

## MEMORANDUM

**TO:** Board of Trustees

**FROM:** Tim Callicrate  
Board Chairman

Indra Winqest  
District General Manager

**SUBJECT:** Case No. CV18-01564 Mark E. Smith v. IVGID  
Review, discuss and possibly approve a payment in the amount  
of \$21,891.18 to Erickson, Thorpe & Swainston, Ltd.

**DATE:** November 30, 2020

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### **I. RECOMMENDATION**

That the Board of Trustees makes a motion to approve a payment in the amount of \$21,891.18 to Erickson, Thorpe & Swainston, Ltd.

### **II. BACKGROUND**

Last discussed at the May 6, 2020 Board of Trustees meeting.

Presently, the District has an outstanding balance owed to Erickson, Thorpe & Swainston, Ltd. of \$52,909.64. This outstanding balance represents charges through September 11, 2020. The District received this lawsuit on August 23, 2018 and has made one payment in the amount of \$45,608.82 to Erickson, Thorpe & Swainston, Ltd.

The authority to pay is as follows:

Authority to pay: \$50,000 (under then District General Manager Pinkerton)

\$10,000 additional approved by the Board of Trustees on 6/19/19

\$ 7,500 additional approved by the Board of Trustees on 1/22/2020

Total authority to pay \$67,500

The General Manager has \$21,891.18 under previous authorizations available for payment of the \$52,909.64 balance due leaving a reminder amount, up for discussion by the Board of Trustees, of \$31,018.46

Date	Action	Billing Period	Invoice Amount	Invoice Amount Paid	Amount Authorized by the BOT	Amount remaining in authorization
08/23/2018	Lawsuit served to the District					
09/26/2018	Board advised of pending litigation; see GM's report for 09/26/2018 meeting Trustee Dent, during GM update, asks about authorized funding; GM says he authorized \$50K under his authority					\$50,000.00
10/16/2018	Engagement Contract signed with ETS					
06/10/2019	Invoice 965524	08/07/2018 – 06/07/2019	\$45,608.82	\$45,608.82 Check# 771694 08-08-2019		\$4,391.18
06/19/2019	Additional funds approved by the BOT				\$10,000	\$14,391.18
10/03/2019	Invoice 967317	06/04/2019 – 10/01/2019	\$25,661.89			
01/22/2020	Invoice 967573	09/11/2019 – 01/21/2020	\$10,603.50			
01/22/2020	Additional funds approved by the BOT				\$7,500	\$21,891.18
04/02/2020	Invoice 967858	12/16/2019 – 04/01/2020	\$6,017.40			
05/14/2020	Invoice 967965	01/23/2020 – 05/12/2020	\$7,739.90			
08/11/2020	Invoice 970825	05/13/2020 – 08/10/2020	\$2,639.45			
09/10/2020	Invoice 970877	08/11/2020 – 09/09/2020	\$82.50			
10/08/2020	Invoice 970906	9/10/2020 – 09/11/2020	\$165.00			
	Balance due to ETS as of August 11, 2020		\$52,909.64			