

**REPORT OF THE ATTORNEY
BOARD OF DIRECTORS
MEETING OF FEBRUARY 28, 2025**



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 January 24, 2025 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 analysis of FTA Third Party Contracting Circular changes; the on-site medical trailer procurement; the amendment to the radio upgrade agreement; the amendment to the substance abuse professional services agreement; and, the agreement for advertising services.
- **District Division Matters:** Provided assistance to staff in connection with guidance related to law enforcement on transit property; review of documents and preparation of responses to several Public Records Act requests; review of IS policies; Title VI matters; and, potential conflicts of interest for Board members.
- **Financial Matters:** Assisted staff in connection with the ATU partnership grant agreement; the contract for investment management and custodian services; the amendment to the contract for actuary on pension rehabilitation plan; the FTA triennial review; as well as with potential federal funding issues and fiscal cliff strategies.
- **Labor Negotiations:** Assisted staff with on-going negotiations with the District's labor organizations; and, implementation of agreements reached.

Bridge Division:

- **Seismic Retrofit Project:** Provided assistance and advice to Engineering staff regarding CMGC construction contract specifications; and, consultant agreement amendments.
- **Suicide Deterrent Project:** Provided advice and assistance to staff in connection with consultant agreement amendments.
- **Suicide Deterrent Project (Litigation):** Attended to aftermath and settlement of lawsuit brought by SDS contractor and other related claims that were consolidated in the action; implemented aspects of settlement agreement; did research and due diligence on potential contributors to the District's settlement with the SDS contractor; and, continued prosecuting lawsuit against federal government regarding violation of the Administrative Procedure Act.
- **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, monitored and analyzed new legislation regarding tolling.

- Bridge Division Matters/Procurement: Assisted staff regarding the underwater inspection services agreement; the agreement for Bridge inspection services; the emergency procurement related to power outage repairs; update of the tower trip form and related signage; 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 Agency Safety Plan update; the amendment to the contract for transit guides and timetables; the amendment to the exterior bus advertising services agreement; and, the San Rafael bus facility carport foundation.
- ATU Pension Plan: Assistance with research on the health and financial condition of the Plan and options to improve that condition; and, participation in solution-based advisory body/working group, as agreed by the parties.

Ferry Division:

- Ferry Division Matters/Procurement: Provided assistance and advice to District staff in connection with various Ferry Division matters, including the zero emissions ferry program; the addendum to the Larkspur Ferry Terminal landscaping service agreement; the Larkspur Kiosk C suspended ceiling replacement project; Berth 3 deck and structure repairs; the Larkspur Ferry Terminal ADA parking lot pavement repairs IFB; and, the ferry fleet replacement program.

Sincerely,



Kimon Manolius