1	1	2
Number of Paralegals	1	3	6	8	0	3	3	0	1	0	1	2
Number of Other Support Staff	5	19	4	11	2	5	2	2	0	3	0.88	3
Total Staff	16	64		54	6	24.25	16.5	11	4	10	10	16
Ratio of Staff to Attorneys	2.67	2.91	0.00	2.84	3.00	3.03	3.30	5.50	4.00	3.33	5.32	3.20
Attorneys per 10,000 Pop	1.2	0.9	0.7	1.4	0.9	1.1	0.9	1.8	1.6	1.3	1.0	1.3
Purposes for which outside counsel is utilized	Expertise, capacity, conflict of interest	Some water matters, some litigation matters. conflict of interest, special issues	varies case by case	Water, environmental, conflict of interest, employment/worker's comp, probate, FERC/NERC, energy matters, telecomm, and bankruptcy	Water counsel, bonds, conflict of interest, labor issues, relief prosecution	Water issues, some eminent domain, bonds, conflict of interest, special issues (i.e., worker's comp., labor negotiations, environmental)	Some water and environmental issues, bonds, special issues (e.g. worker's comp, labor negotiations)	Per CAO: everything regarding litigation is case by case.	Water, Litigation, Bond, land use consultation	Water issues, property procurement, redevelopment, economic incentive agreements, special issues	Insurance defense, litigation, water litigation, comprehensive code changes (development code, oil and gas code)	Bankruptcies, Condemnation issues, Counsel for Boards, Eminent Domain, Hearing Officers, HR matters Litigation, Oil & Gas, Review of Service Plans, Telecommunication/
Departmental outside counsel budget & what percentage is used for litigation (vs. consultation or special projects)		\$75,000 dept \$2,073,803 water specifically	\$ 80,000.00	\$3,108,000 budgeted; litigation 41%	\$225,795 (includes \$20,000 for relief prosecution); plus \$300,000 for water counsel	\$30,000 (20% for litigation)		Per CAO: everything regarding litigation is case by case.	65000 (10% litigation)	\$62, 522	\$94,750; 46.93%	\$287,000 (63% for litigation)
List internal resources, including budget and personnel, dedicated to litigation (non municipal court)		4 Attorneys, 1 Paralegal, 2 Senior Legal Secretaries, 1 Admin Asst.-20% (\$947,377)	Approx. 1.25 Atty FTE and 2 Paralegals FTE (Approx \$313,000)	6 FTE attorneys, 4 FTE paralegals; \$1,094,433	Approx. .5 Atty FTE (\$85,800)	Approx. 1 Atty FTE and 1.4 Paralegal FTE (\$199,900)		Per CAO: everything regarding litigation is case by case.	City Attorney manages	We don't have internal budget or personnel dedicated to litigation	Approx. .75 FTE attorney and .25 FTE Paralegal (\$111,674)	Approx 1 Atty FTE, 1 Paralegal & 1 Legal Assistant (\$250,000)
Does your municipality have utilities that you advise? If so, which ones?	Yes - water, stormwater, wastewater, broadband	Water, stormwater, wastewater	Yes- water, stormwater, wastewater	Yes, water, wastewater, gas, and electric (including streetlights).	Water, Wastewater	Yes - water, stormwater, wastewater, electric, broadband	Yes - water, sanitary sewer, stormwater	Not provided.	wastewater, stormwater	Water, stormwater, electric and broadband	Water, wastewater, solid waste, electric, broadband	Yes - water, stormwater, wastewater, trash
Cost Per Capita for legal services	\$ 23.76	\$ 27.31	\$ 37.27	\$ 17.43	\$ 39.86	\$ 19.75	\$ 22.87	\$ 13.23	\$ 19.72	\$ 16.33	\$ 19.31	\$ 22.41
Person Providing Info	Toni Riebschlager	Jackie Ehmann	Sarah Bennett	Jennifer Geisheker	Tamara Niles	Mary Donaldson	Gabrielle Fernandez	Diane Peet	Shigel Smith	Cristi Campbell	Lana Scott	Lori Arthur
Email Address	triebschlager@arvada.org	jehmann@auroragov.org	BennettS@bouldercolorado.gov	CityAtty@coloradosprings.gov jennifer.geisheker@coloradosprings.gov	tniles@englewoodco.gov	mdonaldson@fcgov.com	gabrielle.fernandez@greeleygov.com	diapee@lakewood.org	caoss@littleton.gov.org	cristi.campbell@longmontcolorado.gov	lane.scott@cityofloveland.org	lori.arthur@thorntonco.gov

