



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

**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 THAT 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 waiver 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. 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 AI's Liquor matter

10-1600
ORA/COUNCIL

JUL 19 2005

July 19, 2005
Page Two

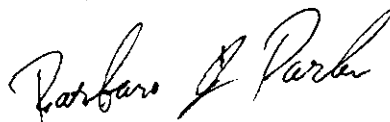
because the City Attorney had a conflict of interest under applicable case that precluded the City Attorney from advising the City Council given this Office's advisory capacity to the Planning Commission and City staff.

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 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,



by *RJR* John A. Russo
City Attorney/Agency Counsel

Attorney Assigned:
Barbara Parker
Richard Illgen

10.1600
ORA/COUNCIL

JUL 19 2005

Paula

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

Resolution No. _____ C.M.S.

2005 JUL -7 PM 5:28

A RESOLUTION APPROVING A CONFLICT OF INTEREST 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

WHEREAS, the County of Alameda retained Meyers Nave Riback Silver & Wilson ("Meyers Nave") to represent it in the eminent domain action of County of Alameda v. Shers, et al, Alameda County Superior Court Case No. HG 03125550; and

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

WHEREAS, the City of Oakland has a judgment lien on one of the parcels the County seeks to acquire through the eminent domain action for a right of way; 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 County any advantage the eminent domain litigation; and

RESOLVED: That the City Council hereby waives any conflict of interest that Meyers Nave may have by virtue of representing Alameda County in eminent domain action entitled, County of Alameda v. Shers, et al, Alameda County Superior Court Case No. HG 03125550 and allows the firm to represent the county in that litigation.

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

10-16-05
ORA/COUNCIL

JUL 19 2005