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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 COUNTY OF CONTRA COSTA  
16

17 CITY OF SAUSALITO,  
18 Petitioner and Plaintiff,  
19 v.  
20 GOLDEN GATE BRIDGE, HIGHWAY AND  
TRANSPORTATION DISTRICT,  
21 Respondent and Defendant.  
22  
23 GOLDEN GATE BRIDGE, HIGHWAY AND  
TRANSPORTATION DISTRICT,  
24 Real Party in Interest.  
25

Case No. MSN17-0098  
**PETITIONER'S REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT OF  
OPPOSITION TO DEMURRER**  
Judge: Hon. Barry P. Goode  
Dept: 17  
Date: April 20, 2017  
Time: 8:30 a.m.  
Action Filed: September 13, 2016  
CEQA Case

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1 The City of Sausalito ("City") hereby requests that the Court take judicial notice, under  
2 Evidence Code sections 452 and 453, of the following official reports and actions of the Golden  
3 Gate Bridge, Highway and Transportation ("District")<sup>1</sup>:

4 **Exhibit A:** A true and correct copy of the "Summary of Recommendations" from the  
5 District's Building and Operating Committee/Committee of the Whole ("Building Committee") to  
6 the District's Board of Directors ("Board") for its November 18, 2016 meeting. In relevant part,  
7 the report recommends approval of Agenda Item No. 8(B)(1) authorizing a contract amendment  
8 and \$3,354,000.00 budget increase with Moffat & Nichol (the District's design, environmental,  
9 and engineering consultant for the Sausalito ferry terminal improvements) (the "Contract  
10 Amendment").

11 **Exhibit B:** A true and correct copy of the District Engineer's staff report, prepared for the  
12 November 17, 2016 Building Committee meeting, recommending approval of the Contract  
13 Amendment.

14 **Exhibit C:** A true and correct copy of the "Summary of Actions" taken at the November  
15 18, 2016 Board meeting, confirming that the Board adopted Resolution No. 2016-076, approving  
16 the Contract Amendment.

17 **Exhibit D:** A true and correct copy of the District's Attorney's Report to the Board, dated  
18 March 15, 2017, stating that in connection with the Ferry Terminal Gangway Accessibility  
19 project, the invoiced services for the past month included: "Provide assistance and advice to  
20 District staff in connection with CEQA addendum approval process; and, continuing negotiations  
21 with the City of Sausalito."

22 These reports and the official acts documented therein are properly subject to judicial  
23 notice under Evidence Code sections 452(c) (authorizing judicial notice of an agency's official  
24 acts) and 452(h) (authorizing judicial notice of facts and propositions not reasonably subject to  
25 dispute and capable of immediate and accurate determination by resort to sources of reasonably  
26


27 <sup>1</sup> Each of the reports is also authenticated in the Declaration of Alexander Merritt in Support  
28 of Petitioner's Opposition to Special Motion to Strike SLAPP Suit.

1 indisputable accuracy]). See *Trinity Park L.P. v. City of Sunnyvale* (2011) 193 Cal.App.4th 1014,  
2 1027 (judicial notice proper of an agency’s “official resolutions, reports, and other official acts”);  
3 *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1225, n.6  
4 (judicial notice proper of staff reports); *Gallagher v. Boller* (1964) 231 Cal.App.2d 482, 488–89  
5 (judicial notice proper of government publications); *Michels v. Watson* (1964) 229 Cal.App.2d  
6 404, 407 (judicial notice proper of government reports and studies).

7 Because the City has (a) given sufficient notice of this request by serving it on the District,  
8 and (b) furnished the Court with sufficient information to grant the request, Evidence Code section  
9 453 provides that the Court “shall take judicial notice” of the matters specified above..

