



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <div style="float: right; border: 1px solid black; padding: 2px;">             DocuSigned by:  <i>Michael Jones</i>  <small>47000790F2D7463...</small> </div>		<b>GENERAL MANAGER ACTION REQ'D:</b>		
<b>DATE:</b> 3/1/2023      3/2/2023		<b>BOARD INITIATED ITEM:</b> No		
<b>Originator/Prepared by:</b> Jeana Zelan <b>Dept:</b> Office of the General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 10px;">             DocuSigned by:  <i>Jeana Zelan</i>  <small>F8FD7B3A73E74E8...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">3/2/2023</div>	<b>General Counsel</b> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;">             DocuSigned by:  <i>Jeana Zelan</i>  <small>F8FD7B3A73E74E8...</small> </div> <div style="text-align: right;">3/2/2023    [ ]</div>	<b>Controller/Treasurer</b> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;">             DocuSigned by:  <i>Chris Gan</i>  <small>EE11C8CEEEA04FD...</small> </div> <div style="text-align: right;">3/2/2023    [ ]</div>	<b>District Secretary</b> <div style="text-align: right;">[ ]</div>	<b>BARC</b> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;">             DocuSigned by:  <i>Pamela Herhold</i>  <small>3BB24D65B8724F5...</small> </div> <div style="text-align: right;">3/2/2023    [ ]</div>

### Amendment of Legal Services Agreement with Hanson Bridgett

#### PURPOSE:

To request authorization from the Board of Directors to add funds to a legal services agreement with Hanson Bridgett for representation in litigation related to the District's advertising content guidelines.

#### DISCUSSION:

The District maintains advertising content guidelines to establish uniform, viewpoint-neutral standards for the display of advertising within all BART facilities. In 2022, the District rejected a proposed advertisement for failure to comply with the guidelines. The advertiser filed a lawsuit against the District, and the Office of the General Counsel retained Hanson Bridgett to represent the District for an amount not to exceed \$99,000. Payments have reached the compensation limit, necessitating Board authorization to increase the amount of funding for this agreement.

#### FISCAL IMPACT:

Expenses are estimated not to exceed \$550,000 if this case proceeds through trial, and will be paid out of the Office of the General Counsel's existing FY23 budget (Cost Center 0201121, Account 681300). There is no anticipated impact on unprogrammed District reserves.

#### ALTERNATIVES:

The Board may elect to not authorize continuing representation by Hanson Bridgett in this litigation. The Office of the General Counsel would need to seek an alternative law firm for representation, which would incur additional expenses to transition the work.

**RECOMMENDATION:**

That the Board adopt the following motion:

**MOTION:**

That the Board authorizes the General Counsel to continue to utilize Hanson Bridgett for representation in litigation related to the District's advertising content guidelines.