



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Powers</i> 15 May 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 4/29/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Debora Faniel Huff Dept: Office of the General Counsel <i>Debora A. Faniel</i> Signature/Date: 5/13/2019	General Counsel <i>[Signature]</i> 5/13/19 []	Controller/Treasurer <i>[Signature]</i> 5/13/19 []	District Secretary []	BARC <i>Powers</i> 15 May 2019 []

Amendment to Legal Services Agreement with Glynn & Finley LLP

PURPOSE: To request that the Board of Directors approve an increase in funding for the Cal/OSHA Cab Windows matter.

DISCUSSION: The firm of Glynn & Finley, LLP currently represents the District in this matter which involves a Cal/OSHA citation regarding the C Car Cab Windows, asserting that they are unsafe. Glynn & Finley, LLP has represented this matter in this appeal since its inception and has significant experience in representation of agencies before Cal OSHA. The matter is currently set for hearing commencing June 5, 2019. Significant preparation for the hearing is required. It is recommended that Glynn & Finley, LLP continue representation through the conclusion of this matter.

FISCAL IMPACT: The value of the legal services agreement to date has totaled \$82,242 from FY18 through March 2019. This action would be funded by existing operating funds as needed for continued representation on this matter, estimated to be an additional \$200,000. Funding will be budgeted in the Rolling Stock & Shops operating budget (Dept. 0803631, Account 681352 Legal Fees) for FY 2019/2020. This action is not anticipated to have any fiscal impact on unprogrammed District reserves in the current fiscal year.

ALTERNATIVES: To not authorize this amendment to the Cab Windows would result in Glynn & Finley's withdrawal and costs significantly impact the defense of this matter and potentially increase liability.

RECOMMENDATION: That the Board adopt the following motion.

MOTION: That the Board approve the amendment of this agreement with Glynn & Finley,

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LLP to continue its representation of the District to handle the Cal/OSHA Cab Windows matter as necessary.