

METROPOLITAN COUNCIL

390 North Robert Street, St. Paul, Minnesota 55101

REGULAR MEETING OF THE MANAGEMENT COMMITTEE

Wednesday, December 9, 2009

Committee Members Present: Roger Scherer, Chair; Lynette Wittsack, Vice Chair; Sherry Broecker; Robert McFarlin; Craig Peterson; Kris Sanda.

CALL TO ORDER

A quorum being present, Committee Chair Scherer called the regular meeting of the Council's Management Committee to order at 3:30 p.m. on Wednesday, December 9, 2009.

APPROVAL OF AGENDA AND MINUTES

It was moved by K. Sanda, seconded by L. Wittsack to approve the agenda. *Motion carried.*

It was moved by S. Broecker, seconded by L. Wittsack to approve the minutes of the November 18, 2009 Special Meeting of the Management Committee. *Motion carried.*

BUSINESS

2009-448 Minnesota State Retirement System Program Unclassified Retirement Plan Resolution 2009-47

Wes Kooistra, Chief Financial Officer, presented this item to the Management Committee in Gloria Heinz's absence. Mr. Kooistra explained that the recommended resolution is a standard practice whenever the designated positions and assigned incumbents for the MSRS Unclassified Plan are revised. The appointments requiring action by the Council are listed in the business item.

It was moved by L. Wittsack, seconded by K. Sanda:

"That the Metropolitan Council approve changes to the position and incumbent list for the Minnesota State Retirement System Unclassified Plan, as reflected in Resolution No. 2009-47."

Motion carried.

2009-450 Technical Amendments to Legal Services Agreements; No Budget Impacts

Don Mueting, General Counsel, presented the request to increase maximum prices for two contracts listed in the business item. The proposed increase in the Fredrikson Byron contract reflects an anticipated final invoice for legal services pertaining to the MOAC lawsuit, which is nearing an end. The proposed Dorsey Whitney increase represents bond counsel services.

In answer to a question, Mr. Mueting stated that the \$360,000 price shown for the Fredrikson Byron contract likely consists mostly of fees related to the MOAC lawsuit. He has placed a high priority on reviewing all legal contracts in early 2010 and sending out Requests for Proposals.

It was moved by L. Wittsack, seconded by S. Broecker:

"That the Metropolitan Council authorizes the General Counsel to amend legal services agreements to increase the maximum contract prices as follows:

<u>Law Firm</u>	<u>Services</u>	<u>Term</u>	<u>Current Price</u>	<u>Proposed Increase</u>	<u>New Price</u>
Fredrikson Byron	Legal Services related to MOAC v. Metropolitan Airports Commission Contract No. 07P075	01/01/07-12/31/10	\$350,000	\$10,000	\$360,000
Dorsey Whitney	Legal Services related to Public Finance Matters Contract No. C9868	03/01/98-12/31/10	\$675,000	\$125,000	\$800,000."

Motion carried.

2009-451 Sole Source for Hardware for a Data Backup System Upgrade

Dave Hinrichs, Chief Information Officer, presented this item and Micky Gutzmann, Manager, Contracts and Procurement, provided additional information. Mr. Hinrichs described the importance of upgrading the Council's five-year-old data backup system in order to provide a timely restoration of operations in the event of a system failure. Network Appliance (NetAp) is being requested as the sole source manufacturer of the hardware for the new backup system to allow for seamless integration with the Council's existing storage environment and to eliminate the need for staff training on a different system. Approximately one-half of the funding will come from FTA funds because this is a Council-wide initiative including Metro Transit, and FTA requires that this procurement be processed as a sole source action because a specific hardware manufacturer is being named. Competitive bids will be sought for the NetAp equipment and compatible software and Mr. Hinrichs will return to the Management Committee in the coming months to request approval to award the contract.

It was moved by K. Sanda, seconded by C. Peterson:

"That the Metropolitan Council authorize the Regional Administrator to designate Network Appliance (NetAp) as the sole source manufacturer for the acquisition of a disk-based data backup system."

Motion carried.

INFORMATION

State November Forecast

Wes Kooistra, Chief Financial Officer, attended the Minnesota Budget Forecast briefing on December 2, 2009, and wished to update the Management Committee on the State's Budget. Projected Fiscal Year (FY) 2010-11 revenues fell by \$1.156 Billion, resulting in a new budget deficit for FY 2010-11 of \$1.2 Billion. While there is little change in the Forecast for Real Gross Domestic Product and the Forecast Spending for FY 2010-11 is slightly lower, the decline in US wages has been much greater than previously forecast. Also, the FY 2012-13 Planning Outlook is worse, but the Council's MVST Revenues are rebounding. Mr. Kooistra addressed questions that were posed.

ADJOURNMENT

Business completed, the meeting adjourned at 3:52 p.m.

Respectfully submitted,

Trudy M. Aldrich
Recording Secretary