

## METROPOLITAN COUNCIL

390 North Robert Street, St. Paul, Minnesota 55101

### REGULAR MEETING OF THE MANAGEMENT COMMITTEE

Wednesday, October 13, 2010

Committee Members  
Present

Roger Scherer, Chair; Lynette Wittsack, Vice Chair; Sherry Broecker; Robert McFarlin; Craig Peterson; Tony Pistilli; 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 2:32 p.m. on Wednesday, October 13, 2010.

#### APPROVAL OF AGENDA AND MINUTES

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

It was moved by K. Sanda, seconded by C. Peterson to approve the minutes of the September 8, 2010 regular meeting of the Management Committee. *Motion carried.*

#### BUSINESS

Prior to discussing the business items on the agenda, Committee Member L. Wittsack asked to rescind business item 2010-310 "Authorization to Award a Price Preference for Uniform and Safety Equipment Purchases" which was discussed at the September 8, 2010 Management Committee meeting. Micky Gutzmann and Chris Gran explained the reasons for rescinding the business item. The Metropolitan Council contracts with vendors, not manufacturers. It was approved by the Committee that this business item could be rescinded and deleted since it worked with manufacturers rather than vendors.

*Motion carried.*

#### Request for a Conflict Waiver – Barnes & Thornburg

This business item was presented by Don Mueting, General Counsel. Because Met Council and 3M are both being advised by the same law firm in their respective dealings with the MPCA on matters pertaining to PFCs, Barnes & Thornburg has requested a waiver of any real or apparent conflict of interest. The Council wishes to maintain its relationship with Barnes & Thornburg but it also understands the need to avoid either the appearance or any actual conflict of interest. 3M has already waived any conflict that Barnes & Thornburg has in advising the Met Council.

It was moved by L. Wittsack, seconded by R. McFarlin: "That the Metropolitan Council waive any actual and potential conflicts of interest and consent to Barnes & Thornburg LLP in representing and advising the 3M Company in its dealings with the Minnesota Pollution Control Agency on alleged natural resource damages as a result of PFC releases to the environment. This waiver is granted on the condition that Barnes & Thornburg's representation of 3M not include litigation against the Metropolitan Council and that the Barnes & Thornburg attorneys advising 3M and those advising the Metropolitan Council have no communications with regard to their actions or advice for their respective clients. The Council authorizes the General Counsel to execute any documents necessary to effectuate such waiver." *Motion carried.*

#### Revision of Debt Management Policy (3-1-2)

Mary Bogie, Deputy Chief Financial Officer and Jason Willett, ES Finance Director presented this business item. The Council's Financial Advisor, Public Financial Management, assisted with the policy revision and was also in attendance. Ms. Bogie highlighted changes to the debt management policy. The proposed policy revision provides definition of current and advance refunding and establishes benchmarks for consideration of when and whether to pursue refunding opportunities.

It was moved by R. McFarlin, seconded by L. Wittsack that:

"The Metropolitan Council approve revision of the Debt Management Policy as outlined to provide definitions and benchmarks for current and advance refundings." *Motion carried.*

### **Amendment of Contract with Minnesota Life for Life Insurance**

This business item was presented by Ron Groess, Benefits Manager. The current contract with Minnesota Life for life insurance coverage was for three years and expires at the end of 2010. The Council was offered a two year rate for an amended contract of \$.218 per \$1,000 in coverage. This new rate represents a 4.8% increase in rates and is competitive with other rates checked on the market. Based on this proposal the annual increase in costs to the Council is \$83,604.03. This change can be funded within current budget authority.

It was moved by K. Sanda, seconded by R. McFarlin that:

"The Metropolitan Council authorize the Regional Administrator to execute an amendment to extend the contract for life insurance with Minnesota Life for two years (January 1, 2011 to December 31, 2012.)"

***Motion carried.***

### **Authorization to Enter into a Labor Agreement with the International Brotherhood of Electrical Workers, Local Union No. 1210**

Sandi Blaeser, Assistant HR Director, Employee Relations, presented this business item. The Electricians contract expired April 30, 2010. A tentative agreement was reached on September 7, 2010, and the Electrician membership ratified this agreement on September 9, 2010. The details of the agreement include a 3 year contract; no increase in wages or benefits in year #1; increase in year #2 shall not exceed 1%; increase in year #3 shall not exceed 1%. The cost of this labor agreement was negotiated within the parameters set by the Council.

It was moved by S. Broecker; seconded by K. Sanda that:

"The Metropolitan Council authorize the Regional administrator to enter into a labor agreement with the International Brotherhood of Electrical Workers (IBEW), Local Union No. 110, effective May 1, 2010 through April 30, 2013." ***Motion carried.***

### **Authorization to Enter into a Labor Agreement with the International Union of Painters and Allied Trades, District council 82 and Local No. 61 AFL-CIO**

This business item was presented by Sandi Blaeser, Assistant HR Director, Employee Relations. The Painters contract expired April 30, 2010. A tentative agreement was reached on September 23, 2010, and the Painters membership ratified the agreement on October 11, 2010. The details of the agreement include a 2 year contract; increase in year #1 shall not exceed 2%; increase in year #2 shall not exceed 2%. The cost of the labor agreement was negotiated within the parameters set by the Council.

It was moved by L. Wittsack, seconded by R. McFarlin that:

"The Metropolitan Council authorize the Regional Administrator to enter into a labor agreement with the International Union of Painters and Allied Trades, District Council 82 and Local No. 61 AFL-CIO, effective May 1, 2010 through April 30, 2012." ***Motion carried.***

## **INFORMATION**

### **Outside Counsel Contract Management**

Don Mueting, General Counsel, presented this information item in response to previous questions from Committee Members as to why the Council asks for additional amendments to legal services contracts. Mr. Mueting distributed a document explaining several improvements that are being made to reduce these amendments. Some of the strategies used to help with this process include canceling dormant contracts; terminating contracts when appropriate; changes in formal solicitations; assigning an OGC attorney to monitor and assist outside counsel. The Office of the General Counsel will continue to work on improvements and will be available for future updates on this progress.

A motion was made to close the meeting by the Vice Chair, L. Wittsack. It was seconded and the motion passed.

**Labor Update**

Sandi Blaeser, Assistant Director HR, Employee Relations gave a brief labor update to the Committee and answered questions presented by the Committee.

When this discussion was complete, the Management Committee Meeting was opened and then adjourned.

**ADJOURNMENT**

Business completed, the meeting adjourned at 3:45 p.m.

Respectfully submitted,

Lana Lindstrom  
Recording Secretary