

AGENDA: June 1, 2006

TO: Regional Transportation Commission  
FROM: Tegan Speiser, Senior Transportation Planner  
RE: Legal Review of Draft Human Resource and Labor Relations Policies

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### ***RECOMMENDATIONS***

Staff and the Budget and Administration/Personnel Committee recommend that the Regional Transportation Commission:

1. Approve the attached resolution (Attachment 1) to enter into an agreement with Arthur Hartinger of the law firm Meyers Nave for autonomy-related legal review services; and
  2. Authorize the expenditure of up to \$5,000 for this purpose.
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### ***BACKGROUND***

The Commission approved establishing the RTC as an autonomous governmental entity in June 2005 and, at that time, authorized the Budget and Administration/ Personnel Committee to direct staff and consultants in the implementation of autonomy tasks. A work plan and timeline for the autonomy project was approved and is now in the process of being implemented. The target date for ending the RTC's administrative relationship with the County, as approved by the RTC, is currently October 1, 2006.

### ***DISCUSSION***

One of the key elements of the autonomy work plan is to develop and adopt human resource and labor relations policies for the new organization. These require legal review to ensure that all legal requirements are met. Staff and the RTC's autonomy consultant, Ellen Aldridge, had initially proposed having County Counsel conduct a legal review of the RTC's draft Post-Autonomy HR Policies and Employee/ Employer Relations Resolution. However, after further discussion and consideration, RTC staff, County Counsel and consultant agreed that it would be best to have the legal review done by an independent attorney that specializes in public employment law and especially in establishing HR and labor relations policies for new agencies.

County Counsel provided the RTC with the names of law firms that specialize in the public employment/labor relations area. These same firms were also recommended by other sources.

A quote of \$2,500 for outside legal review of the RTC's draft HR policies and Employee/Employer Relations Resolution was secured from Arthur Hartinger of the firm Meyers Nave. Mr Hartinger is a principal in this firm, serves as chair of the Meyers Nave labor and employment department, and is one of the lawyers recommended by County Counsel. Mr. Hartinger is available to conduct the review within the quick timeframe and turnaround required by the RTC. Since Mr. Hartinger's quote is within the Executive Director's authority for expenditures, and to minimize project delays, the Executive Director engaged the services of Mr. Hartinger beginning May 22, 2006 to provide the necessary legal services for the autonomy project up to \$2,500.

After discussing the need for outside legal services for the autonomy project with the Budget and Administration/Personnel (B&A/P) Committee at its May 11<sup>th</sup> meeting, **the Committee, staff, and consultant recommend that the Commission contract with Arthur Hartinger of the firm Meyers Nave to conduct a legal review of the draft Post-Autonomy Human Resource Policies and Employee/Employer Relations Resolution for an amount not to exceed \$5,000 effective on May 22, 2006.** Approving an amount higher than the quotation will allow the project to continue moving forward in the event any additional work is found to be needed on the draft policies. Funds are available for this purpose in both the FY05-06 and FY06-07 operating budgets. If this recommendation is approved, staff will amend the agreement with Mr. Hartinger's firm to the amount approved by the RTC.

### ***SUMMARY***

An independent legal review of the RTC's draft Post-Autonomy HR Policies and Employee/Employer Relations Resolution by a firm specializing in public employment law and in setting up policies for new agencies is desirable. Staff, consultant and the Budget and Administration/Personnel Committee recommend that the Commission enter into an agreement with Arthur Hartinger of the firm Meyers Nave to conduct a legal review of new RTC policies for an amount not to exceed \$5,000. Funds are available in the Commission's FY05-06 and FY06-07 operating budgets for this purpose.

### Attachments

1. Resolution