

# Management Committee

**Business Item**

Item: 2011-161

**Meeting date: June 15, 2011**

## **ADVISORY INFORMATION**

**Date:** May 31, 2011

**Subject:** Request for Waiver of Conflict – Parker Rosen, LLC.

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

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

**Staff Prepared/Presented:** Donald Muetting, General Counsel  
651.602.1463

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

## **Proposed Action**

That the Metropolitan Council:

- (1) waive any conflict of interest and consent to Parker Rosen, LLC (Parker Rosen) representing and advising the owners of the St. Paul Athletic Club and the owners of the LA Fitness business located in the Midway Shopping Center in the eminent domain actions initiated on behalf of the Metropolitan Council for its Central Corridor Light Rail Transit (CCLRT) project by the State of Minnesota through its Commissioner of Transportation; and,
- (2) authorize the General Counsel to execute any documents necessary to effectuate such waiver.

## **Background**

The law firm, Parker Rosen represents the Metropolitan Council and provides legal services pertaining to labor, employment, and other general legal matters. Parker Rosen is currently providing legal services to the Council in a variety of employment cases including grievance arbitrations and civil rights lawsuits. Parker Rosen is not representing or advising the Council with regard to any matter related to the CCLRT project.

Parker Rosen has requested a waiver that will permit it to advise and represent the owners and operators of the two properties mentioned above in the pending eminent domain actions including any appeals arising out of those cases. If the waiver is granted, Parker Rosen has stated that only attorneys or paralegals who have not worked for the Council will work on the condemnation matters and those attorneys and paralegals will not perform any work for the Council in the future. Attached are copies of the conflict waiver letter from Andrew Parker on behalf of his firm.

## **Issues**

Whether to consent to the waiver of a conflict of interest in connection with Parker Rosen's representation of the owners and operators of the two properties being acquired for the CCLRT project in St. Paul.

## **Recommendation**

The Office of General Counsel has no objection to the Parker Rosen request and recommends that the Council give its consent.