SUMMARY STATEMENT

ITEM NO.: DRPA-16-013
SUBJECT: Compensation for Specialty Legal Services

COMMITTEE: Finance

COMMITTEE MEETING DATE: January 13, 2016

BOARD ACTION DATE: January 20, 2016

PROPOSAL: That the Board adopt a resolution approving compensation for specialty legal services.

PURPOSE: To retain professional services at a rate in excess of the blended rate of $250/hr., as established by DRPA-13-032, for one matter.

BACKGROUND: In 2013, the Board approved DRPA-13-032 (the “Resolution”), which sets the compensation for legal work for all attorneys (non-personal injury, excluding workers’ compensation) at a blended rate of $225/hr. For specialty matters or unusual cases, the Resolution sets the compensation at a blended rate of $250/hr. The Resolution also permits DRPA’s General Counsel, in his or her discretion, to utilize a higher rate of compensation, as long as he or she receives Board approval.

Due to recent events, the Office of General Counsel anticipates that the DRPA will be involved in complex commercial litigation arising out of a major DRPA capital project (the “Litigation”). Moreover, commensurate with the nature of the capital project at issue, it is anticipated that any such Litigation will be highly complex and technical in nature. As such, the Office of General Counsel believes that the Litigation will require the DRPA to retain specialty legal services and expertise. Therefore, the Office of General Counsel recommends that the Board approve a higher rate of compensation for any legal services provided in connection with the anticipated Litigation as such services will be specialized and complex.

SUMMARY:

Amount: N/A
Source of Funds: N/A
Capital Project #: N/A
Operating Budget: N/A
Master Plan Status: N/A
Other Fund Sources: N/A
Duration of Contract: N/A
Other Parties Involved: N/A
RESOLUTION

RESOLVED: That the Chairman, Vice Chairman and Chief Executive Officer, with the advice and counsel of the Authority’s Chief Financial Officer/Treasurer and General Counsel/Corporate Secretary, must approve and are hereby authorized to approve fair and reasonable fees for professional services as necessary or required for the anticipated complex commercial litigation matter arising in connection with a major DRPA capital project, provided that the blended hourly rate for such services shall not exceed $350/hr.

RESOLVED: That if such fees have been approved by the Chair, Vice Chair or Chief Executive Officer and if, thereafter, the Chair, Vice Chair or Chief Executive Officer is absent or unavailable, and it is necessary to authorize said fees while the Chair, Vice Chair or Chief Executive Officer is absent or unavailable, the Authority’s Chief Financial Officer/Treasurer and General Counsel/Corporate Secretary may authorize such fees, provided the blended hourly rate for such services shall not exceed $350/hr.

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