



Agenda Item No. (6)(B)

**REPORT OF THE ATTORNEY  
BOARD OF DIRECTORS  
MEETING OF SEPTEMBER 27, 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 August 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 enterprise resource planning agreement; the radio system upgrade contract amendment; the power BI annual maintenance support services agreement; and, the RFP for on-call IT project management services.
- **District Division Matters:** Provided assistance to staff in connection with the update of the Master Ordinance; expressive activities; the review of documents and preparation of responses to multiple Public Records Act requests; the Title VI program update; and, potential conflicts of interest for Board members.
- **Financial Matters:** Assisted staff in connection with the RFP for advertising services; the agreement for utility audit services; the cash collection contract; the BIP recipient agreement; the contract assignments/amendments required for the PFM dissolution/consolidation; the SMART shuttle MOU; as well as with 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:** Assisted staff in connection with review of CMGC's subcontracting plan and DBE engagement plan.
- **Suicide Deterrent Project:** Provided advice and assistance to staff in connection with the amendment to the on-call video production services agreement; and, legal analysis regarding possible transfer of the training net to Marin Fire Department.
- **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; prepared for the October 7 trial date; filed two writs in the First Appellate District; and, sued the 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, monitoring and analyzing new legislation regarding tolling.

- Bridge Division Matters/Procurement: Assisted staff regarding new no-trespassing signage on the Bridge; the amendment to the trauma counseling services agreement; legislative matters; and matters related to the toll gantry project, including assignment of the P2 contract.

***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 Giro/Hastus agreement; the on-call zero emissions bus project consulting services agreement; 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 agreement for midlife engine maintenance for MV Mendocino; and, the change order to the agreement for scheduled drydocking and capital improvements project for MV Del Norte and MV Mendocino.
- Ferry Division Matters/Procurement: Assisted District staff in connection with various Ferry Division matters, including: pest control services; the methanol demonstration project; the zero emissions feasibility study agreement; the San Francisco ferry terminal west and east berth ramp repair project; the Sausalito float gangway repair agreement; and, the Angel Island dock repair agreement.

Sincerely,

  
Kimon Manolius