



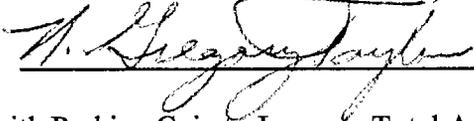
MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

7-13

March 26, 1998

To: Board of Directors (Legal and Claims Committee--Action)
(Organization and Personnel Committee--Action)

From: General Counsel 

Subject: Amendment of Agreement 10158 with Perkins-Coie to Increase Total Amount Payable.

RECOMMENDATION(S)

It is recommended that the General Counsel be authorized to amend Agreement 10158 with the law firm of Perkins-Coie to increase the total amount payable under the agreement to a maximum of \$150,000 per year, and annual renewal thereof commencing May 1, 1998.

EXECUTIVE SUMMARY

Since February 1996, the General Counsel has retained the Washington, D.C. law firm of Perkins-Coie to represent Metropolitan's interests with respect to the Federal Endangered Species Act (FESA). The firm has advised Metropolitan on proposed amendments to the Act; on the development of implementing regulations; on litigation interpreting the Act; and on development of habitat management plans. These and other FESA issues will continue to require significant attention on an on-going basis in order for Metropolitan to meet its water supply and operational goals. The continuity provided by Perkins-Coie's continued representation will assist Metropolitan in achieving a successful resolution of these issues. In order to continue that representation, it will be necessary to enter into a contract for an amount exceeding the General Counsel's authority under Administrative Code Section 6431. Based on experience under the current contract and on an estimation of the potential FESA work load, the General Counsel is seeking to amend the contract with Perkins-Coie to increase the maximum payable to an amount up to \$150,000 per calendar year, providing for an annual renewal of the contract, commencing May 1, 1998.

DETAILED REPORT

Since February 1996, the General Counsel has retained the Washington, D.C. law firm of Perkins-Coie to represent Metropolitan's interests with respect to the Federal Endangered Species Act (FESA) and related issues. The firm, and in particular, partners Guy Martin and Don Bauer, are well respected by Federal officials involved in resource and environmental issues. Among other activities, Perkins-Coie has assisted Metropolitan in preparing and pursuing amendments to the FESA; in developing regulations codifying the Clinton Administration's "No Surprises" policy and monitoring related litigation; in developing and obtaining approval of a Lower Colorado River

Multi-Species Conservation Program to protect Colorado River operations; and has advised Metropolitan on a range of regulatory and permitting issues.

In addition, the firm represents the Western Urban Water Coalition on FESA issues and the Bay/Delta Urban Coalition on a range of Bay/Delta-related issues under separate contracts with those organizations.

These and other FESA issues will continue to require significant attention on an on-going basis in order for Metropolitan to meet its water supply and operational goals. The continuity provided by Perkins-Coie's continued representation can assist Metropolitan in achieving a successful resolution of these issues. In order to continue that representation, it will be necessary to enter into a contract for an amount exceeding the General Counsel's authority under Administrative Code Section 6431. Based on experience under the current contract and on an estimation of the potential FESA work load, the General Counsel is seeking to amend the contract with Perkins-Coie to increase the maximum payable to an amount up to \$150,000 per calendar year, providing for an annual renewal of the contract on May 1, 1998. The hourly rates (\$260/hour for Mr. Martin, \$220/hour for Mr. Bauer and \$145/hour for associates) and other provisions of the contract would remain the same.

JFR:mg

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