

DENVER BOARD OF WATER COMMISSIONERS

Meeting Date: December 12, 2012

Board Item: V-A-15

Agreement for Professional Services with Reinhart, Boerner, Van Deuren S.C.

Action by Consent

Action

Information

In November 2011 representatives of Legal, Finance, and Human Resources interviewed five firms to serve as special counsel for the Board's Retirement Program for the three year period concluding January 2015. Following those interviews, Mary Brauer of the national firm of Reinhart, Boerner, Van Deuren S.C. (Reinhart) was selected to continue to provide legal services regarding the Board's pension and retirement savings plans, as well as to provide tax and fiduciary advice. A contract was entered into under the CEO/Manager's authority (Contract No. 14625A).

Included in Reinhart's scope of services was the conduct of a Fiduciary Review of the pension plan, the 401(k) Plan and the 457 Plan. Reinhart will review all aspects of the Plans including participant and service provider disclosures, investment consultant agreements, investment policy statements, operating procedures, delegations and fiduciary liability. The Fiduciary Review began in September. A preliminary report is expected to be provided to the Board in January 2013. The review has already identified matters involving procedure and delegation which are in the process of being addressed. The Fiduciary Review is expected to be concluded shortly after the First Quarter 2013.

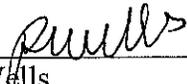
The IRS issued favorable determination letters for both the Retirement Plan and the Supplemental Retirement Savings Plan in May 2012. Those favorable determination letters were based upon applications submitted in December 2008. Under the IRS requirement of a five year review cycle, applications will need to be submitted in December of 2013.

Over the last several years the monthly cost of special counsel's services for the Retirement Program have averaged \$8,000. Because the fiduciary review is a more extensive effort, an additional \$75,000 is expected to be required.

Recommendation:

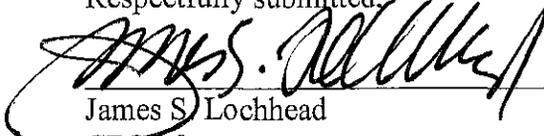
It is recommended that the Board authorize a contract with Mary A. Brauer of the firm of Reinhart, Boerner, Van Deuren S.C. to provide ongoing legal assistance to the Board for the Retirement Program and tax and fiduciary issues through January 2015 at a cost not to exceed \$300,000.

Approvals:



Patti Wells
General Counsel

Respectfully submitted,



James S. Lochhead
CEO/Manager