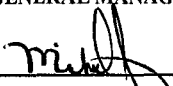
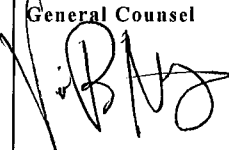
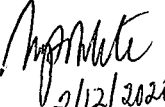





EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL:  2/19/2020		GENERAL MANAGER ACTION REQ'D:		
DATE: 12/11/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Debora Faniel Huff Dept: Office of the General Counsel	General Counsel  2/11/2020 []	Controller/Treasurer  2/12/2020 []	District Secretary []	BARC  2/18/20 []

Amendment to Legal Services Agreement with Glynn & Finley, LLP

PURPOSE: To request that the Board of Directors approve an increase in funding for Glynn & Finley, LLP for defense of litigation involving three (current and retired) employees alleging discrimination in promotions.

DISCUSSION: The firm of Glynn & Finley, LLP currently jointly represents the District in Maynard, et. al. v. BART, et. al. The law firm of Glynn & Finley, LLP was retained in 2019 when the case was set for trial in January 2020 and it did not appear that the case would settle. The firm was chosen following discussions with three (3) firms and it was determined that Glynn & Finley, LLP had the most experience in handling these types of matters and was available to take over and prepare the matter for trial in a short period of time. As a result, it was determined that Glynn & Finley, LLP provided the best value.

The case was continued by the court and is now set for trial in October 2020. Preparation for and the trial of this matter will be intensive. There are three plaintiffs all of which have significantly different claims and one of the plaintiffs has multiple job applications each of which must be addressed. It is recommended that Glynn & Finley, LLP which has significant experience in such matters and has been responsible for this matter for trial preparation continue representation through the conclusion of this matter.

FISCAL IMPACT: The value of the legal services agreement to date from FY20 is \$99,000. This action would be funded by existing operating funds as needed for continued representation on this matter, estimated to be an additional \$500,000 through trial. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval. Funding will be budgeted in Human Resources' operating budget (Dept. 0502420, Account 681352 Legal Fees) for FY 2020 and 2021. 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 Glynn & Finley, LLP would result in Glynn & Finley's withdrawal and result in additional costs of outside counsel.

RECOMMENDATION: That the Board adopt the following motion.

MOTION: That the Board approves the amendment of this agreement with Glynn & Finley, LLP to continue its joint representation of the District in the Maynard, et. al. v. BART, et. al., matter and as required to complete joint representation of the District in this matter.