

Agenda Item No. (6)(B)

**REPORT OF THE ATTORNEY
BOARD OF DIRECTORS
MEETING OF AUGUST 25, 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 for the July 28, 2023 meeting of 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 engineering recruitment services; the agreement for engineering intern curriculum consultant services; the amendment to the agreement for interim temporary staffing services; the agreement for NEOGOV human resources software; and, the RFP for medical review officer.
- **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; update of procurement template documents; and, potential conflicts of interest for Board members.
- **Financial Matters:** Assisted staff in connection with the RFP for grants management and professional 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 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, filed and argued a dispositive motion to clean up the SDS contractor's complaint.
- **Seismic Retrofit Project:** Provided advice and assistance to Engineering Department staff related to the CM/GC services RFQ, including related due diligence and review of statement

of qualifications responses by assembled business lawyer and forensic auditor team; preparation/review of addenda; and, procurement of eBuilder software.

- 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 weapons training consultant; the dust collector procurement; 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 101 Tamalpais project; the amendment to lease of bus tires; the amendment to the transit data dashboard agreement; the amendment to the agreement for printing of transit guides and timetables; the College of Marin and Division of Apprenticeship Standards program; 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 agreement for midlife engine maintenance for MV Golden Gate, MV Del Norte, MV Mendocino and MV Napa; the contract for Tier 4 diesel engines; the IFB for scheduled drydocking and capital improvements for the MV Del Norte and MV Mendocino; and, the agreement for MV Napa waterjet hydraulic cylinders inspection, maintenance and repair.
- Ferry Division Matters/Procurement: Provided assistance to District staff in connection with: the issues related to the Bay Ferry VI Exercise; the amendment to the Port Security Grant Program agreement; and, the new vessel procurement project.

Sincerely,


Kimon Manolius