

CITY OF OAKLAND



2005 JUL -7 PM 5: 28

ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
John A. Russo
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TTY/TDD: (510) 238-3254

July 19, 2005

**Oakland City Council
Oakland, California**

Re: A RESOLUTION APPROVING A CONFLICT WAIVER FOR THE LAW FIRM OF MEYERS NAVE RIBACK SILVER & WILSON TO PERMIT THAT FIRM TO REPRESENT THE OAKLAND-ALAMEDA COUNTY COLISEUM, INC. BOARD.

Dear President De La Fuente and Members of the City Council:

PURPOSE OF REPORT:

The purpose of this report is to obtain a waiver from the City Council of any conflict of interest which might exist or arise by virtue of the law firm of Meyers Nave Riback Silver & Wilson ("Meyers Nave") serving as legal counsel to the Oakland-Alameda County Coliseum, Inc. Board. The Coliseum Board has retained Meyers Nave to represent it. The City of Oakland currently retains Meyers Nave in a variety of matters, including advice and litigation. The Coliseum Board is a joint powers authority that the City and Alameda County formed and conflicts could arise between the Coliseum Board and the City. Meyers Nave requests a waiver so that they may represent the Coliseum Board.

INTRODUCTION :

Meyers Nave requested that the City Attorney's Office obtain a waiver from the City Council in order that the firm may represent the Coliseum Board.

BRIEF SUMMARY OF THE ISSUES:

Meyers Nave has been counsel to the City and the Oakland Redevelopment Agency. The firm currently represents the City in a number of employment and labor issues including revisions to civil service rules, the 2005 disparity study and other matters. For example, due to the City Attorney's Office's conflict of interest, the firm represented the City Council in the AI's Liquor land use matter.

10.17.05

ORACOUNCIL

JUL 19 2005

July 19, 2005
Page Two

Meyers Nave was recently retained as counsel to the Coliseum Board. Although the City and the County, make up the joint powers authority that is the Coliseum Board, conflicts of interest between the Coliseum Board and the City are possible.

Meyers Nave seeks a City waiver of any conflict of interest for its representation of the Coliseum Board.

CONCLUSION

Any matters that Meyers Nave would handle for the Coliseum Board would not impact matters that the firm is currently handling for the City. Nor would Meyers Nave gain any advantage in its representation of the Coliseum Board and the City. The City Attorney will require Meyers Nave to report any potential matters in its representation of the City that might give the firm access to privileged or confidential information that could give the Coliseum Board an advantage in its dealings with the City. In such circumstances, the City Attorney will come back to the City Council with a recommendation to continue the waiver, modify it, or revoke it.

Respectfully submitted,



69 R4
John A. Russo
City Attorney/Agency Counsel

Attorneys Assigned:
Randolph Hall
Richard Illgen

10.17CC
ORA/COUNCIL

JUL 19 2005



OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

2005 JUL -7 PM 5: 28

A RESOLUTION APPROVING A CONFLICT WAIVER FOR THE LAW FIRM OF MEYERS NAVE RIBACK SILVER & WILSON TO PERMIT THAT FIRM TO REPRESENT THE OAKLAND-ALAMEDA COUNTY COLISEUM, INC. BOARD

WHEREAS, the Oakland-Alameda County Coliseum, Inc. Board has retained Meyers Nave Riback Silver & Wilson ("Meyers Nave") as its general counsel; and

WHEREAS, Meyers Nave currently represents the City of Oakland in a number of matters, primarily employment and labor matters; and

WHEREAS, Meyers Nave has requested that the City waive any conflict of interest that might arise in the course of their representation of the Coliseum Board; and

WHEREAS, none of the matters in which Meyers Nave currently represents the City would give the firm access to any confidential or privileged information that would give Meyers Nave or the Coliseum Board any advantage in dealing with each other; and

WHEREAS, if Meyers Nave becomes involved in a matter that could potentially put the firm in a position to obtain confidential or privileged information that could give the Coliseum Board an advantage in any dealings with the City, the City Attorney would require that Meyers Nave report that circumstance to the City Attorney and the City Attorney will advise the City Council so that the Council can decide whether to limit this conflict waiver; now therefore, be it resolved

RESOLVED: That the City Council hereby waives any conflict of interest that Meyers Nave may have by virtue of serving as legal counsel to the Oakland- Alameda County Coliseum Inc. Board and allows the firm to represent the Coliseum Board; and be it


ORA/COUNCIL

JUL 19 2005

FURTHER RESOLVED: That, if circumstances change so that Meyers Nave may be in position to obtain confidential or privileged information that could give an advantage to the Coliseum, Inc. Board in its dealings with the City, the City Attorney will advise the City Council of such information and so the Council can decide whether to limit this conflict waiver.

In COUNCIL, Oakland, California _____, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID,
AND PRESIDENT DE LA FUENTE,

NOES-

ABSENT-

ABSTENTION-

Attest: _____

LaTonda Simmons

CITY CLERK AND CLERK OF THE COUNCIL OF THE
CITY OF OAKLAND, CALIFORNIA

10. ACC

ORA/COUNCIL

JUL 19 2005