



Dara MacDonald &lt;dara.macdonald@cityofsalida.com&gt;

**Re: The Conundrum Group - March City Attorney Invoice Matter #173**

1 message

Jim Livecchi &lt;jim.livecchi@salidaelected.com&gt;

Sat, Apr 9, 2016 at 5:26 PM

To: Jan Schmidt &lt;jan.schmidt@cityofsalida.com&gt;, Dara MacDonald &lt;dara.macdonald@cityofsalida.com&gt;

Ms. Schmidt,

This email should have been 3 separate emails.

1. Yourself, Ms. MacDonald, Mr Spilker, and myself
2. Yourself, Ms. MacDonald, and myself
3. Yourself, Ms. MacDonald, Mr Kahn and myself.

I am very disappointed you made a statement at the staff meeting and also mentioned above with Mr Spilker attached. You said something to effect "Who is authorizing or direction of the attorney bills." Your tone illustrated your disapproval of Mr Kahn's work and is work being performed without authorization. This statement is so far from the truth.

As part of city's "Transition" Mr. Kahn had a meeting with myself and Ms. MacDonald with 20 items which we discussed. I agreed, these items needed to be addressed.

Ms. Brown-Kovacic was the one who wanted the attorney to have a Scope of Work in his contract. I agreed along with the council Scope of Work for the Attorney, Administrator, Mayor pro tempore, and the Mayor should be written.

You put my in an awkward position in front of the staff not to mention Mr. Spilker and it warrants a response. I sense your disapproval for Mr. Kahn and the the changes taking place. You seem to like the status quo concerning the attorney and previous billing process. When reviewing 2015 attorney costs the questions that surfaced to me were:

Why was our attorney charging the city from the time he left his locale till the end of the meeting 10-12 hours per week or 20-24 hours a month?

Why was our attorney billing 10-20 hours for "Packet" with zero detail or explanation, some of these hours seemed to the last week of the month.?

You mentioned " In the past, we've not had elected officials directly incur charges" I know in 2015 the attorney was addressing concerning from Mr. Brown and Ms. Hallett not sure who requested him to respond. This year, Ms. Rogers has a Roberts Rules question which cost the citizens around \$200.00, these question should have never went to the attorney. I plan on all attorney questions from council be flowed to me.

Personally the detail of explanation by Mr. Kahn is thorough it also brings transparency to the forefront. In essences we all should show due diligence when reviewing billing and spending citizen's monies. In a few months our attorney billing will be reduced and Salida will get results for our monies spent. I reach out to Mr. Kahn and see what can be done to help your department.

You work for Ms. MacDonald but since you twice reflected your discontent to various individuals that I am aware, of I felt I must respond. I do believe in the "Chain of Command" if you and Ms. MacDonald would like to meet, I welcome the conversation.

Jim

Plaintiffs 0010



On Fri, Apr 8, 2016 at 4:48 PM, Jan Schmidt <jan.schmidt@cityofsalida.com> wrote:  
Mayor Livecchi -

Based on Attorney Kahn's comment that this particular bill should be kept in confidence, I have printed this email along with a redacted copy of the invoice. We need supporting documentation for the accounting records and I think those two documents should be sufficient for the auditors. (I am copying the auditor partner in case he has any concerns so we can address it upfront rather than when they are here for the 2016 audit fieldwork.)

We find ourselves in a situation that deviates from our invoice approval process. Normally, staff works with vendors and service providers. Our purchasing policy authorizes staff to approve invoices for different amounts based on job levels. In the past, we've not had elected officials directly incur charges.

The invoice must be approved by the employee who is in a position to verify quantities and prices being charged. No one on staff is able to confirm that the hours being billed on this invoice are as expected. So, I am going to leave a copy of this invoice in your mailbox and ask you to sign off on it. Based on your verification of the charges, I will approve it and submit it for payment.

While my staff can certainly handle the extra work of processing 21 attorney invoices rather than one each month, I am curious if this billing method was at your direction? If there is a way to consolidate the billing, it would be appreciated by my staff.

Have a nice weekend.

*Jan Schmidt*

Finance & Admin Services Director  
City of Salida

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Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, § 24-72-100.1, et seq.

----- Forwarded message -----

From: **Benjamin Kahn** <cityattorney@conundrumlaw.com>

Date: Fri, Apr 8, 2016 at 3:15 PM

Subject: The Conundrum Group - March City Attorney Invoice Matter #173

To: Jim Livecchi <jim.livecchi@salidaelected.com>, Jan Schmidt <jan.schmidt@cityofsalida.com>

Cc: Megan Kahn <megan@conundrumlaw.com>

Mayor Livecchi and Finance Director Schmidt -

Attached please find our invoices for March work with respect to matter #173. You should have received our other bills for City work under separate cover.

This particular bill should be kept in confidence as it relates to the complaints filed against the City Administrator. I am in the process of working on the Limited Defense Agreement discussed during our Executive Session.

Thank you again for the City's confidence in our firm and the opportunity to help. Please let us know if you have any questions regarding the bill or would like this bill circulated to the full City Council.

-Ben

Benjamin Kahn, Salida City Attorney  
The Conundrum Group, LLP  
PO Box 848

Plaintiffs 0011

4/11/2016

City of Salida Mail - Re: The Conundrum Group - March City Attorney Invoice Matter #173

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Plaintiffs 0012