10 Dated: April 5, 2017

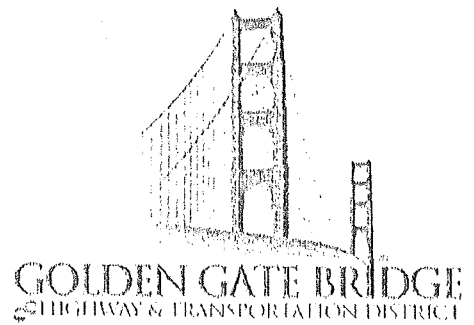
11 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

12  
13 By   
14 \_\_\_\_\_  
15 ALEXANDER L. MERRITT

16 Attorneys for Petitioner and Plaintiff  
17 CITY OF SAUSALITO  
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# Exhibit A

(For Board Meeting of November 18, 2016)



**SUMMARY OF RECOMMENDATIONS**  
**MEETING OF THE BUILDING AND OPERATING**  
**COMMITTEE/COMMITTEE OF THE WHOLE**  
**THURSDAY, NOVEMBER 17, 2016**  
**(CHAIR DAVID RABBITT)**

**Board Agenda Item No. (8)(B)(1)**

Approves actions relative to Professional Services Agreement No. 2010-FT-3, *Conceptual Designs, Environmental Studies and Engineering Services for Modifications and Improvements to the Larkspur, San Francisco and Sausalito Ferry Terminal Facilities*, including execution of the Fifth Amendment with Moffatt & Nichol; and, authorizes a budget increase, as concurred with by the Finance-Auditing Committee.

**Action by the Board – Resolution**

**Board Agenda Item No. (8)(B)(2)**

Approve actions relative to the South Approach Viaduct Restoration Project – *Girder Span Staging*, which determines that it is in the District's best interest to waive formal competitive bidding; approves a contract with SAFWAY Services Inc.; and, establishes a contract contingency, as detailed in the staff report.

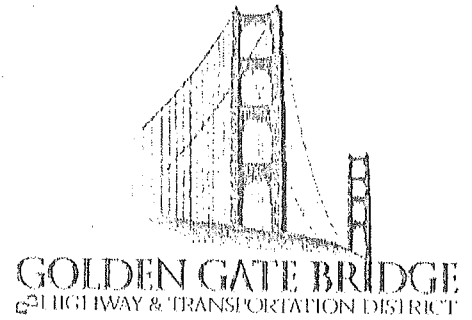
**Action by the Board – Resolution**

**Board Agenda Item No. (8)(B)(3)**

Approves actions relative to Contract No. 2017-D-28, *Radio System Upgrade and Enhancement of Coverage Area*, with Airbus, Inc., which finds and determines that it is in the District's best interest to waive formal competitive bidding, and approves a contract with Airbus, Inc.; establishes a contract contingency; authorizes the General Manager to approve amendments up to the available contingency; and, authorizes a budget increase, as concurred with by the Finance-Auditing Committee.

**Action by the Board – Resolution**

# Exhibit B



Agenda Item No. (3)

To: Building and Operating Committee/Committee of the Whole  
Meeting of November 17, 2016

From: John R. Eberle, Deputy District Engineer  
Ewa Z. Bauer-Furbush, District Engineer  
Denis J. Mulligan, General Manager

Subject: APPROVE ACTIONS RELATIVE TO PROFESSIONAL SERVICES AGREEMENT NO. 2010-FT-3, CONCEPTUAL DESIGNS, ENVIRONMENTAL STUDIES AND ENGINEERING SERVICES FOR MODIFICATIONS AND IMPROVEMENTS TO THE LARKSPUR, SAN FRANCISCO AND SAUSALITO FERRY TERMINAL FACILITIES, WITH MOFFATT & NICHOL

### Recommendation

The Building and Operating Committee recommends that the Board of Directors approve actions relative to the Professional Services Agreement (PSA) No. 2010-FT-3, *Conceptual Designs, Environmental Studies and Engineering Services for Modifications and Improvements to the Larkspur, San Francisco, and Sausalito Ferry Terminal Facilities*, with Moffatt & Nichol as follows:

1. Authorize execution of Amendment No. 5 to the PSA No. 2010-FT-3 in the not to exceed amount of \$3,354,000, for the increased scope of design services, for the total not to exceed authorized PSA amount of \$9,884,525; and,
2. Authorize an increase in the amount of \$3,354,000 in the FY 16/17 Ferry Transit Division Capital Budget for the Gangway & Piers - Design Project (Project #0503), to be funded with \$2,683,200 Federal Transit Administration (FTA) grant funds (80%) and \$670,800 from District reserves (20%), for a revised total Project budget of \$11,728,525, subject to the concurrence of the Finance-Auditing Committee.