Town of Erie Legal Expenses 2018-2021										
Account Name	Vendor	Year				Total				
		2018	2019	2020	2021					
Legal Services	0125 - Mark Shapiro PC	\$ 189,041				\$ 189,041				
Legal Services - Litigation - Harber	0125 - Mark Shapiro PC	\$ 3,803				\$ 3,803				
Legal Services - Litigation - Lafayette Nine Mile	0125 - Mark Shapiro PC	\$ 2,691				\$ 2,691				
Legal Services - Litigation - CDG	0125 - Mark Shapiro PC	\$ 2,243				\$ 2,243				
Legal Services - Litigation - Latitude	0125 - Mark Shapiro PC	\$ 468				\$ 468				
Legal Services - Litigation - Crestone	0125 - Mark Shapiro PC	\$ 8,054				\$ 8,054				
Legal Services - Litigation - Ladley	0125 - Mark Shapiro PC	\$ 2,184				\$ 2,184				
Legal Services	0132 - SOUTH BOULDER CANON DITCH COMPANY	\$ 1,735				\$ 1,735				
Legal Services	0141 - V&R-VRANESH & RAISCH	\$ 180,842	\$ 189,297	\$ 262,571	\$ 173,075	\$ 805,785				
Legal Services - Reimbursable	0141 - V&R-VRANESH & RAISCH	\$ 1,398				\$ 1,398				
Legal Services	0141 - V&R-VRANESH & RAISCH	\$ 9,622	\$ 14,467	\$ 19,124	\$ 22,048	\$ 65,261				
Legal Services	0141 - V&R-VRANESH & RAISCH	\$ 5,342				\$ 5,342				
Legal Services	0238 - BROWNSTEIN HYATT FARBER SCHRECK LLP	\$ 82,210	\$ 180			\$ 82,390				
Legal Services	0238 - BROWNSTEIN HYATT FARBER SCHRECK LLP	\$ 191,365	\$ 131,129	\$ 1,384		\$ 323,878				
Legal Services	0316 - EMPLOYERS COUNCIL INC			\$ 9,435		\$ 9,435				
Legal Services	0327 - NATHAN DUMM & MAYER PC	\$ 8,066				\$ 8,066				
Legal Services - Litigation	0327 - NATHAN DUMM & MAYER PC	\$ 3,191		\$ 6,256	\$ 47,950	\$ 57,397				
Legal Services - Litigation - Harber	0327 - NATHAN DUMM & MAYER PC	\$ 4,459				\$ 4,459				
Legal Services - Litigation - CDG	0327 - NATHAN DUMM & MAYER PC	\$ 8,742				\$ 8,742				
Legal Services - Litigation - Bayou Development	0327 - NATHAN DUMM & MAYER PC	\$ 1,155				\$ 1,155				
Legal Services - Other	0327 - NATHAN DUMM & MAYER PC	\$ 13,854	\$ 6,577			\$ 20,431				
Legal Services	0327 - NATHAN DUMM & MAYER PC	\$ 18,328	\$ 457	\$ 1,748	\$ 874	\$ 21,407				
Legal Services - Litigation - Moltz Construction	0327 - NATHAN DUMM & MAYER PC	\$ 10,213	\$ 10,713			\$ 20,926				
Legal Services - Oil and Gas	0713 - KRISTIN NORDECK BROWN PC	\$ 78				\$ 78				
Legal Services - Other	0713 - KRISTIN NORDECK BROWN PC	\$ 884	\$ 9,142	\$ 8,510	\$ 13,444	\$ 31,980				
Legal Services	0713 - KRISTIN NORDECK BROWN PC	\$ 53,967	\$ 48,426	\$ 45,038	\$ 53,279	\$ 200,710				
Legal Services - Other	1436 - WILLARD HARDESTY	\$ 520				\$ 520				
Legal Services	1436 - WILLARD HARDESTY	\$ 21,600	\$ 18,000			\$ 39,600				
Legal Services - Litigation - Moltz Construction	2383 - JAMS	\$ 2,143				\$ 2,143				
Legal Services	2446 - MOUNTAIN VIEW FIRE PROTECTION DISTRICT		\$ 25,000			\$ 25,000				
Legal Services	3237 - STARKOVICH LAW LLC	\$ 1,005	\$ 946	\$ 810	\$ 239	\$ 2,999				
Legal Services - Litigation - Lafayette Nine Mile	4344 - Judicial Arbitrator Group Inc.	\$ 1,845				\$ 1,845				
Legal Services	4378 - FOSTER GRAHAM MILSTEIN & CALISHER LLP	\$ 6,962				\$ 6,962				
Legal Services - Litigation	4378 - FOSTER GRAHAM MILSTEIN & CALISHER LLP	\$ 2,644				\$ 2,644				
Legal Services - Litigation - Lafayette Nine Mile	4378 - FOSTER GRAHAM MILSTEIN & CALISHER LLP	\$ 76,800	\$ 3,655			\$ 80,455				
Legal Services - Other	4378 - FOSTER GRAHAM MILSTEIN & CALISHER LLP	\$ 2,298		\$ 1,260		\$ 3,558				
Legal Services - Oil and Gas	5463 - SULLIVANGREENSEAVY LLC	\$ 107,323	\$ 83,711	\$ 67,322	\$ 91,155	\$ 349,510				
Legal Services - Litigation - Crestone	5463 - SULLIVANGREENSEAVY LLC	\$ 40,289	\$ 5,549			\$ 45,837				
Legal Services	5463 - SULLIVANGREENSEAVY LLC				\$ 689	\$ 689				
Legal Services - Litigation - Lafayette Nine Mile	5953 - WAAS CAMPBELL RIVERA JOHNSON & VELASQUEZ LLP	\$ 49,662	\$ 6,132			\$ 55,794				
Legal Services - Other	6306 - KISSINGER & FELLMAN P.C.	\$ 10,316	\$ 29,209	\$ 28,218	\$ 9,964	\$ 77,708				
Legal Services	6585 - GWYNETH AYERS ATTORNEY AT LAW PC		\$ 675			\$ 675				
Legal Services - Other	6627 - ABLAO LAW LLC		\$ 1,088	\$ 3,048	\$ 3,448	\$ 7,584				
Legal Services	6627 - ABLAO LAW LLC		\$ 17,898	\$ 23,440	\$ 32,600	\$ 73,938				
Legal Services - Other	6904 - BERG HILL GREENLEAF RUSCITTI LLP				\$ 32,175	\$ 32,175				
Legal Services - Litigation - CDG	6961 - CESARE INC	\$ 27,737	\$ 297			\$ 28,034				
Legal Services - Other	7088 - Investigations Law Group LLC	\$ 29,449				\$ 29,449				
Legal Services	7148 - Beatty & Wozniak P.C.	\$ 33,741				\$ 33,741				
Legal Services	7170 - HOFFMAN PARKER WILSON & CARBERRY P.C.	\$ 111,350	\$ 241,684	\$ 319,234	\$ 281,068	\$ 953,335	\$ 281,068	\$ 319,234	\$ 241,684	
Legal Services - COVID-19	7170 - HOFFMAN PARKER WILSON & CARBERRY P.C.			\$ 17,251	\$ 7,200	\$ 24,451	\$ 7,200	\$ 17,251		
Legal Services - Oil and Gas	7170 - HOFFMAN PARKER WILSON & CARBERRY P.C.			\$ 137		\$ 137		\$ 137		
Legal Services - Reimbursable	7170 - HOFFMAN PARKER WILSON & CARBERRY P.C.				\$ 31,000	\$ 31,000	\$ 31,000			
Legal Services - Litigation	7170 - HOFFMAN PARKER WILSON & CARBERRY P.C.			\$ 675	\$ 5,000	\$ 5,675	\$ 5,000	\$ 675		
Legal Services - Litigation - Lafayette Nine Mile	7170 - HOFFMAN PARKER WILSON & CARBERRY P.C.		\$ 17,765	\$ 1,385		\$ 19,149		\$ 1,385	\$ 17,765	
Legal Services - Litigation - Crestone	7170 - HOFFMAN PARKER WILSON & CARBERRY P.C.		\$ 98			\$ 98			\$ 98	
Legal Services - Litigation - Ladley	7170 - HOFFMAN PARKER WILSON & CARBERRY P.C.		\$ 39			\$ 39			\$ 39	
Legal Services - Litigation - Erie Thriving	7170 - HOFFMAN PARKER WILSON & CARBERRY P.C.		\$ 158,533	\$ 68,423		\$ 226,955		\$ 68,423	\$ 158,533	
Legal Services	7170 - HOFFMAN PARKER WILSON & CARBERRY P.C.			\$ 8,150	\$ 3,425	\$ 11,575	\$ 3,425	\$ 8,150	\$ 418,118	
Legal Services - Colliers Hill	7170 - HOFFMAN PARKER WILSON & CARBERRY P.C.				\$ 2,200	\$ 2,200	\$ 2,200	\$ 415,253		
Legal Services - Historic Old Town URA	7170 - HOFFMAN PARKER WILSON & CARBERRY P.C.				\$ 10,875	\$ 10,875	\$ 10,875			

