



Oakland-Alameda County  
Coliseum Authority

**OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY**  
**Zoom Meeting**

**NOTICE AND AGENDA**  
**BOARD OF COMMISSIONERS**  
July 15, 2022  
Friday 8:30 a.m.

You are invited to a Zoom webinar.  
When: Jul 15, 2022 08:30 AM Pacific Time (US and Canada)  
Topic: OACCA Board Meeting 7/15/22

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/87808211267?pwd=bFAvOVJ5eXdVeVNBVEM5Q2hUK01ndz09>

Passcode: 873753

Or One tap mobile :

US: +16699006833,,87808211267#,,,,\*873753# or

+16694449171,,87808211267#,,,,\*873753#

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Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 669 444 9171 or +1 346 248 7799 or +1 253 215 8782 or +1  
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**1. CALL TO ORDER**

**2. ROLL CALL**

**3. ACTION ITEM**

**RESOLUTION ADOPTING FINDINGS REGARDING SOCIAL DISTANCING AND PUBLIC HEALTH ARISING FROM THE COVID-19 PANDEMIC WHICH WARRANT THE CONTINUATION OF REMOTE (TELECONFERENCED) PUBLIC MEETINGS BY THE AUTHORITY UNDER THE BROWN ACT**

**4. OPEN FORUM**

**5. APPROVAL OF MINUTES**

**6. REPORTS**

**6a. Executive Director Report**

- 1. Outside Errant Shots Fall on Stadium**
- 2. Hells Angels Request for Leader's Memorial Service at the Coliseum**
- 3. Update on East Bay MUD Sewer Line Failure**
- 4. Board Recess in August**
- 5. Contract Amendment for Consulting Services (Executive Director)**

**6b. General Manager Report**

**7. NEW BUSINESS**

**7a RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE THIRD AMENDMENT TO THE AGREEMENT FOR CONSULTING SERVICES BETWEEN THE OAKLAND-ALAMEDA COUNTY COLISUEM AUTHORITY AND HENRY L. GARDNER, EXTENDING THE TERM FOR UP TO ONE YEAR AND INCREASING THE COMPENSATION BY 4.5% TO \$202,265.00, WITH A \$313.50 MONTHLY AUTOMOBILE ALLOWANCE.**

**8. ADJOURNMENT**

**OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY**

**RESOLUTION NO. 2022-11**

**RESOLUTION ADOPTING FINDINGS REGARDING SOCIAL DISTANCING AND PUBLIC HEALTH ARISING FROM THE COVID-19 PANDEMIC WHICH WARRANT THE CONTINUATION OF REMOTE (TELECONFERENCED) PUBLIC MEETINGS BY THE AUTHORITY UNDER THE BROWN ACT**

**WHEREAS**, the Amended and Restated Joint Exercise of Powers Agreement ("JPA Agreement") between the City of Oakland ("City") and the County of Alameda ("County") established the Oakland-Alameda County Coliseum Authority ("Authority") whose powers are exercised by a Board of Commissioners ("Board") appointed by the City and the County; and

**WHEREAS**, the Governor declared a state of emergency due to COVID-19 on March 4, 2020, which state of emergency is continuing; and

**WHEREAS**, due to the COVID-19 variants, which have been circulating in Alameda County and nationwide, many pandemic restrictions, including on-going recommendations for social distancing as one method to reduce the risk of COVID-19 transmission, remain in place; and

**WHEREAS**, public meetings involve many people in shared indoor spaces for extended periods of time, where close contact raises the risk of spread of COVID-19, where there is a need to allow those who are immunocompromised or unvaccinated to participate in public meetings safely and fully, and where there remains a challenge of fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings; and

**WHEREAS**, remote or teleconference meetings are consistent with the California Division of Occupational Safety and Health (Cal/OHSA) Emergency Temporary Standards requirement that employers train and instruct employees that the use of social distancing helps combat the spread of COVID-19 (8 Cal. Code Regs. 3205(c)(5)(D));

**WHEREAS**, on September 16, 2021 the Governor signed into law Assembly Bill 361 (AB 361, Chapter 165, Statutes of 2021) which amended the Brown Act to allow for continued use of teleconferenced meetings by Brown Act bodies without providing a physical location for the public through January 31, 2024, under certain conditions; and

**WHEREAS**, the permitting conditions in AB 361 include factors such as a continued declaration of emergency, and findings by the local legislative body every 30 days that meeting in person would present imminent risks to the health or safety of attendees or that state or local officials have imposed or recommended measures to promote social distancing;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners does hereby resolve, declare and determine as follows:

A. That the Authority finds that the public health, safety and welfare support continual social distancing as a result of the transmissibility of the COVID-19 virus, such that in-person meetings create a health risk.