This matter will be presented to the Finance-Auditing Committee at its November 17, 2016 meeting and to the Board of Directors for appropriate action at its November 18, 2016 meeting.

### Summary

The Larkspur Ferry Terminal, San Francisco Ferry Terminal, and Sausalito Ferry Landing passenger boarding facilities are at the end of their useful life and are in need of replacement. The Golden Gate Bridge, Highway and Transportation District (District) has been developing projects

to replace these facilities with new boarding facilities that will provide more efficient and comfortable loading and disembarking of the vessels for passengers, including bicyclists and passengers with limited mobility. The new boarding facilities will include new ramps, ferry slips/floats, and other terminal improvements, all of which will be designed to follow applicable Americans with Disabilities Act (ADA) regulations and guidance documents, as well as the United States Access Board's pending *Passenger Vessel Accessibility Guidelines*.

The need for the project was identified in 2005. The District then pursued federal funds to finance the project's initial study, environmental evaluation and final design. By Resolution No. 2009-077, the Board of Directors authorized execution of a Professional Services Agreement, PSA No. 2010-FT-3, *Conceptual Designs, Environmental Studies and Engineering Services for Modifications and Improvements to the Larkspur, San Francisco, and Sausalito Ferry Terminal Facilities*, to Moffatt & Nichol, to evaluate the existing terminals, develop conceptual designs for the new passenger boarding systems, perform necessary environmental studies associated with the conceptual designs, assist the District in obtaining all necessary permits, and prepare final design and construction bid documents for the new terminal facilities. By Resolution No. 2013-116, the Board of Directors authorized execution of Amendment No. 2 to PSA 2010-FT-3 for additional design services consisting of design of modifications to the ferry vessel doorways to provide for uniform means of loading and unloading the vessels at the improved terminals, and the design of a temporary ferry landing to accommodate ferry operations during construction of modifications to the permanent Sausalito Ferry Terminal facilities.

The District has completed the evaluations, conceptual designs and environmental studies associated with the Sausalito Ferry Landing in conformance with the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). On December 14, 2012, the Board, by Resolution No. 2012-100, adopted a Mitigated Negative Declaration in conformance with CEQA and approved the preferred design alternative for this terminal. On February 13, 2014, the Federal Transit Administration (FTA) adopted a documented Categorical Exclusion in conformance with NEPA. Construction permit applications for the Sausalito facility have been submitted to the Regional Water Quality Control Board (Water Board), the Bay Conservation Development Commission (BCDC) and the U.S. Army Corps of Engineers. On September 12, 2014, the District received the Water Board certification for the project construction. At the December 4, 2014 BCDC public hearing for the project permit, the City of Sausalito raised objections to the project and requested that BCDC not issue the permit until the District and the City reach an agreement on the project.

Even though the project was already environmentally cleared, in the spirit of cooperation, the District agreed voluntarily to participate in the City of Sausalito's public review process. At the request of the City of Sausalito, the District and its consultant have produced additional plans and renderings of the project, have participated in numerous public meetings, have responded to questions from City of Sausalito staff and residents concerning the project, and have made modifications to the project design. This additional work was outside the consultant's original scope of services and has resulted in a depletion of the project budget. Additional funds are necessary to support resolution of issues that hinder the start of the Sausalito Terminal construction, complete the design and bid documents for the Sausalito site, and complete environmental studies and design for the San Francisco site.



