

Agenda Item No. (6)(B)

**REPORT OF THE ATTORNEY  
BOARD OF DIRECTORS  
MEETING OF DECEMBER 15, 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 October 27, 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 Ventek agreement; the RFP for health and welfare consultant services; the amendment to the agreement for pedestrian and bicycle advisory committee facilitation services; the Kronos cooperative agreement; the amendment to the agreement for the transportation statistics reporting system; the EJ Ward agreement for fuel management system SaaS and maintenance services; the amendment to the intranet redesign agreement; the amendment to the customer research for strategic planning agreement; the agreement for continuous penetration testing services; the agreements for on-call Maximo management services; the amendment to the NeoGov agreement for human resources software; and the RFP for state legislative advocacy services.
- **District Division Matters:** Provided assistance to staff in connection with updating template procurement documents; the review of documents and preparation of responses to multiple Public Records Act requests; intellectual property matters; the cybersecurity assessment project; and, potential conflicts of interest for Board members.
- **Financial Matters:** Assisted staff in connection with upcoming toll increase planning; the RFP for insurance advisor and brokerage services; the agreement for external audit services; the agreements for on-call grants management services; the RFP for utility bill audit services; the RFP for actuary on ATU pension rehabilitation plan; as well as with fiscal cliff strategies.
- **COVID-19:** Continued assistance and advice to District staff in response to the COVID-19 pandemic, including the amendment to the agreement for grant administration services for COVID-19 disaster cost recovery.
- **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; filed and argued a dispositive motion to

clean up the SDS contractor's complaint; and, filed and served various cross-complaints against the contractor and other parties.

- **Suicide Deterrent Project:** Provided assistance to Engineering Department staff in connection with amendments to consultant services agreements; and, matters related to the 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 and appeals 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 administration building door and window rehabilitation project; the amendment to the agreement for Alexander Avenue land surveying services; legislative matters; and, matters related to the toll gantry project, including the amendment to the toll plaza gantry design services agreement, the amendment to the P2 contract, Kapsch negotiations, and the RFP for consultant services for tolling, electronic payments, and data analysis

***Bus Division:***

- **Bus Division Matters:** Provided assistance and advice in connection with various Bus Division matters, including: the 2023 Agency Safety Plan; the hazardous risk report; the pre-apprenticeship program agreement with Santa Rosa Junior College; and, MOUs with Marin County Transit District regarding restroom badges and enforcement of Marin Transit's suspension of service policy.
- **Bus Division Procurements:** Assisted District staff with several procurement matters including: the agreement for pest control services; the agreement for transit data dashboard services; the amendment to the agreement for Novato underground storage tank site clean up and closure design services; and, the RFP for ZEB on-call consulting services.
- **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 MS Marin drydocking project; the change orders to the agreement for midlife engine maintenance for MV Golden Gate, MV Del Norte, MV Mendocino and MV Napa; and, the termination of the Tier 4 diesel engines contract.

- Ferry Division Matters: Assisted District staff in connection with various Ferry Division matters, including: strategy for removal/replacement of backup generator at San Francisco terminal; development of application and process for expressive activities requests; the Commercial Harbor Craft Alternative Control of Emissions Plan; the City of Sausalito ferry terminal project; prohibiting weapons on vessels; and, new landside regulations.
- Ferry Division Procurements: Provided assistance to District staff in connection with: the Angel Island fixed ramp and platform agreement; the amendment to the landing rights agreement for Gate B; the Larkspur terminal fuel hose replacement solicitation; the amendment to the agreement for ferry facilities improvements for Larkspur, Sausalito and San Francisco ferry terminal facilities; the San Francisco ferry terminal security improvements IFB; and, the new vessel procurement project, including procurement strategy for new vessel build.

Sincerely,



Kimon Manolius

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