



Benjamin T. Reyes II
Principal

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Practice Groups

Municipal and Special District Law

Public Contracts and Construction

Public Power and Telecommunications

Redevelopment, Real Estate and
Affordable Housing

Education Law

California Bar Number

165380

Education

University of San Francisco School of Law,
JD, 1992

University of California at Berkeley, BA
Political Science, with honors, 1987

Practicing Since: 1993

Benjamin T. Reyes II counsels the firm's clients in the areas of municipal and public agency law, energy, construction, procurement and elections. He is the City Attorney for Pinole and Union City and serves as District Counsel for the Stege Sanitary District and the Rodeo-Hercules Fire Protection District. Ben chairs the firm's Public Contracts and Construction Practice Group, and manages the firm's redevelopment and public finance attorneys.

A general counsel and city attorney, Ben has nearly two decades of experience working with public agencies throughout the state on a breadth of legal issues. He has prepared legislation for governing bodies in areas of community preservation, land use and revenue. Ben regularly teaches seminars on the Ralph M. Brown Act (local agency open meeting law), ethics, conflicts of interest and the political reform act. He has taught several courses to public agency officials seeking to comply with AB 1234. He has significant experience in elections and has prepared several ballot measures for local sales and transactions taxes and utility users taxes.

Ben has subject matter expertise in public contract and procurement law and has litigated several cases involving major public works projects. He is well versed in local agency competitive bidding, design-build projects, bid protests, contractor prequalification and claims resolution.

He has written and revised contract specifications for several public agency clients. Ben represents public agency clients in high-technology, software and information system procurement projects. Ben also serves as special counsel for several public agencies seeking to build traditional and renewable energy projects, particularly, solar system projects.

Prior to joining Meyers Nave, Ben served as General Counsel and Secretary of Utility.com, a former Internet-based energy and utility service provider. There, he helped to raise over \$22 million in capital investments and formed an

international subsidiary based in Europe. Ben also managed the regulatory affairs of the company's energy, telecommunication and broadband services in 45 states. As the chief legal officer, Ben directed all legal activity and corporate transactions of the company and managed outside counsel on various projects.

Prior to Utility.com, Ben served as an attorney for the East Bay Municipal Utility District (EBMUD) where he represented the District on a wide variety of construction disputes and rate challenges. At EBMUD, Ben represented and advised the Department of Engineering, the Purchasing Department, Special District One (the waste water treatment plant at the Bay Bridge), and the legislative affairs unit. Ben also managed outside counsel in litigation involving rate challenges and construction claims.

Ben started his career in public agency law as a Deputy City Attorney for the City of San Jose where he litigated matters involving code enforcement and represented the City's Police and Public Works Departments in major tort and contract claims. Ben also worked for an Oakland based insurance defense firm where he represented several public agencies in civil litigation matters.

Published Decisions

- *Utility Cost Management v. EBMUD* (2000) 79 Cal.App.4th 1244, 94 Cal.Rptr 2d 777
- *Utility Cost Management v. Indian Wells Water District* (2001) 26 Cal.4th 1185 (Amicus)

Measures and Ordinances

- Union City Measure AA, 2010 (1/2 cent sales and transactions tax)
- Pinole Measure N, 2008 (Councilmember term limits)
- Pinole Measure S, 2006 (1/2 cent sales and transaction tax)
- Pinole Measure P, 2004 (Utility users tax)
- Pinole, Ord. 2011-02, adding Massage Establishment Ordinance
- Pinole, Ord. 2008-1, adding Community Services Commission
- Pinole, Ord. 2007-6, adding Residential Health & Safety Rental Inspections
- Pinole, Ord. 2004-16, adding Storm water Discharge Regulations
- Pinole, Ord. 2004-10, adding Community Preservation Regulations
- Union City, Ord. 756-10, adding Hazardous Materials Regulations
- Union City, Ord. 739-10, adding Tobacco Products Regulations
- Union City, Ord. 738-10, adding Regulations regarding loitering

- Union City, Ord. 735-10, adding Regulations for Distressed or Vacant Properties
- Union City, Ord. 733-10, amending Business License Tax for residential property landlords

Professional Affiliations

- Member, The State Bar of California
- Clinical Faculty, Trial Advocacy Skills, Stanford Law School
- Clinical Faculty, Intensive Advocacy Program, University of San Francisco School of Law
- Lecturer, Construction Law for California Public Entities, Open Meeting and Conflict of Interest Laws, Lorman Education Services
- Lecturer, workshops on public works and competitive bidding; the Brown Act; Public Records Act and Conflict of Interest Law, California Special Districts Association
- Member, League of California Cities
- Member and former Vice President, Filipino Bar Association of Northern California
- Member, Asian American Bar Association of the Greater Bay Area
- Member, Board of Directors, Oakland Metropolitan Chamber of Commerce (2003-2006)
- Former President, Member of Board of Directors, Alameda Free Library Foundation
- Judge, McCullum Youth Court Project
- Member, Board of Directors, California Alumni Association, 1996-1999
- Member, Executive Council, Boy Scouts of America, Alameda Council
- Eagle Scout, Boy Scouts of America, Troop 61, Alameda Council
- United States Army Reserves, 1983-1986 (Distinguished Military Graduate, UC Berkeley)

Presentations and Publications

- Speaker, “Procurement and Public Works Laws in California,” 2003-2010
- Speaker, “What You Need to Know About Public Records and Open Meetings,” 2009
- Speaker, “AB 1234 Training for Local Government Agency Officials,” 2006-2010
- Speaker, “What You Need to Know About Public Records and Open Meetings in California,” 2003-2009
- Chapter Chair, Chapter 7, “Public Contracts,” *Municipal Law Handbook*, published by the League of California Cities, 2006-2007

- Speaker, “Ethical Issues in a High-Tech World,” California Special Districts Association, 2007
- Speaker, “Public Contract Code and Competitive Bidding in California,” 2004, 2005, and 2006
- Speaker, “Staying in Compliance,” Essential Updates to the Brown Act, Public Records Act and Conflict of Interest Law for CSDA, 2005
- Author, “Government Technology/Buyers Beware,” *American City & County*, 2005
- Speaker, “Interpretation of Government Contracts,” 2005
- Speaker, “Construction Contracting for Public Entities in California,” 2003, 2004
- Speaker, “Bad News for the Brown Act. Bad News for District Rate and Taxpayers,” Meyers Nave, 2004
- Speaker, “Reaching Closure – Effective Project Completion and Closeout,” 2004
- Speaker, “Competitive Bidding Rules and Prequalification Programs,” Association of California Water Agencies, 2004
- Speaker, “Construction Contracting For Public Entities: Minimizing Risk and Resolving Disputes,” California Special Districts Association, 2003