The prolonged reviews of the Sausalito terminal design have resulted in delays to project development for all three facilities and additional costs associated with the delays. For instance, some of the environmental studies, technical reports and regulatory agency consultations performed with respect to the proposed San Francisco facility have been completed, but, due to the passage of time, they must now be re-evaluated. Also, in light of the current developments being considered by the Port of San Francisco along the San Francisco waterfront and the concerns regarding sea level rise and its potential impacts on the new facilities, an additional scope of environmental reviews and technical studies will be required for the San Francisco and Larkspur Terminals.

Engineering staff requested that the consultant provide a cost estimate to complete the remaining work at the Sausalito and San Francisco facilities, including the following tasks: reviewing, preparing and completing environmental studies and reports; assisting and participating in required public outreach; assisting in obtaining all required permits; finalizing designs; preparing bid documents for construction contracts; and other associated services. Engineering staff has negotiated scope of work and cost proposal in the amount of \$3,354,000 with the consultant for these additional services. Engineering staff will bring to the Board, at a later date, an estimate of cost necessary to complete environmental studies and design for the Larkspur Ferry Terminal.

Staff has determined that the negotiated price is reasonable based on the scope of work, previous cost data for similar design services, and cost data for design services provided by consultants for other Ferry Division projects. The consultant will be compensated for actual time expended and expenses incurred plus a fixed fee, up to the not to exceed authorized amount.

Staff recommends that the Building and Operating Committee recommend that the Board of Directors authorize execution of the Fifth Amendment to Contract No. 2010-FT-3, and an increase in the project budget as outlined in this report.

### Fiscal Impact

On September 25, 2009, by Resolution No. 2009-077, the Board of Directors authorized execution of a Professional Services Agreement, PSA No. 2010-FT-3, *Conceptual Designs, Environmental Studies and Engineering Services for Modifications and Improvements to the Larkspur, San Francisco, and Sausalito Ferry Terminal Facilities*, to Moffatt & Nichol, in the not to exceed amount of \$6,000,000, and established a project budget in the amount of \$7,844,000. On December 20, 2013, by Resolution No. 2013-116, the Board of Directors authorized execution of Amendment 2 to PSA 2010-FT-3 in the amount of \$530,525, and a capital budget increase in the same amount for a total authorized PSA amount of \$8,374,525. With the approval of this Fifth Amendment in the not-to-exceed amount of \$3,354,000, the total authorized PSA amount will be increased to \$9,884,525. A capital budget increase in the amount of \$3,354,000 to be funded with \$2,683,200 FTA grant funds and \$670,800 from District reserves will be required to fully fund this project at the proposed total budget of \$11,728,525 which will consist of \$9,382,820 Federal Transit Administration (FTA) grant funds, \$2,004,622 District funds, and \$341,083 State Transportation Improvement Program grant funds (80% FTA / 17% District / 3% State).

The to-date history of PSA No. 2010-FT-3 and its amendments, including costs, are as follows:

	<b>DATE APPROVED</b>	<b>DESCRIPTION</b>	<b>COST</b>
PSA No. 2010-FT-3	Sept 25, 2009	Original contract.	\$6,000,000.00
1 <sup>st</sup> Amendment	Feb 27, 2012	Extend contract time from February 28, 2012 to February 28, 2015.	0.00
2 <sup>nd</sup> Amendment	Dec. 20, 2013	Additional design services associated with vessel doorway modifications and temporary terminal at Sausalito.	\$530,525.00
3 <sup>rd</sup> Amendment	Feb 28, 2015	Extend contract time from February 28, 2015 to December 31, 2015.	0.00
4 <sup>th</sup> Amendment	Dec. 10, 2015	Extend contract time from December 31, 2015 to December 31, 2016.	0.00
5 <sup>th</sup> Amendment	Pending, this item	Additional design services associated with completing environmental studies, design and permitting at Sausalito and San Francisco, and extend contract time from December 31, 2016 to December 31, 2018.	\$3,354,000.00
<b>TOTAL</b>			\$9,884,525.00

The history of the project budget (Project #0503) is as follows:

