



PORT OF OAKLAND

7/10/2025

AGENDA REPORT

PROPOSED ACTION:

Resolution: Approve and Authorize the Port Attorney to Execute Fiscal Year 2026 Outside Counsel and Consultant Retention Agreements with Selected Law Firms and Consultants and Related Actions, in an Initial Total Amount of \$4,176,500, Subject to Adjustments Under the Port Attorney's Contracting Authority and Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. (Port Attorney)

Submitted By: Mary C. Richardson, Port Attorney

Parties Involved: Various Law Firms and Consultants, (See Attachment A)

Amount: \$4,176,500
(Operating and Non-Operating Expenses)

EXECUTIVE SUMMARY: This action would authorize the Port Attorney to retain the outside counsel and consulting firms listed in Attachment A for Fiscal Year 2026 in an initial total amount of \$4,176,500, subject to adjustments under the Port Attorney's contracting authority.

BACKGROUND & ANALYSIS

Pursuant to the Board of Port Commissioners' (Board) By-Laws and Administrative Rules, the Board has assigned to the Port Attorney the authority to retain special legal counsel, legal experts, and other consultants to provide legal services for the Port of Oakland (Port).

Because the expenditure for specialized legal counsel and services and related consultant services is a function of the amount, nature, and intensity of legal claims, litigation, regulatory action, transaction, and other work impacting the Port during each fiscal year, the actual expenditure can vary widely from year to year and can be quite different from the budgeted amounts.

This Agenda Report seeks the Board's authorization to retain counsel; it does not seek approval of the Port Attorney's Office budget. The official Port Attorney's Office operating budget and other budgets managed by the Office are included with the overall Port-wide budget which was agendaized for Board consideration at the July 10, 2025 meeting.

In 2019, the Port Attorney issued a Request for Qualifications (RFQ) seeking qualifications from law firms who could provide legal services to the Port. In May 2022, May 2023, and May 2025, the Port Attorney issued additional RFQs seeking qualifications from law firms in specific areas that the Port Attorney determined were needed. The qualifications were reviewed and evaluated by the Port Attorney's Office. This resolution authorizes the Port Attorney to enter into professional services contracts with the law firms and consultants listed in **Attachment A** up to the maximum amount of \$4,176,500 in amounts for each matter up to the amount disclosed in attorney-client privileged communications from the Port Attorney to the Board. The Port Attorney chose the firms on **Attachment A** to perform the services listed based on a variety of factors including the Port's needs, expertise of the firms, rates, insurance carrier requirements, and other criteria.

During the fiscal year, events may occur that require additional legal service providers or the increase to the maximum contract amount estimated for each matter. In instances where additional legal service providers are required, the Port Attorney may enter into a legal services agreement with one of the firms listed on **Attachment A**, a firm that provided a Statement of Qualifications in response to the 2019, 2022, 2023 or 2025 RFQ, or a firm selected pursuant to an informal solicitation in compliance with the Port's Purchasing Ordinance, as long as the amount of the retention does not exceed the Port Attorney's contracting authority. Where a contract amount is proposed to be increased to an amount above the authorized amount, the Port Attorney will request additional Board authority if the increased amount is above the Port Attorney's contracting authority. For example, if the Port enters into a retention agreement with a law firm or consulting firm for a particular matter in the initial authorized amount of \$20,000, the Port Attorney could amend that contract during the fiscal year to increase the amount authorized to a total of \$150,000 without obtaining further Board approval. On the other hand, if the Port Attorney desires to increase the same contract amount to \$180,000 (\$30,000 above the Port Attorney's contracting authority), the Port Attorney would need to seek and obtain further Board approval to enter into an amendment.

OTHER FINDINGS AND PROVISIONS

ENVIRONMENTAL REVIEW

The proposed action was analyzed under the California Environmental Quality Act (CEQA) and was found to be:

- ☐ Categorically exempt under the following CEQA Guidelines Section:

Choose an item.

- ☒ "Common Sense" exemption under CEQA Guidelines Section 15061(b)(3).

- ☐ Other/Notes:

BUDGET

- ☐ Administrative (No Impact to Operating, Non-Operating, or Capital Budgets); OR

☒ Operating

☒ Non-Operating

☐ Capital

Analysis: Expenditures for Outside Counsel and Consultant Retention Agreements in this Agenda Report are included in the proposed FY 2026 Legal Services and Legal Contingency Budgets. There is no budget or staffing impact.

STAFFING

- ☒ No Anticipated Staffing Impact.

- ☐ Anticipated Change to Budgeted Headcount.

Reason:

- ☐ Other Anticipated Staffing Impact (e.g., Temp Help).

Reason:

MARITIME AND AVIATION PROJECT LABOR AGREEMENT (MAPLA):

Applies? No (Not Aviation or Maritime CIP Project) – proposed action is not covered work on Port's Capital Improvement Program in Aviation or Maritime areas above the threshold cost.

- ☐ Additional Notes:

LIVING WAGE (City Charter § 728):

Applies?

No (Other) – see explanation below.

☒ Additional Notes: The proposed outside legal counsel and consulting firms are not involved in a Port Aviation or Port Maritime business.

SUSTAINABLE OPPORTUNITIES:

Applies? No.

