



Agenda Item No. (6)(B)

**REPORT OF THE ATTORNEY
BOARD OF DIRECTORS
MEETING OF FEBRUARY 23, 2024**

President Cochran and Members of the Board:

Set forth below is a status report of legal matters on which Hanson Bridgett has worked since our last written report for the January 26, 2024 meeting of the Board of Directors.

In addition to provision of day-to-day assistance and advice, such as attendance at E-Team, Committee and Board meetings; review of draft minutes and staff reports, resolutions and ordinances; and, assistance with on-going personnel and labor relations matters, our time has been devoted to assisting the District and its operating divisions with the following specific matters:

District:

- District Division Procurements: Assisted District staff with several procurement matters including: the Kronos cooperative agreement for workforce software services; the amendment to the agreement for mobile drug and alcohol testing services; the amendment to the agreement for regional bus, ferry, and bridge user and non-user survey services; the amendment to the existing health and welfare insurance services agreement and the new solicitation for these services; and, the RFP for state legislative advocacy services.
- District Division Matters: Provided assistance to staff in connection with the update of template documents; the review of documents and preparation of responses to several Public Records Act requests; intellectual property matters; the cybersecurity assessment project; analysis regarding CARB on-road and off-road mobile source regulations; the ADA transition plan; and, potential conflicts of interest for Board members.
- Financial Matters: Assisted staff in connection with upcoming toll increase planning; the federal restrictions for tolling private bus services; the amendment to the financial management system agreement; the RFP for actuary on the ATU pension rehabilitation plan services; as well as with fiscal cliff strategies.
- COVID-19: Continued assistance and advice to District staff in response to the COVID-19 pandemic.
- Labor Negotiations: Assisted staff with on-going negotiations with the ATU and Coalition units, and with implementation of agreements reached.

Bridge Division:

- Suicide Deterrent Project (Litigation): Analyzed and prepared for the litigation brought by the SDS contractor; commenced preparation for discovery plans and initial discovery devices, motion practice, and responsive pleadings; filed and argued a dispositive motion to clean up the SDS contractor's complaint; and, filed and served various cross-complaints against the contractor and other parties.
- Suicide Deterrent Project: Provided assistance to Engineering Department staff in connection with matters related to the SDS project documentary.

- **Seismic Retrofit Project:** Provided advice and assistance to Engineering Department staff related to the RFP/RFQ for independent cost estimator (ICE) services; and, analysis of applicability of executive order requiring use of project labor agreements.
- **All Electronic Tolling Litigation and Legislation:** Attended to the aftermath of the class action litigation and appeals in the *Kelly/ Kendrick/ Montgomery* lawsuits, which concern the District's alleged improper sharing of information with the Department of Motor Vehicles and the class action plaintiffs' claim for improper penalties where the District defeated class certification; continued the process of reimbursement by co-defendant Conduent and our insurance carrier; and, monitoring and analyzing new legislation regarding tolling.
- **Bridge Division Matters/Procurement:** Provided assistance in connection with various Bridge Division matters, including the permit and location agreement; pest control services; issues related to the administration building door and window rehabilitation project; the contract for administration building window repairs/weatherproofing; the dust collector contract change order; the Trailer E HVAC replacement contract; legislative matters; and, matters related to the toll gantry project, including Kapsch negotiations, and the RFP for consultant services for tolling, electronic payments, and data analysis.

Bus Division:

- **Bus Division Matters:** Provided assistance and advice in connection with various Bus Division matters, including: the Agency Safety Plan/Safety Risk Management process; the San Rafael Transit Center project; the pre-apprenticeship program agreement with Santa Rosa Junior College; analysis of AB 413; and, the Marin County Transit District passenger ban MOU.
- **ATU Pension Plan:** Assistance with research on the health and financial condition of the Plan and options to improve that condition; and, working to set up a solution-based advisory body as agreed by the parties.

Ferry Division:

- **Vessel Refurbishment/Maintenance:** Attention to various ferry refurbishment contracts and maintenance issues, including the MS Marin scheduled drydocking project; and, the change orders to the agreement for midlife engine maintenance for MV Golden Gate, MV Del Norte, MV Mendocino and MV Napa.
- **Ferry Division Matters:** Assisted District staff in connection with various Ferry Division matters, including: strategy for removal/replacement of backup generator at San Francisco terminal; matters related to the Gate B license agreement; expressive activities at ferry terminals; the Commercial Harbor Craft Alternative Control of Emissions Plan; and, analysis regarding citizen's arrest and removing or banning passengers.
- **Ferry Division Procurements:** Provided assistance to District staff in connection with: the amendment to the Port security grant program agreement; the amendment to the Larkspur ferry terminal berth 2 hydraulic cylinder ramp repair contract; the San Francisco ferry terminal security improvements IFB; the amendment to the Vivalon agreement; analysis of procurement methodology for float repair; and, the new vessel procurement project.

Sincerely,


Kimon Manolius