

CHUGACH ELECTRIC ASSOCIATION, INC.
Anchorage, Alaska

BOARD MEETING
AGENDA ITEM SUMMARY

November 14, 2007

ACTION REQUIRED

AGENDA ITEM NO. XI.F.

 Information Only
 X Motion
 Resolution
 Executive Session
 Other

TOPIC

Gordon Tans - Amendment of Contract - Professional Legal Services with Perkins Coie, LLP

DISCUSSION

At the Chugach Electric Association, Inc. (Chugach) Special Board of Directors' meeting of September 26, 2007, the Board voted to retain the legal services of Mr. Gordon Tans of Perkins Coie to review proposed Board policies as it relates to the release of Association records with an initial cost not to exceed \$10,000.

At the Regular Board meeting of October 17, 2007, the Board voted to expand Mr. Tans' scope of work as follows:

It is hereby moved that the scope of services for the Professional Services Contract with Perkins Coie, LLP (Gordon Tans) be as follows:

The Firm shall serve as legal counsel to Chugach, reporting directly to the Chugach Board of Directors' (Board), and shall provide legal services to the Chugach Board of Directors, including review of existing and/or proposed policies of the Chugach Board of Directors' relating to records retention and records release and providing professional advice and recommendations to the Board pertaining to the public disclosure of various Chugach records, including records relating to benchmarking and labor analyses, and various other reports or studies, such as the Blue Ribbon Panel report and the Chugach/Municipal Light & Power studies/reports on the

Provided by Elizabeth Vazquez.

possible reorganization or merger of the two utilities, and providing professional advice and recommendations to the Board relating to Board compliance with Alaska Statute 10.25.175.

The contract that has been negotiated with Mr. Tans provides that the firm shall pay hourly billing rates contained in an attached schedule and contains Mr. Tans' rate (\$230 per hour) and a paralegal rate (\$145 per hour). The contract further provides that the Chair be consulted prior to utilization of other attorneys and staff other than those listed in the Schedule to work on the matter(s) described in the Scope of Services. Because of the specialized nature of some of the matters in the Scope of Services, as described above, Mr. Tans has requested he be permitted to utilize the assistance of attorneys and others with other specialties and higher billing rates at his firm (these other billing rates shall not exceed \$420 per hour). The Contract would be revised accordingly. It is anticipated that the cost of services rendered pursuant to the contract will exceed \$10,000 and therefore it is proposed that the contract be amended to include a limit of \$25,000.

This motion would also expand the scope of work to include the review of existing and/or proposed policies of the Association (Chugach) relating to records retention and records release. At the present time the scope of work is limited to the Board of Directors existing proposed policies.

In summary, the proposed motion would authorize the following amendments to the contract that Gordon Tans has signed:

1. Reflect that there will be other attorneys or other staff with the firm of Perkins Coie that may render services pursuant to the contract.
2. Impose a higher limit on the contract- from \$10,000 to \$25,000.
3. Allow for a higher billing rate, not to exceed \$420 per hour.
4. Expand the scope of work to include the review of existing policies of the Association (Chugach) relating to records retention and records release.

MOTION

Move that the Board of Directors' approve the contract as revised to reflect that there will be attorneys and others with the Firm of Perkins Coie in addition to Gordon Tans that will be performing work whose billing rates exceed those of Mr. Tans but not to exceed \$420 per hour. The contract amount shall be increased to a not to exceed the amount of \$25,000.

This motion will also expand the scope of work to include the review of existing and/or policies of the Association (Chugach) relating to records retention and records release.

Provided by Elizabeth Vazquez.