

M E M O R A N D U M

TO: Board of Trustees

FROM: Tim Callicrate
Board Chairman

SUBJECT: Case No. CV18-01564 Mark E. Smith v. IVGID
Review, discuss and possibly approve a payment in the amount
of \$20,485.96 to Erickson, Thorpe & Swainston, Ltd.

DATE: February 26, 2021

I. RECOMMENDATION

That the Board of Trustees makes a motion to approve a payment in the amount of \$20,485.96 to Erickson, Thorpe & Swainston, Ltd.

II. BACKGROUND

Last discussed at the December 9, 2020 Board of Trustees meeting.

Presently, the District has an outstanding balance owed to Erickson, Thorpe & Swainston, Ltd. of \$31,485.96. This outstanding balance represents charges through December 4, 2020. The District received this lawsuit on August 23, 2018.

At the December 9, 2020 Board of Trustees meeting, the Board of Trustees requested that the Board Chairman and District General Manager negotiate with Erickson, Thorpe & Swainston, Ltd. regarding some questionable charges. These negotiations resulted in an agreement that there are \$11,000.00 in charges that need to be reevaluated and potentially either adjusted or removed.

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			
12/08/2020	Invoice 970994	9/12/2020 – 12/04/2020	\$467.50			
	Balance due to ETS as of August 11, 2020		\$52,909.64			
	Payment made to ETS as approved on Dec. 9, 2020			\$21,891.18		
	Balance remaining due to ETS		\$31,485.96			