

**REPORT OF THE ATTORNEY
BOARD OF DIRECTORS
MEETING OF SEPTEMBER 22, 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 August 25, 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 NEOGOV human resources software; the RFP for medical review officer; the enterprise resource planning system and implementation services project; the amendment to the agreement for mobile drug and alcohol testing services; the RFP for on-line solicitation management services; the task order for the Databank services agreement; the consent to assignment of the website development services agreement; and, the amendment to the customer communication services platform agreement.
- **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, potential conflicts of interest for Board members.
- **Financial Matters:** Assisted staff in connection with the revenue sharing agreement related to MCTD local service agreement; RFP for grants management and professional services; the MOU with the Port of San Francisco for Prop L funds; 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 (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 extensive due diligence and review of statement of qualifications responses by assembled business lawyer and forensic auditor team; and, procurement of eBuilder construction management 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 amendment to the agreement for lead cleanup Phase II feasibility study; the dust collector procurement; legislative matters; and, matters related to the toll gantry project.

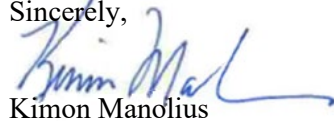
Bus Division:

- Bus Division Matters/Procurement: Provided assistance and advice in connection with various Bus Division matters, including: the 2023 Agency Safety Plan; the amendment to the agreement for printing of transit guides and timetables; the amendment to lease of bus tires; 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 change orders to the agreement for schedule drydocking and capital improvements for MV Golden Gate and MV Napa; and, the contract for Tier 4 diesel engines.
- Ferry Division Matters/Procurement: Provided assistance to District staff in connection with: the issues related to the Bay Ferry VI Exercise; matters related to San Quentin Cove project; the amendment to the Corte Madera Ecological Reserve restoration project agreement; the amendment to the Port Security Grant Program agreement; matters related to Angel Island service, including CEQA analysis and permitting requirements for new terminal infrastructure; and, the new vessel procurement project, including the agreement for engineering and detailed design services.

Sincerely,



Kimon Manolius