

RESOLUTION NO. RS2018-1111

A resolution authorizing the employment of Burch, Porter & Johnson, PLLC as Special Counsel to the Metropolitan Council and further authorizing compensation for services rendered.

WHEREAS, section 3.06 of the Metropolitan Charter authorizes the Metropolitan Council to conduct investigations by the whole Council or any of its committees; to employ and compensate personnel necessary for such purposes; and to make appropriations therefor; and

WHEREAS, section 8.607 of the Metropolitan Charter provides that the Metropolitan Council may, by resolution, authorize the Vice Mayor to employ such legal counsel who shall be paid such compensation for services as the Council shall determine to be reasonable compensation for the services rendered and as the Council shall by resolution approve; and

WHEREAS, on February 6, 2018, the Metropolitan Council adopted Resolution No. RS2018-1039, establishing a Special Committee to investigate the circumstances involving travel and other expenses, including overtime expenses, potentially related to former Mayor Megan Barry's admitted improprieties involving an employee of the Metropolitan Government to determine if there was any improper use of public money; and

WHEREAS, Resolution No. RS2018-1038 further provided that, by a resolution passed by the Council, the Special Committee may engage the services of outside legal professionals; and

WHEREAS, on February 15, 2018, the Special Committee commissioned Vice Mayor David Briley to solicit submissions from interested attorneys and law firms for the purpose of serving as legal counsel for the Special Committee and Vice Mayor; and

WHEREAS, on March 1, 2018, the Special Committee considered the recommendations of the Vice Mayor and selected the law firm of Burch, Porter & Johnson, PLLC to serve as special counsel; and

WHEREAS, Burch, Porter & Johnson, PLLC currently serves as co-counsel for plaintiffs in an action styled *Steve Bloemer and Dawn Matthews v. Metropolitan Government*, Docket No. 18C355, Circuit Court of Davidson County, Tennessee. The Metropolitan Council has been advised that this representation should not constitute a disqualifying conflict of interest given the posture of the firm's interests in regard to the Metropolitan Government of Nashville and Davidson County; and

WHEREAS, the individual hourly rates for professional services provided by Burch, Porter & Johnson, PLLC shall not exceed \$395 and shall not apply to travel time.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1: That Burch Porter & Johnson, PLLC is hereby approved to act as counsel for the Metropolitan Council Special Committee and Vice Mayor, subject to the following requirements:

- (a) the individual hourly rates for professional services provided by Burch, Porter & Johnson, PLLC shall not exceed \$395 and shall not apply to travel time;
- (b) Burch, Porter & Johnson, PLLC shall expend no more than fifteen (15) hours of billable time toward this engagement without the express approval of the Metropolitan Council Special Committee;

(c) Burch, Porter & Johnson, PLLC shall undertake all necessary and standard precautions within the legal profession to prevent the disclosure of materials to any members, associates, or personnel within their employ who may have a conflict of interest or who otherwise have contacts with the Metropolitan Government of Nashville & Davidson County, Tennessee; and

(d) all invoices, statements, or billings for professional services shall be submitted on a monthly basis to the Metropolitan Council office director and shall be subject to approval by resolution of the Metropolitan Council prior to payment; and

(e) For purposes of minor day-to-day inquiries, updates, requests, and disclosures by Burch, Porter & Johnson, PLLC, primary contacts shall be with (i) Council member Burkley Allen, chair of the Special Committee; (ii) President Pro Tempore Sheri Weiner; and in their absence (iii) Metropolitan Council office director Mike Jameson.

Section 2: That compensation for professional services rendered by Burch, Porter & Johnson, PLLC, at an hourly rate not to exceed \$395, is hereby approved. Payment of all invoices, statements, or billings for professional services shall be subject to prior approval by resolution of the Metropolitan Council.

Section 3: That Burch, Porter & Johnson, PLLC is directed to submit an engagement letter to the Metropolitan Council, addressed to Council member Burkley Allen, Chair of the Special Committee, with terms not inconsistent with the provisions of this Resolution.

Section 4. That the Metropolitan Clerk is directed to forward a copy of this resolution to Jennifer Hagerman at Burch, Porter & Johnson, PLLC, and to Talia Lomax-O'dneal, Finance Director.

Section 5. That this resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Burkley Allen
Member of Council
Chair, Special Committee