



2003 OCT -9 AM 11:55

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Office of the Mayor  
Jerry Brown  
Mayor

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Letter of Nomination

October 21, 2003

The Honorable City Council  
One City Hall Plaza, Second Floor  
Oakland, CA 94612

Dear Councilmembers:

Upon nomination of the Mayor, the following person is hereby appointed as a member of the following Board or Commission:

**Budget Advisory Committee**

Benjamin Fay, currently serving as At-Large Representative, Mayoral appointment to serve as Committee Chair.

If you have any questions or concerns, please feel free to contact me

Sincerely,

  
JERRY BROWN  
Mayor

**10.5CC**

**ORA/COUNCIL**

**OCT 21 2003**

OAKLAND CITY COUNCIL .

RESOLUTION No. \_\_\_\_\_ C.M.S.

**DRAFT**

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**RESOLUTION APPOINTING BENJAMIN FAY AS CHAIR OF THE  
BUDGET ADVISORY COMMITTEE**

**WHEREAS**, Ordinance No. 74826 C.M.S. creates the Budget Advisory Commission, whose members are nominated by the Mayor and approved by the City Council; and

**WHEREAS**, Ordinance No. 74826 C.M.S. specifies that members of the Budget Advisory Commission are to serve two year terms, which are to be staggered so that some appointments will expire every year, and appointments to fill a term of office are only to be for the remainder of that term; now, therefore, be it

**RESOLVED**, that by the nomination of the Mayor, the following individual is hereby appointed to the term set forth below:

Benjamin Fay, currently serving as At-Large Representative, as Chair of the Committee.

**IN COUNCIL, OAKLAND, CALIFORNIA,**

**PASSED BY THE FOLLOWING VOTE:**

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

**NOES-**

**ABSENT-**

**ABSTENTION-**

ATTEST:

\_\_\_\_\_  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

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### Relevant Work Experience

Meyers, Nave, Riback, Silver & Wilson, San Leandro

(This law firm specializes in municipal law and provides city attorney services to cities without in-house city attorneys.)

I have been an attorney with this firm since 1996. My duties include:

- Attend the meetings of city councils, boards, and commissions and provide legal advice.
- Provide legal advice to the finance departments of the cities of Dublin, Gonzales, Irwindale, Milpitas, Morgan Hill, Pinole, San Bruno, San Leandro, Saratoga, Soledad, and South San Francisco, and the San Joaquin Area Flood Control Agency on matters of revenue and taxation.
- Represent cities in court on matters of revenue and taxation.
  - Successfully defended the City of ~~San~~ Leandro against a challenge brought by Traders Sports to San Leandro's business license tax on the sale of concealable firearms.
  - Successfully defended the City of San Bruno against a challenge brought by Skypark to San Bruno's business license tax on Airport Parking.
  - Successfully defended the City of Irwindale against a challenge brought by mining companies to Irwindale's business license tax on the excavation and processing of rock products.
  - Successfully represented the City of Saratoga in a dispute with the County of Santa Clara concerning property tax allocations.

### Education

University of California, Hastings College of the Law (J.D., 1995)

- Executive Editor, Hastings International & Comparative Law Review
- American Jurisprudence Award

University of California at Berkeley, Department of Anthropology (B.A., 1991)

- Departmental Honors
- High Honors in General Scholarship
- Phi Beta Kappa

## Community Involvement

### Oakland Fund for Children and Youth

#### Policy and Oversight Commission

#### Commission Member (1998–99)

- Developed RFP to balance long-term Commission goals with budgetary constraints
- Participated in public hearings
- Received testimony from community leaders
- Reviewed and evaluated grant applications
- Reconciled the monetary needs of grant applications with the budgetary constraints of the Fund.

#### Volunteer work for an Oakland City Council election campaign (1996)

- Conducted community outreach
  - Met with community leaders
  - Canvassed communities by walking door-to-door

#### Represented pro bono an Oakland councilmember before the Oakland Public Ethics Commission.

- Negotiated a clarification of ambiguities in the campaign financing restrictions of the Oakland Campaign Reform Act

#### Shepherd Canyon Homeowners Association

- Citizen clean-ups of Shepherd Canyon Drive

#### OSSL Soccer League

- Co-manage adult coed Oakland soccer team
- Arrange informal youth/adult soccer games

**10.500**

**ORA/COUNCIL**

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