B. That the Authority will continue to meet virtually to allow its members and members of the public to avoid exposure to COVID-19 and maintain social distancing.

C. While meeting virtually the Authority will adhere to the applicable open meeting requirements, including those in AB 361.

**PASSED AND ADOPTED** by the governing board of the Oakland-Alameda County Coliseum Authority, this 15th day of July, 2022, by the following majority vote:

Ayes:

Noes:

Absent:

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NATE MILEY, CHAIR

ATTEST:

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SECRETARY



Oakland-Alameda County  
Coliseum Authority

Oakland-Alameda County Coliseum Authority

June 17, 2022

Zoom Board Meeting Minutes

**CALL TO ORDER**

called the meeting to order at 8:35 a.m.

**ROLL CALL**

Chair Miley

V. Chair Kaplan

Commissioner Iglesias

Commissioner Haubert

Commissioner Baker

Commissioner Reid

Commissioner Thompson

Commissioner Vukasin

V. Chair Kaplan introduced Chuck Baker new commissioner. Commissioner Baker spoke giving a summary of his background and experience. Commissioner Reid commended Chuck Baker on all of his accolades as an individual , family man, entrepreneur, businessman and leader.

**ACTION ITEM**

**RESOLUTION ADOPTING FINDINGS REGARDING SOCIAL DISTANCING AND PUBLIC HEALTH ARISING FROM THE COVID-19 PANDEMIC WHICH WARRANT THE CONTINUATION OF REMOTE (TELECONFERENCED) PUBLIC MEETINGS BY THE AUTHORITY UNDER THE BROWN ACT was submitted for approval. Commissioner Baker, Iglesias, Haubert, Vukasin, Reid, Kaplan, and Miley approved. The motion was approved by 7 aye votes.**

**OPEN FORUM**

No Speakers

**APPROVAL OF MINUTES**

The minutes for April May 20, 2022, was submitted for approval. Commissioner Kaplan moved to approve, and Commissioner Haubert seconded the motion. Roll Call: Commissioners: Baker, Iglesias, Haubert, Vukasin, Reid, Kaplan, and Miley approved. The motion was approved by 7 aye votes.

**Reports**

## **6.A**

Executive Director Henry Gardner reported and summarized the balanced budget for FY 2022-2023 to the board.

Mr. Gardner summarized to the board the history, structural condition, and financial status of the stadium from beginning in 1996 to current 2022.

Commissioners Haubert and Vukasin thanked Mr. Gardner for addressing stadium issues immediately and commended Mr. Gardner on the detailed report.

Commissioners Reid and Baker commented to always address public and A's concerns and want the public to feel comfortable, safe, and welcome. Mr. Gardner will formally reply to the Oakland A's May 25, 2022, letter.

## **6.B**

General Manager Nicole Strange reported to the board the added upcoming events and concerts. Ms. Strange reported on 2 successful private events held in June. Ms. Strange shared the upcoming non-profit parking lot event "Safe Kids" on June 25, 2022. The event will give away booster seats.

## **7. NEW BUSINESS**

**7a. RESOLUTION APPROVING THE BUDGET FOR FISCAL YEAR 2022-2023 FOR THE OAKLAND-ALAMEDA COUNTY COLISEUM** was submitted for approval. Commissioner Kaplan moved to approve, and Commissioner Haubert seconded the motion. Commissioners: Baker, Iglesias, Haubert, Reid Vukasin, Kaplan and Miley approved. The motion was approved by 7 aye votes.

**7b. RESOLUTION APPROVING THE SECOND AMENDMENT TO AGREEMENT WITH AEG MANAGEMENT OAKLAND, LLC FOR MANAGEMENT SERVICES FOR THE COLISEUM COMPLEX FOR A SPECIFIED TERM** was submitted for approval. Commissioner Haubert moved to approve, and Commissioner Iglesias seconded the motion. Commissioners: Baker, Iglesias, Haubert, Reid Vukasin, Kaplan and Miley approved. The motion was approved by 7 aye votes.

**7c. RESOLUTION APPROVING THE THIRD AMENDMENT TO AGREEMENT WITH MACIAS GINI & O'CONNELL LLP FOR AUDIT SERVICES FOR THE OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY AT A COST NOT TO EXCEED \$161,264.00.** was submitted for approval, Commissioner Kaplan moved to approve, and Commissioner Vukasin seconded the motion. Roll Call: Baker, Iglesias, Haubert, Reid, Vukasin, Kaplan, and Miley approved. The motion was approved by 7 aye votes.

