



BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING THE PORT ATTORNEY TO ENTER INTO FISCAL YEAR 2023 RETENTION AGREEMENTS WITH THE LAW FIRMS AND CONSULTANTS DESCRIBED ON ATTACHMENT A IN CONNECTION WITH WORK DESCRIBED THEREIN AT A TOTAL INITIAL CUMULATIVE COMPENSATION NOT TO EXCEED \$3,456,000 FOR FISCAL YEAR 2023, SUBJECT TO ADJUSTMENT PURSUANT TO THE PORT ATTORNEY'S CONTRACTING AUTHORITY.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item No. 4.3, dated June 23, 2022, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment;

WHEREAS, prior to the June 23, 2022, Board meeting, the Port Attorney provided certain attorney-client communications regarding the nature of the matters needing outside counsel and related consultant legal advice in Fiscal Year 2023 and the extent of such outside advice ("Attorney-Client Information");

WHEREAS, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report, and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The Board finds and determines that the proposed action is not subject to the California Environmental Quality Act ("CEQA") under the general rule exclusion under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the proposed action will not have a significant effect on the environment and therefore is not a "project" under CEQA.

SECTION 2. Based upon the information contained in the Agenda Report and testimony received, the Board hereby finds and determines that the agreements with **the law firms and consulting firms described on Attachment A** constitute agreements for obtaining professional, technical, and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from those parties listed on **Attachment A**.

SECTION 3. The Board hereby:

A. Approves the appointment of **the law firms described on the Attachment A**, as Special Counsel, part-time, pursuant to the provisions of Section 6.05 of Port Ordinance No. 867, as well as the consulting firms described on **Attachment A** to render expert assistance to the Port Attorney in connection with the matters described on **Attachment A**; the compensation of and reimbursement for out-of-pocket expenses incurred by said Special Counsel and consultants to be made from time to time as approved by the Port Attorney, up to, but not to exceed the amounts per firm per matter as provided in the Attorney-Client Information, in the initial total cumulative amount of \$3,456,000 for Fiscal Year 2023, all subject to adjustment during Fiscal Year 2023 by the Port Attorney for additional amounts or for additional firms under her contracting authority or by further Board action.

B. Authorizes the Port Attorney to execute the agreements with the law firms and consulting firms listed on **Attachment A**.

SECTION 4. This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

SECTION 5. This resolution shall be effective immediately upon adoption by the Board.

ATTACHMENT A

PORT ATTORNEY'S OFFICE OUTSIDE COUNSEL/CONSULTING FIRMS FY2022-23

LAW FIRM/CONSULTING FIRM/COST ITEMS	MATTER NAMES
Anderson & Krieger LLP (Cambridge, MA)	
	Aviation Regulatory Matters/ Airport Projects
Andrada & Associates (Oakland)	
	General Claims and Litigation
	Francisco v. Port
Best Best & Krieger (Walnut Creek)	
	Airport Construction Advice
	Harbor Turning Basin Project
	Litigation
	Howard Terminal (Litigation)
	Utility Rates
Buchalter, a Professional Corporation (San Francisco)	
	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: Howard Terminal
Faegre Drinker Biddle & Reath LLP (Los Angeles)	
	Benefits
Farella Braun + Martel LLP (San Francisco)	
	General Risk Management and Cost Recovery Advice
	GASB 49 Cost Recovery Claims Against Insurance Carriers/Insurance Advice Related to Pollution Conditions
Goldfarb & Lipman LLP (Oakland)	
	Howard Terminal Real Estate Advice
Hanson Bridgett (San Francisco)	
	Employment Advice
	Employment Claims/Litigation
	Copyrights/Trademarks/Intellectual Property Advice
Hogan Lovells US LLP (Washington, DC)	
	Railroad/Surface Transportation Board Advice
Jenner & Block (Los Angeles)	
	Drinking Water
	Air Quality
	Howard Terminal (Litigation)

LAW FIRM/CONSULTING FIRM/COST ITEMS	MATTER NAMES
Laughlin Falbo Levy & Morell (Oakland)	
	Workers' Compensation
Law Office of Clare M. Gibson (Oakland)	
	Public Works Contracting Advice (General)
	Bid/Proposal Protests Advice
Mullen & Filippi (Oakland)	
	Workers' Compensation
Newmeyer & Dillion	
	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)	
	Eagle Rock Aggregates
	Airport Projects
	Turning Basin
Ramsey Law Group (Lafayette)	
	General Commercial Collection and Litigation (Unlawful Detainers, etc.)
Richard Thorson Grave & Royer LLP (Oakland)	
	Workers' Compensation
Rudder Law Group (Alameda)	
	Aviation Regulations and Permitting
	EPA Administrative Order and Sanitary Sewer Issues
	Ethics/Governance/Municipal Affairs
	Port Codes, CEQA Guidelines, and Other Policy Assistance
	Howard Terminal Advice (includes Tidelands Trust & BCDC)
	Oak to Ninth (Real Estate Advice)
	Dredging and 50-foot Dredging Project closeout
	Regulatory Agency & Other Claims (BCDC, Corps, RWQCB, etc.)
	JLS Common Area Operator claims
	Port Ethics Training
Saul Ewing Arnstein & Lehr LLP (D.C.)	
	Shipping Act Advice; Terminal Leasing Efficiency Issues/Operations (Shipping Act/FMC Advice)
Sloan Sakai Yeung & Wong LLP (Berkeley)	
	Labor Negotiations/Labor Advice
	Litigation and Employment Claims
Sweet & Walker (San Francisco)	
	Collection Matters
Wendel Rosen LLP (Oakland)	
	Anticipated Litigation, Strategies & Appeals/Other Advice (including OAB)
	Clean Water/Environmental Regulatory Advice
	PRP Cost Recovery

LAW FIRM/CONSULTING FIRM/COST ITEMS	MATTER NAMES
	General Construction
	Construction Claims and Litigation
	Rolls Royce
	Trademark Advice
	PFAS (Fire-Fighting Foam)
White Brenner LLP (Sacramento)	
	Security Badge Appeal

Human Resources ("HR") 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 (Attorneys)
► Prescott Law (Attorney)
► Meyers Nave (Attorney)
► Van Dermeyden Makus Law Corporation (Attorneys)