

# Warren County Board of Supervisors

## RESOLUTION NO. 318 OF 2016

Resolution introduced by Supervisors Wood and Frasier

**RESOLUTION AUTHORIZING SPECIAL COUNSEL TO REVIEW  
CONTRACT DOCUMENTS BETWEEN WARREN COUNTY  
AND SIEMENS BUILDING TECHNOLOGIES, INC. AND PROVIDE LEGAL ADVICE,  
RECOMMENDATIONS AND REPRESENTATION TO THE COUNTY CONCERNING  
POTENTIAL CIVIL CLAIMS THAT THE COUNTY MAY  
HAVE WITH RESPECT TO SIEMENS BUILDING TECHNOLOGIES, INC.**

### RESOLUTION FAILED

WHEREAS, the County Attorney is recommending that the County retain the services of Bartlett, Pontiff, Stewart & Rhodes, P.C. as special legal counsel to review contract documents between Warren County and Siemens Building Technologies, Inc. related to the Geothermal Energy Performance Contract at the Warren County Municipal Center and provide legal advice, recommendations and representation with respect to any potential civil claims which the County may have thereto, and

WHEREAS, by Resolution No. 249 of 2014, the County authorized the County Attorney to retain Bartlett, Pontiff, Stewart & Rhodes, P.C. to provide legal services related to potential civil claims against Siemens Industry, Inc. with regard to the co-generation project at the Westmount Health Facility, and

WHEREAS, the retainer letter/agreement dated December 7, 2015 for the aforesaid legal services provides that Bartlett, Pontiff, Stewart & Rhodes, P.C. will bill for such additional services at the rate of One Hundred Eighty Dollars (\$180) per hour for principal attorneys' time, One Hundred Fifty Dollars (\$150) per hour for associate attorneys' time and One Hundred Twenty Dollars (\$120) per hour for paralegal time, with reimbursement for standard costs and disbursements, and

WHEREAS, by proposed retainer letter/agreement dated July 1, 2016 Bartlett, Pontiff, Stewart & Rhodes, P.C. has proposed to undertake the representation on the same terms and conditions, now, therefore, be it

RESOLVED, the Warren County Board of Supervisors hereby retains the law firm of Bartlett, Pontiff, Stewart & Rhodes, P.C. as special legal counsel to the County and in accordance with the terms and conditions set forth in the July 1, 2016 retainer letter/agreement, the relevant terms of which are outlined above, to perform legal services in the nature of reviewing the contract documents between Warren County and Siemens Building Technologies, Inc. regarding the Geothermal Energy Performance Contract at the Warren County Municipal Center and provide legal advice, recommendations and representation to the County concerning any potential civil claims which the County may have with respect to Siemens Building Technologies, Inc., and be it further

RESOLVED, that the funds shall be expended from Budget Code A.1420 440 County Attorney, Legal/Transcript Fees.