GENERAL PLAN (City Charter § 727):

Conformity Determination:

Not Required – conformity determination not required because proposed action does not change use of or make alterations to an existing facility, or create a new facility.

<p><u>Reason:</u> There are no sustainability opportunities related to this proposed action because it does not involve a development project, purchasing of equipment, or operations that present sustainability opportunities.</p>	
<p><u>STRATEGIC PLAN.</u> The proposed action would help the Port achieve the following goal(s) in the Port's Strategic Plan:</p> <ul style="list-style-type: none"><input type="checkbox"/> Capture Our Market and Grow the Economic Base<input checked="" type="checkbox"/> Modernize and Upgrade Infrastructure<input checked="" type="checkbox"/> Transition to Zero-Emissions and Build Climate Resilience<input checked="" type="checkbox"/> Maximize Land Use Value and Revenues<input type="checkbox"/> Workforce Training and Jobs Development<input type="checkbox"/> Create Opportunities for Local Businesses and Community Economic Development	

ATTACHMENT A

**PORT ATTORNEY'S OFFICE
OUTSIDE COUNSEL/CONSULTING FIRMS
FY2025-26**

LAW FIRM/CONSULTING FIRM	MATTER NAMES
Anderson & Krieger LLP (Cambridge, MA)	
	Aviation Regulatory Matters/Airport Projects
Andrada & Associates (Oakland)	
	General Claims and Litigation
Best Best & Krieger (Walnut Creek)	
	General Claims and Litigation
	Municipal Law
Brown Goldstein & Levy (Baltimore, MD)	
	Title VI Compliance Counseling
Buchalter, a Professional Corporation (Orange County)	
	Litigation (including bankruptcy)
Donahue Fitzgerald (Oakland)	
	Real Estate/Leasing Advice
Duncan Weinberg, Genzer, Pembroke, P.C. (Washington, DC)	
	Power Utility Advice
Environmental General Counsel (Berkeley)	
	Environmental Pollution Issues
Faegre Drinker Biddle & Reath LLP (Los Angeles)	
	Benefits
Farella Braun + Martel LLP (San Francisco)	
	General Risk Management and Cost Recovery Advice
	General/Water/Sewer/Stormwater
	GASB 49 Cost Recovery Claims Against Insurance Carriers/Insurance Advice Related to Pollution Conditions
Fennemore Wendel (Oakland)	
	Litigation, Strategies & Appeals/Other Advice (including OAB)
	Construction Claims and Litigation
Goldfarb & Lipman LLP (Oakland)	
	Real Estate Advice
Goodman Neuman Hamilton LLP (San Francisco)	
	General Claims and Litigation
Hanson Bridgett (San Francisco)	
	Employment Advice

LAW FIRM/CONSULTING FIRM	MATTER NAMES
	Employment Claims/Litigation
	Copyrights/Trademarks/Intellectual Property/Technology Advice
	Public Works Contracting Advice (General)
	Ethics and other General Advice
Jenner & Block (Los Angeles)	
	Litigation
Law Office of Clare M. Gibson (Oakland)	
	Public Works Contracting Advice (General)
	Bid/Proposal Protests Advice
Law Office of Kevin M. Sheys, LLC (Sherborn, MA)	
	Railroad/Surface Transportation Board Advice
Lubin Olson & Niewiadomski LLP (San Francisco)	
	General Claims & Litigation (including Protests Advice)
Newmeyer & Dillion (Walnut Creek)	
	General Claims and Litigation
O'Melveny & Myers LLP (Los Angeles)	
	Bond/Finance Matter
Orrick Herrington & Sutcliffe (San Francisco)	
	Bond/Tax/Finance Matters
Perkins Coie LLP (San Francisco)	
	Airport Projects (including CEQA)
Ramsey Law Group (Lafayette)	
	General Commercial Collection and Litigation (Unlawful Detainers, etc.)
Ruggeri Parks Weinberg LLP (Washington, D.C.)	
	Shipping Act Advice; Terminal Leasing Efficiency Issues/Operations (Shipping Act/FMC Advice)
Safran Law PC (Alameda)	
	Aviation Regulations and Permitting
	Regulatory Issues
	Ethics/Governance/Municipal Affairs
	Port Codes, CEQA Guidelines, and Other Policy Assistance
	Regulatory Agency & Other Claims (BCDC, Corps, RWQCB, etc.)
	JLS Boardwalk
Sloan Sakai Yeung & Wong LLP (Berkeley)	
	Labor Advice
	Litigation and Employment Claims
	Fiscal Year 25-26 Negotiations (HR Budget)

LAW FIRM/CONSULTING FIRM	MATTER NAMES
Stoel Rives (San Francisco)	
	Turning Basin

Human Resources ("HR") and Office of Equal Opportunity related investigators retained by Port Attorney's Office but coded to HR's budget.
▶ Mary T. Roemer aka Terry Roemer, Esq. (Law Offices of Terry Roemer)
▶ Karen Kramer dba Kramer Workplace Investigations (Attorney)
▶ ARI Investigations, Inc. (Not Attorneys)
▶ Municipal Resource Group LLC (Not Attorneys)
▶ Prescott Law (Attorney)
▶ Meyers Nave (Attorney)