Legal Services - Highway 287 URA Nine Mile	7170 - HOFFMAN PARKER WILSON & CARBERRY P.C				\$ 4,200	\$ 4,200		\$ 4,200		
Legal Services - Four Corners	7170 - HOFFMAN PARKER WILSON & CARBERRY P.C				\$ 3,200	\$ 3,200		\$ 3,200		
Legal Services	7250 - LT Environment Inc	\$ 7,940					\$ 7,940		\$ 348,168	
Legal Services	7606 - MELISSA BEATO		\$ 150		\$ 350	\$ 500				
Legal Services	7630 - MICHELLE RAE KLINE		\$ 663	\$ 75	\$ 394	\$ 1,131				
Legal Services	8125 - HURTH SISK & BLAKEMORE LLP			\$ 293		\$ 293				
Legal Services - Other	8217 - IRELAND STAPLETON PRYOR & PASCOE PC			\$ 3,132		\$ 3,132				
Legal Services - Other	8422 - CIANCIO CIANCIO BROWN P.C				\$ 12,000	\$ 12,000				
Legal Services - Litigation	8441 - CYNTHIA A BAROWAY				\$ 3,600	\$ 3,600				
Legal Services	8551 - BUSHONG & HOLEMAN PC				\$ 4,257	\$ 4,257				
		\$ 1,330,070	\$ 1,028,961	\$ 896,917	\$ 849,707	\$ 4,105,655				