## **ADJOURNMENT**

Meeting adjourned at 9:51a.m.

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Erin Roseman /Secretary

July 15, 2022

Honorable Chairperson Nate Miley and Commissioners of the Authority

## **6.a**

### **1. Outside Errant Shots Fall on Stadium**

During the A's annual Fourth of July fireworks celebration, a reckless celebrant fired a rifle in the air from a mile away outside of the Coliseum complex and bullets landed on the Stadium injuring six people. Fortunately none of the injuries were life-threatening. It appeared very few of the attendees were aware of the incident, probably because of the mixture of the sounds from the fireworks and the gun shots. When the event was over, the crowd exited the premises in normal order. Security and safety are our highest priority and no security protocols were breached. Our latest information on the victims is that they have all have been treated at medical facilities and none are hospitalized.

### **2. Hells Angels Request for Leader's Memorial Service at the Coliseum**

We have received a request from the Hells Angels to use the Coliseum parking lot for a memorial service in August for their long-time leader who passed this month. We have consulted with the City's leadership, including the Oakland Police Department, to seek guidance on whether or not this event can be safely and securely managed. The group estimates that there will be approximately 2,000 of their members in attendance. OPD is taking the lead in determining a safety plan and will be providing us with their recommendations on whether and how we should proceed.

### **3. Update on East Bay MUD Sewer Line Failure**

There was a major failure in January of the EBMUD sewer line running the length of the Coliseum property. Emergency repairs were immediately started. Repairs were made at two locations along the South Interceptor pipe where the pipe wall had weakened over the past seventy years. There was extensive corrosion that will need further repairs and eventual rehabilitation of the entire 2,000 feet of pipeline in the next two to three years. There is no indication, at this point, that the rupture or repairs resulted in any damage that has not been remediated by EBMUD.

### **4. Board Recess in August**

We are recommending that the Board cancel the August meeting due to the City Council and County Board of Supervisors will be on recess during the month of August. Because fifty-percent of our Board is made up of elected officials from the City and County, a quorum during the

month of August is a challenge and the practice in the past has been to cancel the August meetings. We do not anticipate any urgent items that will need to be addressed during that period.

## **5. Contract Amendment for Consulting Services (Executive Director)**

A resolution has been prepared approving a Third Amendment to the contract with Henry Gardner for consulting services as Executive Director to the Authority. The contract was first entered into in August 2019 and was amended in 2020 and 2021. Terms and conditions have remained the same during the three year period.

The Third Amendment now before you will increase the contract amount by 4.5 percent, representing a 1.5 percent increase for each of the past three years. Increases for senior management staff at the County have been 3.0 percent for each of the past three years and for City staff 2.0 percent for the first two years and 3.0 percent for the last year.

If approved, the 4.5 percent increase would raise the current amount of \$193,554.94 to \$202,265.00, and raise the automobile allowance from \$300.00 per month to \$313.50, for a total contract amount to \$206,027.00, resulting in a total increase of \$8,872.00. The Treasurer of the Authority has confirmed that the current budget can accommodate this adjustment.

Respectfully submitted,

Henry L. Gardner

ASM Global Oakland  
General Manager's Board Report  
July 15, 2022

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Event Activity

Added Events:

- Machine Gun Kelly – (July 19, 2022)
- AR Rahman – (July 23, 2022)
- Diljit Dosanjh – (July 29, 2022)
- Daddy Yankee – (August 2, 2022)
- Nelly, Ja Rule, Ashanti, Lil Jon, Ma\$e, Fabolous, Ying Yang Twins, Lloyd, Amerie, Lil Mo – (August 5, 2022)
- Seventeen – (August 14, 2022)
- **Kid Cudi – (August 21, 2022)**
- Kendrick Lamar – (August 31 & September 1, 2022)
- Bad Bunny – (September 14, 2022) (RingCentral Coliseum)
- Shawn Mendes – (September 17, 2022)
- **WWE – (September 18, 2022)**
- Kehlani – (September 30, 2022)
- Wu-Tang Clan & Nas – (October 1, 2022)
- Mary J Blige – (October 6, 2022)
- **Jubin Nautiyal Live – (October 8, 2022)**
- Disney on Ice – (October 13-16, 2022)
- Scorpions – (October 18, 2022)
- Porter Robinson's Second Sky Festival – (October 29, 2022) (parking lot)
- Banda MS – (November 4, 2022)
- Zac Brown Band – (November 6, 2022)
- **Royal Comedy Tour – (November 11, 2022)**
- Wisin Y Yandel – (November 20, 2022)
- Jo Koy – (December 2, 2022)

