

November 8, 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 October 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 RFQ for environmental testing services; the agreement for customer research for strategic planning services; the agreement for Pedestrian and Bicycle Committee facilitation services; the RFP for mobile drug and alcohol testing services; the amendment to the agreement for armored carrier collection services; 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; updates to procurement template documents; DBE goal methodology and the U.S. Department of Transportation Notice of Proposed Rulemaking; 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 conducting committee and Board meetings, the end of the state of emergency in early 2023, and the return to in-person meetings.
- **Financial Matters:** Provided advice and assistance to District staff related to various matters, including the assignment of the agreement for grant administration services; the agreement for CalPERS 2% @ 60 actuarial analysis services; 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 change order for the aluminum clip fabricator agreement.

- 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 records retention for Bridge tours; 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 update; the MOU with College of Marin; 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 the CARB compliant Tier 4 diesel engines procurement; and, the contract for MV Napa waterjet rebuilds.
- Ferry Division Matters/Procurement: Provided assistance to District staff in connection with: firearms on ferry policy; issues related to the maritime threat exercise; agreement with County of Marin for temporary use of Larkspur terminal parking lot in emergencies; the Larkspur ferry terminal dredging project; and, the vessel replacement project.

Sincerely,


Kimon Manolius