Sum of Amount
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100-20-210-560000-191919

100-20-210-560000-191919 Total
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800-90-873-560000-111150

800-90-873-560000-111150 Total

800-90-874-560000-000000

800-90-874-560000-000000 Total

Grand Total

Account Name
Legal Services

Legal Services Total

Legal Services - COVID-19
Legal Services - COVID-19 Total

Legal Services - Oil and Gas

Legal Services - Oil and Gas Total

Legal Services - Reimbursable
Legal Services - Reimbursable Total

Legal Services - Litigation

Legal Services - Litigation Total

Legal Services - Litigation - Harber

Legal Services - Litigation - Harber Total

Legal Services - Litigation - Lafayette Nine Mile

Legal Services - Litigation - Lafayette Nine Mile Total

Legal Services - Litigation - CDG

Legal Services - Litigation - CDG Total

Legal Services - Litigation - Latitude
Legal Services - Litigation - Latitude Total

Legal Services - Litigation - Crestone

Legal Services - Litigation - Crestone Total

Legal Services - Litigation - Ladley

Legal Services - Litigation - Ladley
Legal Services - Litigation - Ladley Total

Legal Services - Litigation - Erie Thriving
Legal Services - Litigation - Erie Thriving Total

Legal Services - Litigation - Bayou Development
Legal Services - Litigation - Bayou Development Total

