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CITY OF OAKLAND



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July 19, 2005

**President De La Fuente and City Councilmembers  
Oakland, California**

**Re: A RESOLUTION APPROVING A CONFLICT WAIVER FOR THE LAW FIRM OF MEYERS NAVE RIBACK SILVER & WILSON TO PERMIT THE FIRM TO REPRESENT THE COUNTY OF ALAMEDA IN THE MATTER OF COUNTY OF ALAMEDA V. SHERS, ET AL, ALAMEDA COUNTY SUPERIOR COURT CASE NO. HG 03125550, AN EMINENT DOMAIN ACTION IN WHICH THE CITY OF OAKLAND HAS A JUDGMENT LIEN INTEREST**

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 that might exist if the law firm of Meyers Nave Riback Silver & Wilson ("Meyers Nave") represents the County of Alameda in the matter of County of Alameda v. Shers, et al, Alameda County Superior Court case No. HG 03125550. This case is an eminent domain action in which the City of Oakland has a judgment lien in the amount of \$307 plus interest on one of the parcels that the County is attempting to acquire for a right of way. Meyers Nave requests a waiver so that the firm may continue to represent the County in this matter.

**INTRODUCTION:**

Meyers Nave requested that the City Attorney's Office obtain a waiver from the City Council in order that the firm may continue to represent the County in the above described eminent domain litigation.

**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 general matters. The firm also represented the City in the Al's Liquor land use matter

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because the City Attorney had a conflict of interest under applicable case that precluded the City Attorney from advising the City Council given this Office's advisory capacity to the Planning Commission and City staff.

Alameda County retained Meyers Nave to pursue the acquisition of properties for a right of way. The City has a judgment lien in the amount of \$307 against one of the parcels the County seeks to acquire. This lien technically makes the City an adverse party to the County in the eminent domain action. As a result, Meyers Nave seeks a City waiver of any conflict of interest for its representation of the County in the subject litigation. The City Attorney's Office does not see how Meyers Nave would gain access to any confidential or privileged information that would give it or the County any advantage over the City in the eminent domain litigation.

#### **RECOMMENDATION/CONCLUSION**

The City Attorney's Office recommends that the City Council grant the waiver. The City Attorney's Office does not believe the City will be prejudiced by granting the waiver. The amount of money involved in this case is insignificant, but it is Council policy that all conflict waivers by outside counsel must be approved by the City Council. Meyers Nave's representation of the County in the eminent domain action 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 County in this action and the City.

Respectfully submitted,



John A. Russo  
City Attorney/Agency Counsel

Attorney Assigned:  
Barbara Parker  
Richard Illgen