<b>BUDGET ACTION</b>	<b>DATE APPROVED</b>	<b>AMOUNT</b>	<b>DISTRICT FUNDS (%)</b>
Establish budget for initial study, environmental evaluation and final design	Sept 25, 2009	\$7,844,000	16%
Budget increase #1 (2 <sup>nd</sup> Amendment to PSA 3010-FT-3)	Dec. 20, 2013	\$530,525	16%
Proposed budget increase #2 (the proposed 5 <sup>th</sup> Amendment to PSA 3010-FT-3)	Pending Approval	\$3,354,000	20%
<b>TOTAL Revised Budget</b>	Pending Approval	\$11,728,525	17%

### Background

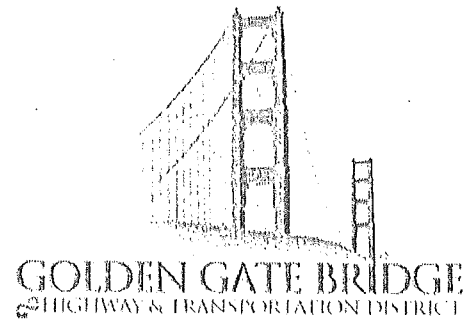
Following the BCDC December 4, 2014 hearing, the District met with City of Sausalito staff and agreed to participate voluntarily in a project review process that would allow the City residents and officials to provide additional input on the project design. The District and its consultant submitted project plans and renderings to the City in advance of a Sausalito Historic Landmarks Board and Planning Commission (HLB/PC) Joint study session. On March 11, 2015, the District presented the project during the Sausalito HLB/PC study session. On March 21 and 22, 2015, the District provided a story pole equivalent demonstration between 8:00 AM and 10:00 AM at the project site as requested by the City. On March 24, 2015, the District and its consultant submitted the revised project design documents and additional information to the City based on the comments received from the Sausalito HLB/PC and the public during the study session. The District submitted the project design in the City's preferred public review submittal format. On April 1, 2015, April 15, 2015 and April 29, 2015 Sausalito HLB/PC meetings were held where the District presented the final project design, answered questions, and received the HLB/PC final findings on the project design. On May 5, 2015, the District participated in the City of Sausalito Council meeting during which the City Council voted to not provide consent on the project (which the City contends is required under the lease agreement for the ferry terminal property). On July 9, 2015, the District withdrew its BCDC permit application.

On June 27, 2015, October 10, 2015 and November 14, 2015, the District attended workshops in Sausalito with representatives of the Sausalito City Council and Sausalito residents to further discuss the project. The District and its consultant made changes to the project design based on the input received during these workshops. Project design drawings and photo renderings were revised to reflect the updated project design. On March 2, 2016, the District submitted the updated proposed design to the City of Sausalito to initiate the public review process. The District presented the updated proposed project on to the Sausalito HLB/PC on March 16, 2016 and to the Sausalito Sustainability Commission on March 17, 2016. On March 29, 2016, the District and its consultant participated in another Sausalito HLB/PC meeting and received the HLB/PC findings to the updated proposed project.

Following the public meetings, the City informed the District that they would be performing their own independent peer review of the District's proposed project photo renderings and float size. Between April 2016 and August 2016, the District and its consultant prepared documents, figures, photo renderings, and drawings to inform the City's peer reviewers how the proposed project was designed, how the photo renderings were obtained and to answer the peer reviewers' questions. On August 18, 2016 the District submitted the updated project design to the City requesting a 45-day review process to receive City Council consent on the project. On August 22, 2016, the City requested additional review time. On September 2, 2016, the District withdrew its submittal to the City. On September 13, 2016, the City of Sausalito filed a Petition for Writ of Mandate and Complaint for Declaratory Relief ("Complaint") in Marin County Superior Court. The Complaint asserts causes of action under CEQA and the Public Trust Doctrine and seeks declaratory relief regarding the interpretation of the lease agreement for the ferry terminal property and the City's authority as a "responsible agency" under CEQA. On October 13, 2016, the District filed a motion to transfer the City's lawsuit to a neutral county. The court is scheduled to hear the District's motion on December 7, 2016.