Legal Services - Other

Legal Services - Other Total

Legal Services

Legal Services Total

Legal Services

Legal Services Total

Legal Services

Legal Services Total

Legal Services - Reimbursable
Legal Services - Reimbursable Total

Legal Services - Litigation - Moltz Construction

Legal Services - Litigation - Moltz Construction Total

Legal Services

Legal Services Total

Legal Services
Legal Services Total

Legal Services

Legal Services Total

Legal Services - Colliers Hill

Legal Services - Colliers Hill Total

Legal Services - Historic Old Town URA

Legal Services - Historic Old Town URA Total

Legal Services - Highway 287 URA Nine Mile

Legal Services - Highway 287 URA Nine Mile Total

Legal Services - Four Corners

Legal Services - Four Corners Total



Vendor	Year 2018	2019
0125 - Mark Shapiro PC	189,041.31	
0238 - BROWNSTEIN HYATT FARBER SCHRECK LLP	82,209.84	180.40
0327 - NATHAN DUMM & MAYER PC	8,065.50	
4378 - FOSTER GRAHAM MILSTEIN & CALISHER LLP	6,961.50	
7148 - Beatty & Wozniak P.C.	33,741.00	
7170 - HOFFMAN PARKER WILSON & CARBERRY P.C	111,349.89	241,683.69
7250 - LT Environment Inc	7,940.00	
	439,309.04	241,864.09
	439,309.04	241,864.09
7170 - HOFFMAN PARKER WILSON & CARBERRY P.C		
0713 - KRISTIN NORDECK BROWN PC	78.00	
5463 - SULLIVANGREENSEAVY LLC	107,322.75	83,711.00
7170 - HOFFMAN PARKER WILSON & CARBERRY P.C		
	107,400.75	83,711.00
	107,400.75	83,711.00
7170 - HOFFMAN PARKER WILSON & CARBERRY P.C		
0327 - NATHAN DUMM & MAYER PC	3,190.77	
4378 - FOSTER GRAHAM MILSTEIN & CALISHER LLP	2,643.50	
7170 - HOFFMAN PARKER WILSON & CARBERRY P.C		
8441 - CYNTHIA A BAROWAY		
	5,834.27	
	5,834.27	
0125 - Mark Shapiro PC	3,802.50	
0327 - NATHAN DUMM & MAYER PC	4,458.73	
	8,261.23	
	8,261.23	
0125 - Mark Shapiro PC	2,691.00	
4344 - Judicial Arbiter Group Inc.	1,845.00	
4378 - FOSTER GRAHAM MILSTEIN & CALISHER LLP	76,800.29	3,655.00
5953 - WAAS CAMPBELL RIVERA JOHNSON & VELASQUEZ LLP	49,662.31	6,132.10
7170 - HOFFMAN PARKER WILSON & CARBERRY P.C		17,764.50
	130,998.60	27,551.60
	130,998.60	27,551.60
0125 - Mark Shapiro PC	2,242.50	
0327 - NATHAN DUMM & MAYER PC	8,742.36	
6961 - CESARE INC	27,736.96	297.00
	38,721.82	297.00
	38,721.82	297.00
0125 - Mark Shapiro PC	468.00	
	468.00	
	468.00	
0125 - Mark Shapiro PC	8,053.50	
5463 - SULLIVANGREENSEAVY LLC	40,288.92	5,548.50
7170 - HOFFMAN PARKER WILSON & CARBERRY P.C		97.50
	48,342.42	5,646.00
	48,342.42	5,646.00
0125 - Mark Shapiro PC	2,184.00	

7170 - HOFFMAN PARKER WILSON & CARBERRY P.C		39.00
	2,184.00	39.00
	2,184.00	39.00
7170 - HOFFMAN PARKER WILSON & CARBERRY P.C		158,532.85
		158,532.85
		158,532.85
0327 - NATHAN DUMM & MAYER PC	1,155.00	
	1,155.00	
	1,155.00	
0327 - NATHAN DUMM & MAYER PC	13,854.43	6,576.50
0713 - KRISTIN NORDECK BROWN PC	884.00	9,142.00
1436 - WILLARD HARDESTY	520.00	
4378 - FOSTER GRAHAM MILSTEIN & CALISHER LLP	2,297.50	
6306 - KISSINGER & FELLMAN P.C	10,315.81	29,209.00
6627 - ABLAO LAW LLC		1,088.00
6904 - BERG HILL GREENLEAF RUSCITTI LLP		
7088 - Investigations Law Group LLC	29,448.92	
8217 - IRELAND STAPLETON PRYOR & PASCOE PC		
8422 - CIANCIO CIANCIO BROWN P.C		
	57,320.66	46,015.50
	57,320.66	46,015.50
0316 - EMPLOYERS COUNCIL INC		
0327 - NATHAN DUMM & MAYER PC	18,327.58	457.18
	18,327.58	457.18
	18,327.58	457.18
0713 - KRISTIN NORDECK BROWN PC	53,967.00	48,426.00
1436 - WILLARD HARDESTY	21,600.00	18,000.00
3237 - STARKOVICH LAW LLC	1,004.50	946.25
6585 - GWYNETH AYERS ATTORNEY AT LAW PC		675.00
6627 - ABLAO LAW LLC		17,897.50
7606 - MELISSA BEATO		150.00
7630 - MICHELLE RAE KLINE		662.50
8125 - HURTH SISK & BLAKEMORE LLP		
	76,571.50	86,757.25
	76,571.50	86,757.25
0141 - V&R-VRANESH & RAISCH	180,841.71	189,297.08
5463 - SULLIVANGREENSEAVY LLC		
6587 - TODD FESSENDEN	53.63	
8551 - BUSHONG & HOLEMAN PC		
	180,895.34	189,297.08
	180,895.34	189,297.08
0141 - V&R-VRANESH & RAISCH	1,398.25	
	1,398.25	
	1,398.25	
0327 - NATHAN DUMM & MAYER PC	10,213.16	10,713.00
2383 - JAMS		2,142.50
	10,213.16	12,855.50
	10,213.16	12,855.50
0141 - V&R-VRANESH & RAISCH	9,622.02	14,467.06
6587 - TODD FESSENDEN	25.79	
	9,647.81	14,467.06
	9,647.81	14,467.06
0141 - V&R-VRANESH & RAISCH		5,341.50
		5,341.50
		5,341.50

