

February 15, 2022

ATTORNEY'S REPORT



Board of Directors
Golden Gate Bridge, Highway
and Transportation District

President Theriault 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 of January 18, 2022, to 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 software agreement; the agreement for ERP implementation consultation services; the microwave system support services agreement; the emergency notification system agreement; and, the agreement for customer communication services platform utilizing interaction voice technology.
- District Division Matters: Provided assistance to staff in connection with the Advisory Committee on Equity & Diversity; review of documents and preparation of responses to Public Records Act requests; intellectual property matters; Amendment No. 3 to the Clipper Amended and Restated MOU; the Title VI program; the mutual aid MOU; cybersecurity standards; strategic planning; and, potential conflicts of interest for Board members.
- COVID-19: Continued assistance and advice to District staff in response to the COVID-19 pandemic, including on-going impacts on District operations and personnel; and, conducting committee and Board meetings in the on-going COVID environment.
- Financial Matters: Provided advice and assistance to District staff related to various matters, including the FTA triennial review; the Payroll HRIS internal controls agreement amendment; and, the RFP for external audit services.
- Labor Negotiations: Assisted staff with on-going negotiations.

Bridge Division:

- Suicide Deterrent Project: Provided assistance and advice to Engineering Department staff in connection with on-going contractor and claim issues; the RFQ for maintenance traveler system fabrication shop inspection services; and, consultant agreement amendments.
- All Electronic Tolling Litigation: Attended to indemnity issues in *Saliani v. GGBH&TD*, *Moore v. GGBH&TD*, and *Freeland v. GGBH&TD*, the class actions pertaining to alleged

problems with Xerox's delivery of toll invoices and violation notices, including Conduent's duty and refusal to defend and indemnify the District under the 2003 and 2013 BATA contracts; and, defense of the *Kelly/ Kendrick/ Montgomery* lawsuits, which concern the District's alleged improper sharing of information with the Department of Motor Vehicles. Coordinated with Bay Area Toll Authority regarding our response to a new class action lawsuit entitled *Gregorio v. BATA & GGB*, which challenges as excessive the fines that those who do not pay their tolls must pay.

- Bridge Division Matters/Procurement: Provided assistance in connection with various Bridge Division matters, including matters related to the toll gantry project.


Bus Division:

- Bus Division Matters/Procurement: Provided assistance and advice in connection with various Bus Division matters, including: the MCTD paratransit and local services contracts; the Genfare software system upgrade agreement; the IFB for Santa Rosa bus facility resurfacing project; the Santa Rosa bus facility lighting improvements project; the fuel services contract change orders; the contract for tree removal services at the Fairfax turnaround; and, the San Rafael Transit Center project.
- ATU Pension Plan: Assistance with research on the health and financial condition of the Plan and options to improve that condition.

Ferry Division:

- Vessel Refurbishment/Maintenance: Attention to various ferry refurbishment contracts and maintenance issues, including the M.S. Marin refurbishment project; change orders for the ferry fleet scheduled drydocking and capital improvements contract; and, the M.S. Marin vector control upgrades contract.
- Ferry Division Matters/Procurement: Provided assistance to District staff in connection with: special event ferry ticket services; the ADA shuttle bus service contract; vessel replacement project, including DBE matters, RFP/RFQ for design services; and RFQ for engineering services.

Sincerely,


Kimon Manolius