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CITY OF OAKLAND



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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 THE 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 that 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 ("Coliseum 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 the firm 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 Al's Liquor land use matter.

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The Coliseum Board recently retained Meyers Nave recently as counsel to the 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.

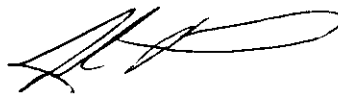
Meyers Nave seeks a City waiver of any conflict of interest to permit it to represent the Coliseum Board.

### **RECOMMENDATION/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 would 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 would come back to the City Council with a recommendation to continue the waiver, modify it, or revoke it.

Nevertheless, due to the sensitive and highly political nature of the issues likely to emerge from the Coliseum in the future, the City Attorney's Office recommends against granting the waiver.

Respectfully submitted,



John A. Russo  
City Attorney/Agency Counsel

Attorneys Assigned:  
Randolph Hall  
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