# Exhibit C

Date Issued: November 18, 2016



**SUMMARY OF ACTIONS**  
**BOARD OF DIRECTORS MEETING OF NOVEMBER 18, 2016**

**Resolution No. 2016-074 (October 27, 2016 meeting of the Finance-Auditing Committee)**

Ratifies actions taken by the Auditor-Controller, as follows:

- (1) Ratifies Commitments and/or Expenditures;
- (2) Ratifies previous investments;
- (3) Authorizes investments; and,
- (4) Accepts the "Investment Report" for September 2016.

**Resolution No. 2016-075 (November 17, 2016 meeting of the Transportation Committee)**

Approves actions relative to Contract No. 2014-BT-9, *Forty-Foot Gillig Buses*, with Gillig, LLC, including the purchase of 67 buses, establishment of a contingency fund, and authorization of a capital budget increase, as concurred with by the Finance-Auditing Committee.

**Resolution No. 2016-076 (November 17, 2016 meeting of the Building and Operating Committee)**

Approves actions relative to Professional Services Agreement No. 2010-PT-3, *Conceptual Designs, Environmental Studies and Engineering Services for Modifications and Improvements to the Larkspur, San Francisco and Sausalito Ferry Terminal Facilities*, including execution of the Fifth Amendment with Moffatt & Nichol, and authorization of a budget increase, as concurred with by the Finance-Auditing Committee.

**Resolution No. 2016-077 (November 17, 2016 meeting of the Building and Operating Committee)**

Approve actions relative to the South Approach Viaduct Restoration Project – *Girder Span Staging*, which finds and determines that it is in the District's best interest to waive formal competitive bidding, and approve a contract with SAFWAY Services Inc.; and, establishes a contract contingency, as detailed in the staff report.

**Resolution No. 2016-078 (November 17, 2016 meeting of the Building and Operating Committee)**

Approves actions relative to Contract No. 2017-D-28, *Radio System Upgrade and Enhancement of Coverage Area*, with Airbus, Inc., which finds and determines that it is in the District's best interest to waive formal competitive bidding, and approve a contract with Airbus, Inc.; establishes a contract contingency; authorizes the General Manager to approve amendments up to the available contingency; and, authorizes a budget increase, as concurred with by the Finance-Auditing Committee.

**Summary of Actions of the Board of Directors  
Meeting of November 18, 2016/Page 2**

**Resolution No. 2016-079 (November 17, 2016 meeting of the Finance-Auditing Committee)**

Receives the Independent Auditors' Reports as submitted by Vavrinek, Trinc, Day & Co., LLP, for the following:

1. The Comprehensive Annual Financial Report (CAFR), including the Single Audit Report for the year ending June 30, 2016; and,
2. The Independent Auditors' Communication Letter regarding matters related to the audit.

**Resolution No. 2016-080 (November 17, 2016 meeting of the Finance-Auditing Committee)**

Receives the Annual Report of the OPEB Retirement Investment Trust Board.

**Resolution No. 2016-081 (November 18, 2016 meeting of the Board of Directors)**

Approves the tentative agreement between the Golden Gate Bridge, Highway and Transportation District and the Union Coalition relative to 2017 Labor Negotiations, as attached.

**Resolution No. 2016-082 (November 18, 2016 meeting of the Board of Directors)**

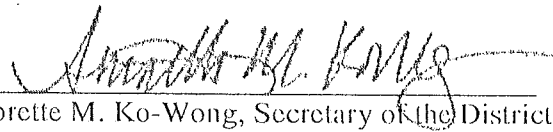
Approves a 3% compensation adjustment for the General Manager, District Engineer, Auditor-Controller and Secretary of the District.

**Resolution No. 2016-083 (November 18, 2016 meeting of the Board of Directors)**

Adjusts the fixed fee component of the legal services budget effective January 1, 2017; and adjusts the hourly rate for litigation, labor and employment, legislative support and special projects effective January 1, 2019 through January 1, 2021, for the Attorney of the District.

