

Agenda Item No. (6)(B)

**REPORT OF THE ATTORNEY
BOARD OF DIRECTORS
MEETING OF JULY 28, 2023**



President Thériault 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 June 12, 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 Ventek source code license agreement; the amendment to the digital communications management platform agreement; the agreement for engineering recruitment services; the amendment to the brochure distribution services agreement; the agreement for engineering intern curriculum consultant services; the amendment to the agreement for transit schedule software support and maintenance services; and, the agreement for background screening services.
- District Division Matters: Provided assistance to staff in connection with the review of documents and preparation of responses to several Public Records Act requests; and, potential conflicts of interest for Board members.
- Financial Matters: Assisted staff in connection with preparation of Opinion of Counsel for TDA, STA, RM2 funds; the agreement for investment and general consulting services; the RFP for insurance advisor and brokerage 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: Provided assistance and advice to Engineering Department staff in connection with the amendments to consultant services agreements; and, the agreement for aluminum clip fabrication for the suspension bridge sound reduction project.
- Suicide Deterrent Project (Litigation): Analyzed and prepared for the litigation brought by the SDS contractor; commenced preparation for discovery plans, motion practice, and responsive pleadings; and, began motion practice.

- Seismic Retrofit Project: Provided advice and assistance to Engineering Department staff related to the CM/GC services RFQ, including related due diligence; subcontracting requirements; preparation/review of addenda; and participation in call with Caltrans.
- 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 amendment to the agreement for the toll plaza administration building elevator modernization; the agreement for Alexander Avenue roadway restriping; 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 notice for proposed rulemaking for the Public Agency Safety Transportation Plans; the College of Marin and Division of Apprenticeship Standards program; the Genfare software system upgrade agreement; 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; 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 Spaulding repower project; agreement for midlife engine maintenance for MV Golden Gate, MV Del Norte, MV Mendocino and MV Napa; the agreement for midlife engine maintenance for MS Marin; the request for prequalification for the MS San Francisco and MS Marin repower project; the change order for scheduled drydocking and capital improvements for MV Golden Gate and MV Napa; the contract for Tier 4 diesel engines; and the IFB for scheduled drydocking and capital improvements for the MV Del Norte and MV Mendocino.
- Ferry Division Matters/Procurement: Provided assistance to District staff in connection with: the Gate B landing rights/lease agreement; the order form for Alfred Access Control with Tickets.com; the temporary evacuation point agreement with County of Marin; the San Quentin Cove right of entry agreement; the agreement for Sausalito float repairs; the agreement for the Larkspur fuel tanks rehabilitation project; and, the new vessel procurement project.

Sincerely,


Kimon Manolius