

REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND

2005 MAY -5 PM 2: 15

Resolution 0005 - 0026 C.M.S.

*D. Miller*

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**RESOLUTION AUTHORIZING WAIVER OF ANY POTENTIAL CONFLICT OF INTEREST THAT THE LAW FIRM OF FARELLA, BRAUN + MARTEL MAY HAVE AS A RESULT OF PROVIDING INSURANCE COVERAGE ADVICE TO THE CITY REGARDING THE PORT PROTEST AND RIDERS LITIGATION (PORT LOCAL 10 WAREHOUSE AND LONGSHOREMEN v. CITY OF OAKLAND AND DELPHINE ALLEN v. CITY OF OAKLAND), AND PERMITTING THE FIRM TO PROVIDE ENVIRONMENTAL LAW ADVICE TO CALIFORNIA URBAN INVESTMENT PARTNERS, AN ENTITY THAT IS CONSIDERING JOINT VENTURING WITH FOREST CITY ON THE UPTOWN PROJECT**

**WHEREAS**, Mary E. McCutcheon, a partner in the law firm of Farella, Braun + Martel (the "Firm"), has provided insurance coverage advice to the City as outside counsel regarding litigation matters, including the Port protest and Riders litigation (Port Local 19 Warehouse and Longshoremen v. City of Oakland and Delphine Allen v. City of Oakland); and

**WHEREAS**, California Urban Investment Partners ("CUIP") is considering becoming a joint venture partner or investor with Forest City, the developer of the Uptown Project in the Central District Redevelopment Project Area; and

**WHEREAS**, CUIP wants John Gregory, a partner in the Firm, to advise it regarding the environmental aspects of the Uptown Project; and

**WHEREAS**, because the Firm has advised the City regarding insurance coverage issues, the Firm has requested that the City waive any conflict of interest that the firm may have in providing environmental law advice to CUIP; and

**WHEREAS**, Ms. McCutcheon would not represent CUIP; Mr. Gregory and other environmental attorneys in the Firm would represent CUIP; and

**WHEREAS**, CUIP desires to engage the Firm because it is experienced in environmental law; and

**WHEREAS**, there is no legal conflict of interest between the Firm's representation of the CUIP on the Forest City matter and the Firm's provision of

insurance coverage advice to the City on the Port protest and Riders litigation matters; now therefore be it

**RESOLVED:** that the Agency waives any potential conflict of interest the Firm may have in providing insurance coverage advice to the City regarding litigation matters and providing environmental law advice to CUIP regarding the Uptown Project, and allows the FIRM to represent CUIP regarding the Uptown Project.

**IN AGENCY, OAKLAND, CALIFORNIA, MAY 17, 2005**

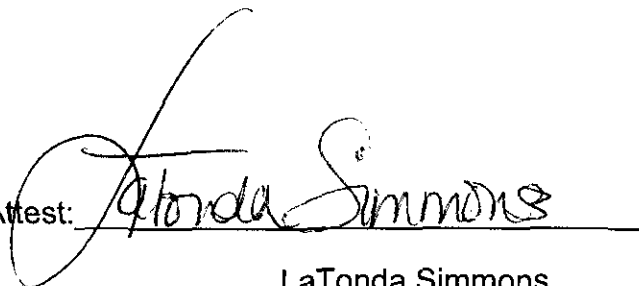
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, AND  
CHAIRPERSON DE LA FUENTE - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

Attest: 

LaTonda Simmons  
SECRETARY OF THE REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND