

Agenda Item No. (6)(B)

**REPORT OF THE ATTORNEY  
BOARD OF DIRECTORS  
MEETING OF JUNE 28, 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 May 24, 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 agreement for stormwater compliance services; the agreement for on-call IT project management services; the B2Gnow diversity management compliance system agreement; the Bonfire agreement; the Microsoft VMWare agreement; and, the radio system upgrade contract amendment.
- **District Division Matters:** Provided assistance to staff in connection with the update of the Master Ordinance; the update of template documents; the review of documents and preparation of responses to multiple Public Records Act requests; and, potential conflicts of interest for Board members.
- **Financial Matters:** Assisted staff in connection with the amendment to the deferred compensation plan provider agreement; the MOU for the free and reduced cost transfer pilot program; as well as with fiscal cliff strategies.
- **Labor Negotiations:** Assisted staff with on-going negotiations with the Coalition; implementation of agreements reached; responses to opening proposals for negotiations; and, bargaining.

***Bridge Division:***

- **Suicide Deterrent Project (Litigation):** Defended District in lawsuit brought by SDS contractor and other related claims that have been consolidated in the action and engaged in discovery and motion practice; preparing for the September trial date.
- **Seismic Retrofit Project:** Provided advice and assistance to Engineering Department staff related to CMGC Phase 2 document 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 the admin building window waterproofing project; 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 pre-apprentice program MOU; logging requirements for bus operators; the passenger ban policy; the fare policy; the bus scheduling software agreement; the RFP for on-call zero emission bus consultant services; the agreement for quality assurance services for the San Rafael parking lot improvements and solar panel installation project; 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, 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 MS San Francisco scheduled drydocking and capital improvements project; the change order for the mid-life engine maintenance services agreement for MV Golden Gate, MV Del Norte, MV Mendocino and MV Napa; the MV Sonoma injector replacement agreement; and, the change order to the agreement for scheduled drydocking and capital improvements project for MV Del Norte and MV Mendocino.
- Ferry Division Matters: Assisted District staff in connection with various Ferry Division matters, including: lost and unclaimed property; the Gate B license agreement; service animals; ParkMobile contract issues; and, the Sausalito ferry terminal project.
- Ferry Division Procurements: Provided assistance to District staff in connection with the zero emissions feasibility study agreement; the San Francisco ferry terminal west berth testing/inspection services; the on-call engineering services contract; and, the San Francisco ferry terminal west and east berth ramp rehabilitation.

Sincerely,

  
Kimon Manolius