0132 - SOUTH BOULDER CANON DITCH COMPANY	1,735.15	
0238 - BROWNSTEIN HYATT FARBER SCHRECK LLP	191,365.08	131,128.62
2446 - MOUNTAIN VIEW FIRE PROTECTION DISTRICT		25,000.00
7170 - HOFFMAN PARKER WILSON & CARBERRY P.C		
	193,100.23	156,128.62
	193,100.23	156,128.62
7170 - HOFFMAN PARKER WILSON & CARBERRY P.C		
7170 - HOFFMAN PARKER WILSON & CARBERRY P.C		
7170 - HOFFMAN PARKER WILSON & CARBERRY P.C		
7170 - HOFFMAN PARKER WILSON & CARBERRY P.C		
	1,330,149.66	1,028,961.23

2020	2021	Grand Total
		189,041.31
		82,390.24
		8,065.50
		6,961.50
		33,741.00
319,233.72	281,067.76	953,335.06
		7,940.00
319,233.72	281,067.76	1,281,474.61
319,233.72	281,067.76	1,281,474.61
17,250.54	7,200.00	24,450.54
17,250.54	7,200.00	24,450.54
17,250.54	7,200.00	24,450.54
		78.00
67,321.75	91,154.50	349,510.00
136.50		136.50
67,458.25	91,154.50	349,724.50
67,458.25	91,154.50	349,724.50
	31,000.00	31,000.00
	31,000.00	31,000.00
	31,000.00	31,000.00
6,256.23	47,949.90	57,396.90
		2,643.50
675.00	5,000.00	5,675.00
	3,600.00	3,600.00
6,931.23	56,549.90	69,315.40
6,931.23	56,549.90	69,315.40
		3,802.50
		4,458.73
		8,261.23
		8,261.23
		2,691.00
		1,845.00
		80,455.29
		55,794.41
1,384.50		19,149.00
1,384.50		159,934.70
1,384.50		159,934.70
		2,242.50
		8,742.36
		28,033.96
		39,018.82
		39,018.82
		468.00
		468.00
		468.00
		8,053.50
		45,837.42
		97.50
		53,988.42
		53,988.42
		2,184.00

		39.00
		2,223.00
		2,223.00
68,422.59		226,955.44
68,422.59		226,955.44
68,422.59		226,955.44
		1,155.00
		1,155.00
		1,155.00
		20,430.93
8,510.00	13,444.00	31,980.00
		520.00
1,260.00		3,557.50
28,218.48	9,964.46	77,707.75
3,048.00	3,448.00	7,584.00
	32,174.94	32,174.94
		29,448.92
3,132.00		3,132.00
	12,000.00	12,000.00
44,168.48	71,031.40	218,536.04
44,168.48	71,031.40	218,536.04
9,435.00		9,435.00
1,748.00	874.00	21,406.76
11,183.00	874.00	30,841.76
11,183.00	874.00	30,841.76
45,038.00	53,279.03	200,710.03
		39,600.00
809.75	238.50	2,999.00
		675.00
23,440.00	32,600.00	73,937.50
	350.00	500.00
75.00	393.75	1,131.25
292.50		292.50
69,655.25	86,861.28	319,845.28
69,655.25	86,861.28	319,845.28
262,570.97	173,075.02	805,784.78
	688.50	688.50
		53.63
	4,256.50	4,256.50
262,570.97	178,020.02	810,783.41
262,570.97	178,020.02	810,783.41
		1,398.25
		1,398.25
		1,398.25
		20,926.16
		2,142.50
		23,068.66
		23,068.66
19,123.97	22,047.75	65,260.80
		25.79
19,123.97	22,047.75	65,286.59
19,123.97	22,047.75	65,286.59
		5,341.50
		5,341.50
		5,341.50

