

April 17, 2023

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 March 14, 2023, 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 recruitment services; the agreement for EEO program consulting services; the agreement for datacenter and network equipment cleaning services; the Maximo managed services and on-call Maximo services RFP; the agreement for document conversion services; the amendment to the customer communications system agreement; the agreement for transportation statistics reporting system and implementation services; the amendment to the agreement for mobile drug and alcohol testing services; and, the Microsoft VMware RFP.
- **District Division Matters:** Provided assistance to staff in connection with revisions to the Procurement Manual; the review of documents and preparation of responses to several Public Records Act requests; 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 changes to conducting committee and Board meetings, the return to in-person meetings, and updates to General Manager authority; and, the amendment to the agreement for grant administration services for COVID-19 disaster cost recovery services.
- **Financial Matters:** Provided advice and assistance to District staff related to various matters, including the upcoming 5-year transit fare program, including Title VI analysis; and, the commercial paper program/ JPM line of credit renewal.
- **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 the amendment to the agreement for temporary structures engineering advisor support services; and, on-going contractor and claims issues.

- **Suicide Deterrent Project (Litigation):** Analyzed and prepared for threatened litigation brought by the SDS contractor and commenced the preparation for discovery plans, motion practice, and responsive pleadings.
- **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 dust collector solicitation; the toll plaza pavement overlay project; the amendment to the agreement for Alexander Avenue slide repairs; 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 paratransit service agreement; the amendment to the Early Bird Express Service agreement; the MOU with College of Marin; the amendment to the Genfare software system upgrade agreement; the Stillman Street homeless encampment; 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 change order for the scheduled drydocking and capital improvements to the MS San Francisco and MS Sonoma; and, the RFP for scheduled drydocking and capital improvements for the MV Golden Gate and MV Napa.
- **Ferry Division Matters/Procurement:** Provided assistance to District staff in connection with: the backup generator and BAAQMD permitting issue; the Vivalon shuttle bus services agreement; the Gate B lease agreement; the port security grant program; the amendment to the agreement for Larkspur ferry service and parking expansion environmental clearance and preliminary design study; the IFB for the Larkspur fuel tanks rehabilitation project; and, new vessel procurement strategy.

Sincerely,


Kimon Manolius