

Agenda Item No. (6)(B)

**REPORT OF THE ATTORNEY  
BOARD OF DIRECTORS  
MEETING OF JULY 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 June 28, 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 B2Gnow diversity management compliance system agreement; the enterprise resource planning agreement; the radio system upgrade contract amendment; the website maintenance and intranet maintenance agreements; the digital communications management platform services agreement amendment; and, the regional bus, ferry and bridge user and non-user survey agreement amendment.
- **District Division Matters:** Provided assistance to staff in connection with the update of the Master Ordinance; intellectual property matters; the review of documents and preparation of responses to several 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 opinion of counsel for FY25 TDA, STA, RM2 and RM3 funding; Measure AA funding for SMART shuttle; 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.
- **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.

***Bus Division:***

- Bus Division Matters/Procurement: Provided assistance and advice in connection with various Bus Division matters, including: the pre-apprentice program; logging requirements for bus operators; the passenger ban policy; the farebox policy; the bus scheduling software agreement; 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:***

- Ferry Division Matters/Procurement: Assisted District staff in connection with various Ferry Division matters, including: the methanol demonstration project; ParkMobile contract amendment; the zero emissions feasibility study agreement; the Angel Island dock emergency procurement; the agreement for CARB opacity testing; the port security grant program agreement amendment; and, the San Francisco ferry terminal west and east berth ramp rehabilitation.

Sincerely,

  
Kimon Manolius