

# M Management Committee

## For the Metropolitan Council Meeting of August 22, 2012

### ADVISORY INFORMATION

**Date Prepared:** August 10, 2012

**Subject:** Technical Amendment to Legal Services Agreement

### Proposed Action

That the Metropolitan Council authorizes the General Counsel to amend the legal services agreement 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>
Foley Lardner	Legal Services related to State v. 3M Contract No. 11P157	09/01/11 - 12/31/13	\$1,500,000	\$2,000,000	\$3,500,000

### Summary of Committee Discussion / Questions

General Counsel Don Mueting, and the two lead attorneys from Foley and Lardner, Paul Bargren and Linda Benfield, gave a briefing on the status of the 3M litigation and the efforts put forth on behalf of the Council. Don Mueting then requested approval of the increase to the contract terms. Motion to authorize the proposed contract amendment was made, seconded, and passed unanimously.

# Management Committee

**Business Item  
Item: 2012-230**

**Meeting date: August 8, 2012**

**For the Council Meeting of August 22, 2012**

## **ADVISORY INFORMATION**

**Date:** July 10, 2012

**Subject:** Technical Amendment to Legal Services Agreement

**District(s), Member(s):**

**Policy/Legal Reference:** Minnesota Statutes § 473.129, subd. 3

**Staff Prepared/Presented:** Donald J. Mueting, General Counsel 651.602.1463

**Division/Department:** Office of General Counsel

### **Proposed Action**

That the Metropolitan Council authorizes the General Counsel to amend the legal services agreement with Foley Lardner to increase the maximum contract price as follows:

<u>Law Firm</u>	<u>Services</u>	<u>Term</u>	<u>Current Price</u>	<u>Proposed Increase</u>	<u>New Price</u>
Foley Lardner	Legal Services related to State v. 3M Contract No. 11P157	09/01/11 - 12/31/13	\$1,500,000	\$2,000,000	\$3,500,000

### **Background**

The Office of General Counsel procures outside legal services for various public law matters. The Contract Price set in each agreement represents a cap on the amount payable; it is a "ceiling," and not a guarantee or entitlement. Regardless of any Contract Price, the actual amount paid under a legal services agreement is based upon: actual services requested and rendered, and the budget amount(s) approved by the Metropolitan Council. In order for the General Counsel to continue receiving legal services under the Foley Lardner Agreement, the Contract Price must be increased.

### **Rationale**

The proposed amendment would allow the General Counsel to pay for legal services and third party expenses related to State v. 3M litigation.

### **Funding**

Included in the Unified Operating Budget Amendment 2012-223.

### **Known Support / Opposition**

None