

October 18, 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 September 14, 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 agreement for supplemental ERP implementation services; the RFP for transportation statistics reporting; the amendment to the Maximo managed services agreement; the amendment to the storm water analyses agreement; the agreement for intranet redesign; and, the RFP for regional bus, ferry and bridge user and non-user survey.
- **District Division Matters:** Provided assistance to staff in connection with the review of documents and preparation of responses to multiple Public Records Act requests; intellectual property matters; and, the Amended and Restated Clipper MOU.
- **COVID-19:** Continued assistance and advice to District staff in response to the COVID-19 pandemic, including the amendment to the agreement for COVID testing services; and, conducting committee and Board meetings in the ever-changing and challenging COVID environment.
- **Financial Matters:** Provided advice and assistance to District staff related to various matters, including the amendment to the agreement for grant administration services; the annual review of OPEB Trust documents; and, the assignment of the agreement for GASB 75 actuarial services.
- **Labor Negotiations:** Assisted staff with on-going negotiations with the ATU and Coalition units.

Bridge Division:

- **Suicide Deterrent Project:** Provided assistance and advice to Engineering Department staff in connection with on-going contractor and claims issues; consultant agreement amendments; and, the IFB for the SDS rescue training net project.

- All Electronic Tolling Litigation and Legislation: Attended to the aftermath of the class action litigation 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 agreement for trauma counseling services; the 3M certified competent person service agreement; the change order for the admin building front door replacement; legislative matters; and, 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 fixed route and regional paratransit services agreements; the Public Transportation Agency Safety Plan and Safety Committee; the agreements with College of Marin and Santa Rosa Junior College; 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; preparation for arbitration regarding dispute among the ATU Pension trustees concerning the agreement between the ATU and the District with regard to the termination of subsidies; attention to counsel for the ATU Pension's erroneous advice with regard to the workings of the pension; and, correction of the record with regard to the vested rights doctrine.

Ferry Division:

- Vessel Refurbishment/Maintenance: Attention to various ferry refurbishment contracts and maintenance issues, including possible warranty issues; the agreement for CARB compliant Tier 4 diesel engines; and, the change order for scheduled drydocking and capital improvements for the MS San Francisco and MS Sonoma.
- Ferry Division Matters/Procurement: Provided assistance to District staff in connection with: Title VI analysis for Angel Island service; the RFP for maritime threat exercise; the Larkspur ferry terminal dredging project; and, the vessel replacement project.

Sincerely,


Kimon Manolius