Postponed Events (new date):

- **Kapil Sharma – (TBD)**
- My Chemical Romance – (October 5, 2022)
- Rage Against the Machine – (March 3 & 5, 2023)

Cancelled Events:

- Sidhu Moose Wala – (August 13, 2022)
- **J Balvin – (TBD)**
- **Los Inquietos Del Norte – (August 27, 2022)**
- **Anuel AA – (September 10, 2022)**

Miscellaneous:

- **Hazardous Waste Disposal Event – (July 17, 2022)**

**OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY  
RESOLUTION NO. 2022-12**

**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE THIRD AMENDMENT TO THE AGREEMENT FOR CONSULTING SERVICES BETWEEN THE OAKLAND-ALAMEDA COUNTY COLISEUM AUTHORITY AND HENRY L. GARDNER, EXTENDING THE TERM FOR UP TO ONE YEAR AND INCREASING THE COMPENSATION BY 4.5% TO \$202,265.00, WITH A \$313.50 MONTHLY AUTOMOBILE ALLOWANCE.**

**WHEREAS**, on or about August 14, 2019, the Oakland-Alameda County Coliseum Authority (the "Authority") entered into an agreement for interim executive consulting services (the "Agreement") with Henry L. Gardner; and,

**WHEREAS**, on or about July 17, 2020, the Authority and Mr. Gardner entered into that First Amendment to the Agreement, extending the Term of the Agreement to July 31, 2021; and

**WHEREAS**, on or about July 16, 2020, the Authority and Mr. Gardner entered into that Second Amendment to the Agreement, extending the Term of the Agreement to July 31, 2022; and

**WHEREAS**, the Authority has determined that it is in the best interest of the Authority to further extend the duration of the Agreement with Mr. Gardner and provide a cost of living increase of 4.5%; and,

**NOW, THEREFORE**, the governing board of the Authority hereby finds, determines, declares and resolves as follows:

Section 1. The Authority hereby approves the Third Amendment to the Agreement attached to this Resolution and authorizes the execution of the Amendment in substantially the form presented to this meeting, for a term of up to one (1) year and with a not to exceed sum of \$202,265.00 and an automobile allowance of \$313.50 per month, for a total compensation of \$206,027.00.

Section 2. This resolution shall take effect from and after its adoption and approval.

PASSED AND ADOPTED by the Board of Commissioners of the Oakland-Alameda County Coliseum Authority on July 15, 2022 by the following vote:

AYES -

NOES -

ABSENT -

\_\_\_\_\_  
Nate Miley, Chair

ATTEST:

\_\_\_\_\_  
Secretary

DATE: \_\_\_\_\_

### **THIRD AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES**

THIS THIRD AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES (this "**Amendment**") is entered into effective as of July 15, 2022 (the "**Amendment Date**"), by and between OAKLAND ALAMEDA COUNTY COLISEUM AUTHORITY, a California joint powers authority organized pursuant to the California Government Code (the "**Authority**"), and HENRY L. GARDNER, an individual consultant ("**Consultant**").

#### **RECITALS:**

**A.** WHEREAS, the Authority and Consultant entered into that certain Agreement for Consulting Services entered into on or about August 14, 2019 (the "**Agreement**"), relating to the provision of certain services analogous to organizational leadership services typically performed by an executive director (the "**Work**"), said Work being more particularly described in the Agreement;

**B.** WHEREAS, the Authority and Consultant amended the Agreement by that First Amendment to Agreement entered into as of July 17, 2020, to extend the Term to July 31, 2021; and

**C.** WHEREAS, the Authority and Consultant amended the Agreement by that Second Amendment to Agreement entered into as of July 16, 2021, to extend the Term to July 31, 2022; and

**D.** WHEREAS, based upon the annual review of Consultant conducted by Authority, the Authority desires to further amend the Agreement to again extend the term of the Agreement.

#### **AGREEMENT:**

NOW, THEREFORE, for good and valuable consideration the receipt and adequacy of which are hereby acknowledged, Authority and Consultant agree as follows:

**1. INCORPORATION OF RECITALS.** The foregoing Recitals shall be incorporated as though fully set forth herein.

**2. EXTENSION OF TERM OF AMENDMENT.** Notwithstanding any language to the contrary in the Agreement, the term of performance of the Agreement is hereby modified to expire on July 31, 2023 (the "**New Expiration Date**").

