

The Honorable Tyisha Walker-Meyers, President
New Haven Board of Alders
165 Church Street
New Haven

RE: Amendment and Supplement to Submission LM 2023-0116

Dear Honorable President:

Attached please find copies of two packages that are submitted as an amendment and supplement to the Board's submission on March 7, 2020, LM 2023-0116. This matter was heard and tabled by the Finance Committee on March in anticipation of receiving this letter and the attached supplemental materials.

On behalf of the Board of Education, I seek approval, pursuant to section 1-376 of the Code of Ordinances of the City of New Haven, to amend two outside legal services agreements with the law firm of Shipman & Goodwin. For agreement A22-1615 (general), we seek an amendment in the amount of \$62,000. This will bring the total agreement amount from \$70,000 to \$132,000 For agreement A22-1616 (labor matters), we seek an amendment in the amount of \$437,204.60. This will bring the total agreement amount from \$80,000 to \$517,204.60. Each amendment is intended to cover current billings in excess of the agreement amounts, plus anticipated billings through the end of the fiscal year.

Shipman & Goodwin has been providing legal counsel to the Board of Education for nearly 5 years and has done so in exemplarily form. Shipman & Goodwin is known as the preeminent firm for educational law in the state of Connecticut proving counsel to many districts across the state of Connecticut.

Please also note that the requested increase includes anticipated legal expense through the end of the fiscal year.

A22-1615 – General

This agreement is intended to cover general legal consultation, including statutory and regulatory interpretation and compliance, claims and litigation, and including areas of specialized practice relating to Education Law. As categorized below, almost \$50,000 of the original \$70,000 contract amount was spent defending the lawsuit brought by the vendor that was not awarded the custodial services contract. That lawsuit was ultimately withdrawn by the vendor.

Original amount:	\$ 70,000
Bills through February 2023:	\$ 63,288
Amendment sought:	\$ 62,000
FY23 total after amendment	\$ 132,000

Category breakdown (through February 2023):

Eco Urban lawsuit	\$ 48,798
Consult/misc.	<u>\$ 14,490</u>
Total	\$ 63,288

A22-1616 – Labor

This agreement is intended to cover labor relations, including negotiations, administrative proceedings, claims, litigation, and related legal services. As categorized below, most of the original \$80,000 contract amount was expended in negotiation of expiring collective bargaining agreements. Other union related matters bring that total to approximately \$100,000. Defense of employment-related claims amounted to almost \$150,000, including approximately \$115,000 defending just two federal lawsuits. Because these are defense matters, it is difficult to predict the future litigation expenses beyond what has been estimated to complete this fiscal year..

The amendment is intended to cover the legal expense for negotiating three remaining collective bargaining agreements, in addition to ongoing defense of labor-related litigation and grievances.

Original amount:	\$ 80,000.00
Bills through February 2023:	\$ 249,245.00
Amendment sought:	\$ 437,204.60
FY23 total after amendment	\$ 517,204.60

Category breakdown (through February 2023):

CBA negotiations (teachers/admin/paras)	\$ 71,344
Grievances, other union-related matters, complaints, negotiations	\$ 32,375
Employment claims/litigation:	
Federal litigation	\$ 115,846
CHRO/ADA etc.	<u>\$ 29,680</u>
Total	\$ 249,245

We wish to make clear that, although the practice has been to split the legal services agreements with each firm by category of work, going forward we intend to enter into a single agreement with each law firm. We would then submit agreements in excess of \$100,000 for approval pursuant to section 2-376 of the Charter.

The additional funds in the amount of \$62,000 for A22-1615 (general) and \$437,204.60 for A22-1616 (labor) are available from 19047000-56696.

I look forward to our team's presentation of the proposed amendment to the Alders.