



Agenda Item No. (6)(B)

**REPORT OF THE ATTORNEY
BOARD OF DIRECTORS
MEETING OF MARCH 22, 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 February 23, 2024 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 Kronos cooperative agreement for workforce software services; the amendment to the agreement for mobile drug and alcohol testing services; the contract for UPS/battery maintenance services; the agreement for Databank professional services; and, the contract for boardroom audio visual upgrades.
- **District Division Matters:** Provided assistance to staff in connection with the update of template documents; the review of documents and preparation of responses to multiple Public Records Act requests; analysis regarding CARB on-road and off-road mobile source regulations; the ADA transition plan; and, potential conflicts of interest for Board members.
- **Financial Matters:** Assisted staff in connection with upcoming toll increase planning; the federal restrictions for tolling private bus services; the amendment to the payroll HRIS internal contract agreement; the amendment to the agreement for uniform guidance - indirect allocation plan services; the RFP for actuary on the ATU pension rehabilitation plan 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, and the preparation of opening proposals for negotiations.

Bridge Division:

- **Suicide Deterrent Project (Litigation):** Defended District in lawsuit brought by SDS contractor; engaged in discovery and motion practice; and, participated in a mediation session.
- **Seismic Retrofit Project:** Provided advice and assistance to Engineering Department staff related to the agreement for independent cost estimator (ICE) services and the agreement for CMGC services; proposer debrief request; and, Caltrans NEPA and Section 106 requirements.
- **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 research and analysis of Build America/Buy America requirements; the permit and location agreement; pest control services; the contract for administration building window repairs/weatherproofing; the agreement for slide gate operator repair; 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: analysis of the FTA Dear Colleague Letter regarding bus manufacturing/ contract flexibility; research and analysis regarding towing authority; the San Rafael bus facility parking lot improvements and solar panel installation project; the San Rafael Transit Center project; the pre-apprenticeship program agreement with Santa Rosa Junior College; and, the Marin County Transit District passenger ban MOU.
- 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:

- Vessel Refurbishment/Maintenance: Attention to various ferry refurbishment contracts and maintenance issues, including the change orders to the agreement for scheduled drydocking and capital improvements for MV Golden Gate and MV Napa; the MS Marin scheduled drydocking project; the agreement for midlife engine maintenance for MS San Francisco; and, the change orders to the agreement for midlife engine maintenance for MV Golden Gate, MV Del Norte, MV Mendocino and MV Napa.
- Ferry Division Matters: Assisted District staff in connection with various Ferry Division matters, including: the policy on loaning active threat training equipment and supplies to other agencies; matters related to the Gate B license agreement; the Commercial Harbor Craft Alternative Control of Emissions Plan; and, analysis regarding citizen's arrest and removing or banning passengers.
- Ferry Division Procurements: Provided assistance to District staff in connection with the amendment to the Port security grant program agreement; the San Francisco ferry terminal security improvements IFB; analysis of procurement methodology for float repair; and, the addendum to the agreement for wetland restoration design and permitting support services.

Sincerely,


Kimon Manolius