



Agenda Item No. (6)(B)

**REPORT OF THE ATTORNEY
BOARD OF DIRECTORS
MEETING OF OCTOBER 25, 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 September 27, 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 Microsoft VMWare agreement; the amendment to the agreement for electronic records management services; the amendment to the agreement for transit asset management plan services; 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 several Public Records Act requests; review of IS policies; and, potential conflicts of interest for Board members.
- **Financial Matters:** Assisted staff in connection with the agreement for utility audit services; the BIP recipient agreement; the designated subrecipient agreement with Caltrans; the grants management services agreements; 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:** Participated in meeting with Engineering staff regarding CMGC construction contract specifications.
- **Suicide Deterrent Project:** Provided advice and assistance to staff in connection with the amendment to the on-call video production services agreement.
- **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 and October 21 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/climbing signage on the Bridge; the amendment to the trauma counseling services agreement; the RFP for underwater inspection services; 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; FTA requirements for bus leases; 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 service agreement for rebuilding 550 Class waterjets; the agreement for midlife engine maintenance for MV Mendocino; and, the IFB for scheduled drydocking and capital improvements project for MS Sonoma.
- Ferry Division Matters/Procurement: Assisted District staff in connection with various Ferry Division matters, including: pest control services; Larkspur ferry terminal project environmental review matters; the amendment to the ParkMobile agreement; 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 amendment to the agreement for Angel Island fixed ramp and platforms.

Sincerely,


Kimon Manolius