**Resolution No. 2016-084 (November 18, 2016 meeting of the Board of Directors)**

Approves the *2017 Golden Gate Bridge, Highway and Transportation District's Board of Directors Meeting Schedule*.



Amorette M. Ko-Wong, Secretary of the District

Attachment

AMK:plw

**TENTATIVE AGREEMENT BETWEEN THE GOLDEN GATE BRIDGE,  
HIGHWAY AND TRANSPORTATION DISTRICT  
AND THE UNION COALITION**

**November 2, 2016**

1. **Term:** 36 months (July 1, 2017 – June 30, 2020)
2. **Wages:** 3% (Year 1) – 3% (Year 2) – 3% (Year 3)
3. **Premium shares:** increased according to the following charts:

**July 1, 2017**

Provider	Base Hourly Wage Rates		
	\$36.03 and below	\$36.04 - \$56.27	\$56.28 and above
	<b>Monthly Premium Sharing Employee Contribution (Note 1)</b>		
Blue Shield PPO	\$95	\$169	\$235
Blue Shield HMO	\$76	\$136	\$159
Kaiser HMO	\$62	\$116	\$159
<b>Bronze Plans (NO CHANGE)</b>	<b>Monthly Premium Sharing Employee Contribution (Note 1)</b>		
Blue Shield PPO	\$35.00	\$60.00	\$90.00
Blue Shield HMO	\$25.00	\$35.00	\$75.00
Kaiser HMO	\$10.00	\$10.00	\$25.00

Note 1: Monthly amount will be deducted from the second paycheck of each month in one lump sum on a pre-tax basis.

**July 1, 2018**

Provider	Base Hourly Wage Rates		
	\$36.03 and below	\$36.04 - \$56.27	\$56.28 and above
	<b>Monthly Premium Sharing Employee Contribution (Note 1)</b>		
Blue Shield PPO	\$103	\$169	\$256
Blue Shield HMO	\$83	\$148	\$195
Kaiser HMO	\$67	\$125	\$171

Bronze Plans (NO CHANGE)	Monthly Premium Sharing Employee Contribution (Note 1)		
Blue Shield PPO	\$35.00	\$60.00	\$90.00
Blue Shield HMO	\$25.00	\$35.00	\$75.00
Kaiser HMO	\$10.00	\$10.00	\$25.00

Note 1: Monthly amount will be deducted from the second paycheck of each month in one lump sum on a pre-tax basis.

**July 1, 2019**

Provider	Base Hourly Wage Rates		
	\$36.03 and below	\$36.04 - \$56.27	\$56.28 and above
	Monthly Premium Sharing Employee Contribution (Note 1)		
Blue Shield PPO	\$111	\$199	\$277
Blue Shield HMO	\$90	\$160	\$211
Kaiser HMO	\$72	\$134	\$183

Bronze Plans (NO CHANGE)	Monthly Premium Sharing Employee Contribution (Note 1)		
Blue Shield PPO	\$35.00	\$60.00	\$90.00
Blue Shield HMO	\$25.00	\$35.00	\$75.00
Kaiser HMO	\$10.00	\$10.00	\$25.00

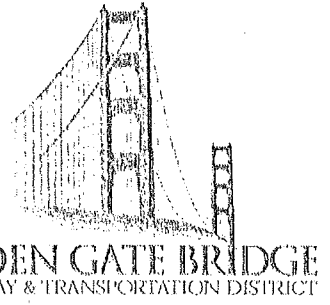
Note 1: Monthly amount will be deducted from the second paycheck of each month in one lump sum on a pre-tax basis.

4. **Boot Allowance:** \$100 boot allowance each year of the three year MOU (July 1, 2017, July 1, 2018 and July 1, 2019), given on a non-taxable basis. Union Coalition will provide list to the District of who should get boots.
5. **No side tables:** all other MOU provision to remain the same.
6. **Ratification:** Units must ratify by December 16, 2016 or the agreement expires.