		1,735.15
1,384.27		323,877.97
		25,000.00
8,150.00	3,425.00	11,575.00
9,534.27	3,425.00	362,188.12
9,534.27	3,425.00	362,188.12
	2,200.00	2,200.00
	2,200.00	2,200.00
	2,200.00	2,200.00
	10,875.00	10,875.00
	10,875.00	10,875.00
	10,875.00	10,875.00
	4,200.00	4,200.00
	4,200.00	4,200.00
	4,200.00	4,200.00
	3,200.00	3,200.00
	3,200.00	3,200.00
	3,200.00	3,200.00
896,916.77	849,706.61	4,105,734.27

**TOWN ATTORNEY
PROFESSIONAL SERVICES AGREEMENT**

THIS AGREEMENT is entered this 26th day of June, 2018, by and between the TOWN OF ERIE, a Colorado municipal corporation, hereinafter referred to as the "Town" and the law firm of Hoffmann, Parker, Wilson & Carberry, P.C., hereinafter referred to as "Town Attorney."

WITNESSETH:

WHEREAS, the Town requires professional legal services, as more fully set forth below; and

WHEREAS, the Town Attorney represents that the firm and its members are fully qualified, through experience and education, and where required by state or local law, are duly licensed to perform such legal services, and is ready, willing and able to help the Town in carrying out such services personally as set forth herein; and

WHEREAS, the Town has reviewed and evaluated the Town Attorney's qualifications and deems that the Town Attorney is qualified to perform the services set forth herein; and

WHEREAS, the Town desires to enter into this Agreement with the Town Attorney for the performance of legal services as provided for herein, below.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained and subject to the terms and conditions hereinafter stated, it is hereby understood and agreed by the parties hereto as follows:

AGREEMENT

1. Contractor. The Town hereby agrees to engage and compensate the Town Attorney, and the Town Attorney agrees to personally and professionally perform the services hereinafter described subject to the conditions hereinafter set forth.

2. Scope of Services. The Town Attorney agrees to perform and carry out satisfactorily and in a proper manner, those duties and work toward the specific needs of the Town as agreed upon by the Town Attorney and the Town. The Town Attorney agrees to devote its best efforts in the performance of legal services provided hereunder.

a. The Town Attorney shall act as legal advisor to, and be attorney and counsel for, the Town and shall be responsible solely to the Town, the Town Board of Trustees and the Town Administrator. The Town Attorney shall advise the Town Board of Trustees, the Town Administrator and officers and employees of the Town in matters relating to official duties when so requested and shall file with the Clerk a copy of all written opinions given by the Town Attorney.

b. The Town Attorney shall prepare and/or review ordinances, contracts, bonds and other written instruments which are submitted to the town Attorney by the Town or Town staff and shall promptly give an opinion as to the legal consequences thereof when so requested.

c. The Town Attorney shall call to the attention of the Town Board of Trustees, Town Administrator and Town staff all matters of law, and changes or developments therein, affecting the Town.

d. The Town Attorney shall perform such other duties as may be prescribed by the Town Board of Trustees or the Town Administrator.

3. Term. The term of this Agreement is indefinite. The Town Board of Trustees may terminate this Agreement immediately upon notice. The Town Attorney may terminate this Agreement upon thirty (30) days written notice to the Town. Such termination shall in no way prejudice the payment due the Town Attorney for services rendered to date of termination, nor prejudice the Town's right to services to the date of termination. The Town Attorney hereby waives those rights that may be afforded him by State statute and Town Code with regard to the termination of this Agreement by the Town.

4. Compensation.

a. **Hourly Fee.** The hourly fee to be paid to the Town Attorney for the services herein shall be \$195.00 per hour for attorney hours and \$95.00 per hour for paralegal hours, payable within thirty (30) days of receipt of billing. Such fee may be changed upon agreement of both parties.

b. **Additional Fees.** Costs incurred by the Town Attorney relating to Town business may be reimbursed, at the discretion of the Town Administrator. Travel time and mileage to and from Erie shall not be reimbursable, however required travel for required meeting outside of Erie may be reimbursed at 50% of the current federal reimbursement rate. Costs incurred such as filing fees, copies, postage and computerized legal research shall be reimbursed at the actual cost incurred.

