



Agenda Item No. (6)(B)

**REPORT OF THE ATTORNEY
BOARD OF DIRECTORS
MEETING OF JANUARY 26, 2024**

President Cochran 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 December 15, 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 Kronos cooperative agreement for workforce software services; the EJ Ward agreement for fuel management system SaaS and maintenance services; the amendment to the intranet redesign agreement; the agreement for continuous penetration testing services; the agreements for on-call Maximo management services; the amendment to the agreement for regional bus, ferry, and bridge user and non-user survey services; the amendment to the on-call temporary staffing services agreement; the contract for continuous penetration testing services; the agreement for background screening services; and the RFP for state legislative advocacy services.
- **District Division Matters:** Provided assistance to staff in connection with the review of documents and preparation of responses to multiple Public Records Act requests; preparation for and presentation of public works training session with District staff; intellectual property matters; the cybersecurity assessment project; analysis regarding CARB on-road and off-road mobile source regulations; and, potential conflicts of interest for Board members.
- **Financial Matters:** Assisted staff in connection with upcoming toll increase planning; the agreements for on-call grants management services; the BIP agreement for the seismic retrofit project; the RFP for utility bill audit 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 (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 RFP/RFQ for independent cost estimator (ICE) services, including review of solicitation documents and proposal review.
- **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 pest control services; the amendment to the agreement for Alexander Avenue land surveying services; legislative matters; and, matters related to the toll gantry project, including 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 San Rafael Transit Center project; 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 amendment to the agreement for transit data dashboard services; the IFB for the San Rafael bus facility parking lot improvements and solar panel installation; 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 scheduled drydocking project; the unscheduled drydocking of MS San Francisco for propeller repair; the change order to the agreement for midlife engine maintenance for MV Golden Gate, MV Del Norte, MV Mendocino and MV Napa; and, the agreement for MS San Francisco vector capital equipment.
- **Ferry Division Matters:** Assisted District staff in connection with various Ferry Division matters, including: docking and storing vessels at San Quentin Cove; strategy for removal/replacement of backup generator at San Francisco terminal; matters related to the Gate B license agreement; expressive activities at ferry terminals; the Commercial Harbor Craft Alternative Control of Emissions Plan; the City of Sausalito ferry terminal project; and, prohibiting weapons on vessels.

- Ferry Division Procurements: Provided assistance to District staff in connection with: the Larkspur ferry terminal berth 2 hydraulic cylinder ramp repair; the San Francisco ferry terminal security improvements IFB; the amendment to the Vivalon agreement; and, the new vessel procurement project, including procurement strategy for new vessel build.

Sincerely,



Kimon Manolius

THIS PAGE INTENTIONALLY LEFT BLANK