

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

MINUTES

Thursday, April 21, 2005
1 Carlton B. Goodlett Place, Room 416
San Francisco, CA

REGULAR MEETING

9:00 a.m.

CLOSED SESSION

Immediately following the Regular Meeting

BOARD OF DIRECTORS

Michael Nevin, Chair
Greg Harper, Vice Chair
Michael T. Burns
Michael Cohen
Chris Daly

Executive Director
Maria Ayerdi

Secretary
Roberta Boomer

201 Mission St. #1960
San Francisco, California 94105
415-597-4620
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9:00 - REGULAR MEETING

ORDER OF BUSINESS

1. Call to Order

Chairman Nevin called the meeting to order at 9:04 a.m.

2. Roll Call

Present: Michael Burns
Michael Cohen
Greg Harper
Mike Nevin

Absent: Chris Daly

3. Communications

None.

4. Board of Director's New and Old Business

None.

5. Executive Director's Report

None.

6. Public Comment

None.

THE FOLLOWING MATTERS BEFORE THE TRANSBAY JOINT POWERS AUTHORITY ARE RECOMMENDED FOR ACTION AS STATED BY THE EXECUTIVE DIRECTOR OR THE CHAIR.

CONSENT CALENDAR

7. All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the Transbay Joint Powers Authority, and will be acted upon by a single vote. There will be no separate discussion of these items unless a member of the Board or the public so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item.

(7.1) Approving the Minutes of the April 8, 2005 meeting.

On motion to approve the Consent Calendar:

ADOPTED: AYES – Burns, Cohen, Harper and Nevin

ABSENT – Daly

REGULAR CALENDAR

8. Authorizing the Executive Director to enter into an agreement with Moscone, Emblidge & Quadra for legal services for a term of three years in an amount not to exceed \$3,000,000.

No public comment.

John Cooper, Deputy City Attorney, presented the staff report and discussed the relationship and role between the City Attorney as the TJPA's legal counsel and the firms.

Exec. Director Ayerdi stated that the TJPA was a separate legal entity from the City and County of San Francisco with a complex project. Given the past history and conflicts, it is in the best interests of the Authority to have separate counsel.

Director Cohen offered an amendment to the resolution that would require any Request of Services (RFS) above a certain amount to return to the TJPA Board for approval in advance.

Exec. Director Ayerdi replied that legal services were going to be intensive and had already commenced. She stated that she would not recommend the amendment given the intensity of the legal work.

Director Cohen clarified that his amendment would allow the Board to keep track of where the activity was and would insure that the Board was kept informed of the status of the contract.

Director Harper commented that the number would just be a trigger amount and that staff could request an RFS in any amount they needed.

Director Cohen agreed that the Exec. Director should feel free to bring larger amounts to the Board for approval and suggested that \$150,000 be the trigger amount.

The amendment to the resolution requiring any RFS over \$150,000 to be approved by the TJPA Board in advance was accepted without objection by the Board.

RESOLUTION 05-007

On motion to approve as amended:

ADOPTED: AYES – Burns, Cohen, Harper and Nevin

ABSENT – Daly

CLOSED SESSION

1. Call to Order

Chairman Nevin called the closed session to order at 9:30 a.m.

2. Roll Call

Present: Michael Burns
Michael Cohen
Greg Harper
Mike Nevin

Absent: Chris Daly

3. Pursuant to Government Code Section 54956.9(a), the Transbay Joint Powers Authority Board of Directors will meet in closed session to discuss attorney-client matters in the following case:

CONFERENCE WITH LEGAL COUNSEL - Existing Litigation:

Myers Natoma Venture, LLC and Myers Development Company vs. Transbay Joint Powers Authority, et al., Superior Ct. #504363 and South Beach SOMA Coalition vs. City and County of San Francisco, Superior Court #504-366

ADJOURN CLOSED SESSION AND RECONVENE REGULAR MEETING - The closed session was adjourned at 10:10 p.m.

9. Announcement of Closed Session.

Chairman Nevin announced the Board met in closed session for a conference with legal counsel. There was no action taken.

ADJOURN - The meeting was adjourned at 10:11 a.m.

A tape of the meeting is on file in the office of the Secretary to the Transbay Joint Powers Authority Board of Directors

Roberta Boomer
Board Secretary

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Admin. Code Sections

16.520 - 16.534] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 1390 Market Street, Suite 801, San Francisco, CA 94102, telephone (415) 554-9510, fax (415) 554-8757 and web site: sfgov.org/ethics.