



Agenda Item No. (6)(B)

**REPORT OF THE ATTORNEY
BOARD OF DIRECTORS
MEETING OF OCTOBER 27, 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 September 22, 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 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 amendment to the Ventek agreement; the agreement for environmental consulting services; the task order for the DataBank agreement; the agreement for engineering recruitment services; the RFP for health and welfare consultant services; and, the Microsoft VMWare RFP.
- **District Division Matters:** Provided assistance to staff in connection with updating template procurement documents; the review of documents and preparation of responses to several Public Records Act requests; intellectual property matters; the cybersecurity assessment project kickoff, including preparation of NDA; and, potential conflicts of interest for Board members.
- **Financial Matters:** Assisted staff in connection with ticket vending machine cash collection and Brinks contract; the RFP for insurance broker services; the agreement for external audit 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 and initial discovery devices, motion practice, and responsive pleadings; and, filed and argued a dispositive motion to clean up the SDS contractor's complaint.

- **Suicide Deterrent Project:** Provided assistance to Engineering Department staff in connection with amendments to consultant services agreements; and, analysis related to SDS project documentary.
- **Seismic Retrofit Project:** Provided advice and assistance to Engineering Department staff related to the CM/GC services RFQ, including continued extensive due diligence and review of additional proposer information in consultation with assembled business lawyer and forensic auditor team; the amendments to consultant services agreements; and, the eBuilder construction management software 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 the agreement with CHP regarding radio communications; the RFP for tolling, electronic payment and data analysis consulting services; 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 agreement for pest control services; the ridership visualization tool agreement; 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 order to the agreement for scheduled drydocking and capital improvements for MV Golden Gate and MV Napa; the change order to the 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; and, the cancellation of the contract for Tier 4 diesel engines.
- **Ferry Division Matters/Procurement:** Provided assistance to District staff in connection with: the Larkspur terminal oil spill; matters related to Angel Island service, including CEQA matters, property rights and contract for ramp design services; the amendment to the landing rights agreement for Gate B; and, the new vessel procurement project, including ferry naming and the agreement for engineering and detailed design services.

Sincerely,


Kimon Manolius