This instrument embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein. This Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties hereto. Except as provided herein, there shall be no modifications of this Agreement except in writing, executed with the same formalities as this instrument. Subject to the conditions precedent herein, this Agreement may be enforced in any court of competent jurisdiction.

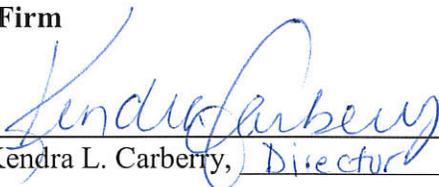
[signatures on following page]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective as of the date first set forth above.

**TOWN OF ERIE, a Colorado
municipal corporation**

By: _____
Jennifer Carrol, Mayor

**TOWN ATTORNEY
Law Firm**

By: 
Kendra L. Carberry, Director

ATTEST:

By: _____
Jessica Koenig, Deputy Town Clerk

FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

THIS AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT (the "Amendment") is made this _____ day of _____, 2019 (the "Effective Date"), by and among the Town of Erie, Colorado, a Colorado municipality with an address of 645 Holbrook Street, P.O. Box 750, Erie, Colorado 80516 (the "Town"), and Hoffmann, Parker, Wilson & Carberry, P.C. a Colorado corporation with an address of 511 16th Street, Suite 610, Denver, CO 80202 (the "Town Attorney") (each a "Party" and collectively the "Parties").

WHEREAS, the Parties entered into a Professional Services Agreement dated June 26, 2018 (the "Agreement"); and

WHEREAS, the Parties wish to amend the Agreement as set forth in this Amendment.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which is mutually acknowledged, the Parties agree as follows:

1. Section 1 of the Agreement is hereby amended by the addition of the following new Subsection e.:

e. In addition to the foregoing, pursuant to C.R.S. § 31-25-104(2)(c), the Town Attorney shall act as legal advisor to the Town of Erie Urban Renewal Authority ("TOEURA").

2. Section 4 of the Agreement is hereby amended by the addition of the following new Subsection c.:

c. Special Fees. For litigation work performed by the Town Attorney and for work performed by the Town Attorney for TOEURA, the Town Attorney shall be compensated at an hourly rate of \$250 per hour for attorneys and \$95 per hour for paralegals, payable within 30 days of billing. Such special fees may be changed upon agreement of both Parties.

3. The remainder of the Agreement shall remain unchanged and in full force and effect.

WHEREFORE, the Parties have executed this Agreement as of the Effective Date.

TOWN OF ERIE, COLORADO

Jennifer Carroll, Mayor

ATTEST:

Jessica Koenig, Town Clerk

TOWN ATTORNEY

Second Amendment to Professional Services Agreement

This Second Amendment to Professional Services Agreement (the "Second Amendment") is made this ____ day of January, 2022 (the "Effective Date"), by and among the Town of Erie, Colorado, a Colorado municipality with an address of 645 Holbrook Street, P.O. Box 750, Erie, CO 80516 (the "Town"), and Hoffmann, Parker, Wilson & Carberry, P.C. a Colorado corporation with an address of 511 16th Street, Suite 610, Denver, CO 80202 (the "Town Attorney") (each a "Party" and collectively the "Parties").

Whereas, the Parties entered into a Professional Services Agreement dated June 26, 2018 (the "Agreement");

Whereas, in November 2019, the Parties executed the First Amendment to the Agreement, to add additional services; and

Whereas, the Parties wish to amend the Agreement again as set forth in this Second Amendment, to increase the hourly rate for general legal services.

Now therefore, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which is mutually acknowledged, the Parties agree as follows:

1. Section 4.a. of the Agreement is hereby amended to change the hourly rate for general legal services from \$195 per hour to \$215 per hour, and to change the hourly rate for paralegal services from \$95 per hour to \$105 per hour, effective January 1, 2022.
2. The remainder of the Agreement, as amended by the First Amendment, shall remain unchanged and in full force and effect.

Wherefore, the Parties have executed this Second Amendment as of the Effective Date.

Town of Erie, Colorado

Jennifer Carroll, Mayor

Attest:

Heidi Leatherwood, Town Clerk

Town Attorney



Kendra L. Carberry