

# Management Committee

**Business Item**  
**Item: 2012-167**

**Meeting date: May 23, 2012**

**For the Council Meeting of June 13, 2012**

## **ADVISORY INFORMATION**

**Date:** May 14, 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 legal services agreements 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	\$750,000	\$750,000	\$1,500,000

### **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 Counsel to continue receiving legal services under each of its contracts, the Contract Price must be increased.

### **Rationale**

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

### **Funding**

No funding implications or impacts.

### **Known Support / Opposition**

None