**3. INCREASE IN COMPENSATION.** The Agreement is amended to increase the annual compensation and monthly automobile allowance by 4.5%, from \$193,554.94 to \$202,265.00 and from \$300.00 to \$313.50, respectively. Sections 3 and 4 are amended to read as follows:

**4. COMPENSATION:** The Authority shall pay Consultant an aggregate amount of Not To Exceed Two Hundred Two Thousand Two Hundred Sixty Five Dollars and no/100 Cents (\$202,265.00) per annum. Such maximum compensation includes Consultant's ordinary and necessary transportation and commuting expenses, personal direct out of pocket expenses and costs incurred in the ordinary course of work; provided, however, reasonable and necessary business expenses directly related to, or in furtherance of, the business of the Authority shall be reimbursed by the Authority on a case by case basis upon presentation of appropriate documentation. The incurrence by Consultant of additional or extraordinary expenses above what is now contemplated shall be governed by Paragraph 7 hereof. In addition to the foregoing compensation, Consultant shall receive a monthly automobile allowance of Three Hundred and Thirteen Dollars and 50/100 Cents (\$313.50). Payment of the automobile allowance shall be made in arrears.

**5. PAYMENT:** Payments shall be made payable in 12 equal monthly installments of **Seventeen Thousand One Hundred Sixty Eight Dollars and 92/100 Cents (\$17,168.92)** each (inclusive of the monthly auto allowance but exclusive of any permitted reimbursable expenses) in arrears, provided that payment shall not exceed the amount set forth in Paragraph 3 above unless there is an amendment to this Agreement. Consultant shall provide descriptive invoices for all amounts due for completed services together with original receipts for any expenses invoiced. Consultant acknowledges and agrees that he shall be solely responsible, without

limitation, for arranging for, and paying the premium costs of, his elective disability income insurance coverage, if any, health insurance coverage, accident insurance, life insurance, workers' compensation insurance (if applicable), and general liability insurance. Authority and County shall provide no such coverage or benefit, or any other coverage or benefit not expressly provided for herein.

**4. GENERAL PROVISIONS.**

**4.1 Full Force and Effect; Conflict.** Except as amended by this Amendment, the Agreement as modified by the First Amendment and herein remains in full force and effect and is hereby ratified by the Authority and Consultant. In the event of any conflict between the Agreement and this Amendment, the terms and conditions of this Amendment shall control.

**4.2 Capitalized Terms.** Capitalized terms not defined herein shall have the same meaning as set forth in the Agreement.

**4.3 Governing Law.** This Amendment shall be governed by and construed in accordance with the laws of the State of California without reference to its conflict of laws principles.

**4.4 Attorneys' Fees.** In the event of litigation arising out of or in connection with this Amendment, the prevailing party shall be awarded reasonable attorneys' fees, costs and expenses in accordance with Section 16 of the Agreement.

**4.5 Successors and Assigns.** This Amendment shall, subject to the terms and conditions of the Agreement, be binding upon and inure to the benefit of the parties hereto and their heirs, personal representatives, successors and assigns.

**4.6 Entire Agreement.** The Agreement, as amended by this Amendment, contains the entire agreement of the Authority and Consultant with respect to the subject matter hereof, and may not be amended or modified except by an instrument executed in writing by the Authority and Consultant.

**4.7 Counterparts.** This Amendment may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

**4.8 Facsimile/Digital/PDF Signatures.** This Amendment may be executed by facsimile, digital, and/or .pdf signatures which shall be binding as originals on the parties hereto.

**IN WITNESS WHEREOF,** the Authority and Consultant have caused this Third Amendment to be executed as of the Amendment Date.

**AUTHORITY:**

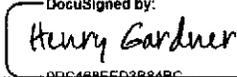
OAKLAND ALAMEDA COUNTY COLISEUM AUTHORITY

ATTEST:

By: \_\_\_\_\_  
Name: Nate Miley  
Title: Chair

Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CONSULTANT:**

DocuSigned by:  
  
\_\_\_\_\_  
00C468FE038849C...  
Henry L. Gardner

APPROVED AS TO FORM AND LEGALITY:  
BARBARA PARKER, CITY ATTORNEY

By: Jamilah Jefferson  
Jamilah Jefferson, Supervising Deputy City Attorney

APPROVED AS TO FORM:  
DONNA R. ZIEGLER, COUNTY COUNSEL

By: Andrea L. Weddle  
Andrea L. Weddle, Chief Assistant