Exhibit D

March 15, 2017



*ATTORNEY'S REPORT*

Board of Directors  
Golden Gate Bridge, Highway  
and Transportation District

President Stroeh and Members of the Board:

Set forth below is a status report of legal matters Hanson Bridgett has worked on since our last written report of February 15, 2017, to 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:*

- Technology Contracts: Attention to multiple technology related contracts, including printer services, Citrix and Microsoft, and VMWare and Microsoft consultant services.
- On-Line Solicitation Management System: Review and revise Request for Proposals and provide feedback to District staff.
- Website Redesign: Assistance to District staff regarding review of documents and contract negotiation.
- Procurement Streamlining Project: Assistance and advice to District staff regarding District proposed procurement legislation.
- Real Property Matters: Attention to real property-related matters, including legal research and analysis regarding the proposed Tiburon and existing Sausalito ferry operations.
- PEPRA: Attention to application of PEPRA to GGB-ATU Plan participants.
- Labor Negotiations: Continuing efforts regarding the 2017 Labor Negotiations Cycle.
- Public Records Act Requests (General): Review documents and assist in preparing responses to multiple Public Records Act requests.
- Title VI: Assistance to District staff regarding preparation of fare change data analysis for upcoming fare change proposals.

- *Linder v. GGBH&TD*: Continuing defense of state lawsuit brought by former Sgt.'s Office employee after obtaining dismissal of federal lawsuit; and, continued defense of plaintiff's appeal of the federal court's dismissal of his prior case including preparation for oral argument.
- *Krajewska-Brown, et al. v. GGBH&TD*: Monitor court proceedings in wrongful death case.

**Bridge Division:**

- Suicide Deterrent Project: Assistance and advice to District staff regarding preparation of consultant agreement amendments; BCDC permit application; and, agreements for construction management and environmental compliance monitoring services.
- Toll Plaza Administration Building Improvements: Review and revise IFB documents and provide advice to staff.
- All Electronic Toll Program: Defend against *Saliani v. GGBH&TD*, *Moore v. GGBH&TD*, and *Freeland v. GGBH&TD*, the class actions pertaining to alleged problems with Xerox's delivery of toll invoices and violation notices; defend against *Kelly v. GGBH&TD* lawsuit concerning sharing of information with the Department of Motor Vehicles.
- Toll System Modification: Assistance to District staff in contract negotiations; and, meeting with staff regarding project design and environmental review.

**Bus Division:**

- San Rafael Transit Center: Assistance and advice to District staff regarding the establishment of SMART service, including preparation of customer service agreement and letter regarding interim improvements; and, participation in meetings with SMART and District staff.
- Unauthorized Use of Bus Stops: Attention to on-going issues with Chariot, including legal research, investigation, potential remedies, and the monitoring of ongoing PUC proceedings.
- ATU Contract: Assist staff in implementing new MOU and negotiations concerning meaning of MOU terms.
- *Helmer v. GGBH&TD*: Monitor post-trial proceedings following the February 6, 2017 trial.

**Ferry Division:**

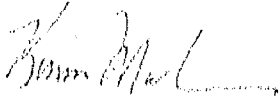
- Tiburon Ferry Services: Attention to assumption of Tiburon ferry commuter service, including issues related to transfer of Blue & Gold employees, and attention to ongoing correspondence Public Records Act requests from Angel Island Tiburon Ferry.
- Ferry Terminal Gangway Accessibility: Provide assistance and advice to District staff in connection with CEQA addendum approval process; and, continuing negotiations with the City of Sausalito.
- Sausalito Litigation: Defend lawsuit brought by City of Sausalito against District pertaining to ferry terminal accessibility in Sausalito.

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- Vessel Refurbishment/Maintenance: Attention to various ferry refurbishment and maintenance issues including MV Del Norte dry docking and refurbishment.
- Landscape Management Services for Ferry and Bus Divisions: Assistance to staff in preparation of landscape management services solicitation documents.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kimon Manolius", written in dark ink.

Kimon Manolius