

1. Call to Order/Roll Call

The meeting was called to order at 5:04 p.m.

Present: Chair Keith Carson, Ronald Gerhard, Jeff Levin, Frank Tucker, Elsa Ortiz
Anne Campbell – Washington (departed at 5:30 p.m.)
Tony Smith (arrived at 5:18 p.m.)

Staff: Fred Blackwell, Sarah Schlenk, Dan Rossi

2. Approval of minutes for May 21, 2012 meeting

A motion was made by Ronald Gerhard, seconded by Frank Tucker to accept the minutes from the meeting held May 21, 2012. The motion passed with a vote of 5 Ayes, 1 Abstention – Levin and 1 Absent – Smith

3. Legislative Update from Townsend Public Affairs

- a. May 24, 2012 email
- b. May 25, 2012 email
- c. June 1, 2012 email

Niccolo De Luca of Townsend Public Affairs was unable to attend this meeting. City of Oakland staff Sarah Schlenk quickly reviewed the updates and advised the board that the emails were in the agenda packet and available for the public.

4. Department of Finance Approval of the ROPS for January – June 2012 and July – December 2012

Sarah Schlenk of the City of Oakland's Office of the City Administrator presented a letter to the board that provides the final approval by the Department of Finance (DOF) of the successor agency's ROPS for 2012. The board requested information on the controller's role in the ROPS enforcement. Schlenk responded that the Controller only reviews the transfer of assets.

5. Retention of outside legal counsel for the Oakland Oversight Board

City Attorney Dan Rossi provided a quick synopsis of the process used to recruit proposals. As a result of the informal RFP process 9 additional firms were invited to attend the June 4, 2012 meeting of the Oakland Oversight Board. Jarvis, Fay, Doportto & Gibson is the only Oakland Firm. They sent a representative to the May 21, 2012 meeting, however no representative was sent to the June 4, 2012 meeting. The chair requested a 3 minute presentation by each firm followed by a quick question and answer period.

1. Atkinson Farasyn – No Representative Present

2. DL White Law Group – Thomas Hallinan was the representative. He described his experience with redevelopment agencies and all of the municipalities he represented. He expressed the firm's desire to represent the Oakland Oversight Board. He went on to explain that the team which would be working with the Oakland Oversight Board consisted of 3 white males, 2 white female and 1 member of unknown ethnicity. He further stated that he was unsure of any process for recruiting local or minority attorneys. . Mr. Hallinan stated that they had not had any involvement in drafting the legislation. The DL White Group has no previous experience with the DOF. Chair Carson asked Mr. Hallinan to describe the firm's strategy for keeping the Oversight Board apprised of relevant information. Mr. Hallinan stated that email would be the most convenient way to convey information to the board and staff and that the firm was committed to be in constant communication with the board. Mr Halinan felt the conflict between the board members outside work and their work with the oversight board is the biggest issue thus far. The last question was regarding the billing method of the firm. The firm operates on a standard .2 of an hour billing cycle. The board then thanked Mr. Hallinan for his time.

3. Jarvis Fay Doporto & Gibson – No Representative Present

4. David J. Larsen – Mr. Larsen highlighted his litigation, lobbying and redevelopment experience. Mr. Larsen is the only attorney and has one assistant that is a black female. Mr. Larsen has experience with bond issues, real estate and land use experience. Chair Carson asked Mr. Larsen what strategies he would employ to keep the board informed. Mr. Larsen again mentioned email and also confidential memo. He further stated that he has very little experience with the DOF. Mr. Larsen is not currently working with any other Oversight Boards.. Mr. Larsen explained that his fee is \$200/hour and flexible. He asks for a retainer and scope of services. All items included in scope of services are included in hourly cost. Mr. Larsen went on to explain that the biggest issue that he saw with the oversight board vs. successor agency work is again the conflict of interest between the board member's jobs and their Oversight board work. He went on to explain that the any funds recovered would have to distributed fairly and all members have a vested interest in funding and supporting the entities they represent outside of the board. Mr. Larsen was thanked for his time.

5. Lewis Brisbois Bisgaard & Smith – Rene Gamboa was the firm's representative. Mr. Gamboa highlighted team member Elizabeth Martin's expertise with public agencies, advisory boards, real estate, bonds and brown act. The firm was also ranked in the top 10 the past 2 years for its diversity and has the highest number of female partners. The other attorneys are not local; however they are available by phone, and email. No one in the firm has participated in drafting the legislation and Gamboa is uncertain about the teams experience with the DOF. The cost is \$225/hour with a lower fee for paralegal assistance.

6. Michael Rauch – Mr. Rauch is an attorney from Pleasanton with 30 years of public sector law experience. He highlighted his JPA, Alameda County and conflicting interest resolution experience. Mr. Rauch has no support staff and would use email, list serves and attorney working groups to stay informed and to keep the board informed. His rate is all inclusive for \$175/hour.

7. Rinne Sloan Holtzman Sakai – David Kahn is a private attorney with 26 years of experience. He highlighted his knowledge of the ROPS, EOPS and the FPPC, Brown and Public Record Acts. He is currently advising the Santa Monica, Healdsburg, and Salinas oversight boards. He has DOF experiences especially with procedural challenges. There are 23 attorneys at the firm. 12 men, 11 women and are 5 minority attorneys. His rate is \$285/hour billed in .1 of an hour increments. There are no challenges with him managing 4 Oversight boards as they meet on different days. He is also willing to split costs of time gathering information relevant to all oversight boards he is currently advising. His rate is all inclusive with the only additional cost being travel between SF and Oakland.

8. Stein & Lubin LLP – Lori Gustafson and Paula Crow were the representatives. They currently advise the City of Emeryville's oversight board. They mentioned that Emeryville's situation is very similar to Oakland's. They mentioned this process is very similar to a legal audit and their strategy for preparing for the process is create a template to better organize all of the relevant information. With this template they are able to respond to the DOF or controller's questions easily. The firm charges \$355/hour this is a 10% discount of the regular hourly rate. If the work is performed by a paralegal or assistant the fee is lower. The firm is extremely diverse and even has a diversity board.

The board directed staff to provide at the next meeting a matrix that compares all of the firms qualifications. In particular the experience, bill rate, diversity, number of attorneys, location and experience with oversight boards. Jarvis Fay Doporto and Gibson were invited to present at the June 18, 2012 meeting as they were present at the previous meeting and unable to speak. The board will make a final decision following the presentation and discussion at the next meeting.

Open Forum

There were no speakers during Open Forum.

6. Adjournment

Chair Carson confirmed the next meeting of the Oakland Oversight Board will be held Monday, June 18, 2012 at 5:00 p.m. in Sgt. Ervin Romans Rm. (Hearing Room 2)
The meeting was adjourned 6:32 p.m.