



Agenda Item No. (6)(B)

**REPORT OF THE ATTORNEY
BOARD OF DIRECTORS
MEETING OF APRIL 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 March 22, 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 amendment to the agreement for mobile drug and alcohol testing services; the contract for UPS/battery maintenance services; the on-call Maximo professional services agreement; the medical review officer services agreement; and, the B2Gnow diversity management compliance system agreement.
- **District Division Matters:** Provided assistance to staff in connection with the update of template documents; update of the Master Ordinance; the review of documents and preparation of responses to multiple Public Records Act requests; the ADA transition plan; and, potential conflicts of interest for Board members.
- **Financial Matters:** Assisted staff in connection with upcoming toll increase program; the BIP agreement for the seismic retrofit project; RM3 documentation; as well as with fiscal cliff strategies.
- **Labor Negotiations:** Assisted staff with on-going negotiations with the ATU and Coalition units; implementation of agreements reached; the preparation of opening proposals for negotiations; and, commencement of 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.
- **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.
- **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 advice regarding recent Build America/Buy America developments; the permit and location agreement; legislative matters; and, matters related to the toll gantry project, including Kapsch negotiations, and the agreements for consultant services for tolling, electronic payments, and data analysis.

Bus Division:

- Bus Division Matters/Procurement: Provided assistance and advice in connection with various Bus Division matters, including: research and analysis regarding towing authority; the San Rafael bus facility parking lot improvements and solar panel installation project; the bus scheduling software agreement; 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 MS San Francisco scheduled drydocking and capital improvements project; 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: sublease of Sausalito visitor center; matters related to the Gate B license agreement; permit requirements for Larkspur ferry terminal culvert project; and, CEQA requirements for Terminal West and East Berth Ramp Rehabilitation.
- Ferry Division Procurements: Provided assistance to District staff in connection with the San Francisco ferry terminal security improvements IFB; the agreement to inspect and rebuild spare rams for Larkspur ferry terminal berth #2; and, the ferry vessel procurement project.

Sincerely,


Kimon Manolius