From: Chuck Savitt  
To: Alban, Xavier E., Gibbs, Domini (City Attorney), McNulty, Kerri L., Gilbert, Jane  
Date: Feb 20, 2018 at 4:00 PM  
Subject: Media coverage  
Attachment(s): 2

Check out this excellent story that just ran today in The VERGE. It does a very good job of summarizing much of what Vic and Matt presented.


Charles C. Savitt  
Sher Edling LLP  
Director of Strategic Client Relationships  
Mobile 202-236-0494

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And more background

Jane Gilbert, Chief Resilience Officer
City of Miami – Office of Resilience & Sustainability
444 SW 2nd Avenue, 10th Floor
Miami, FL 33130
(305) 416-1048
jagilbert@miamigov.com
http://www.Resilient305.com

And here is a short overview of the cases

Charles C. Savitt
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Director of Strategic Client Relationships
Mobile 202-236-0494

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I'll send a meeting invite but this is who we are meeting on Monday and whom spoke with Kerri McNulty, Xavier Alban, and Domini Gibbs in February.

Jane Gilbert, Chief Resilience Officer
Office of Resilience and Sustainability
City of Miami
444 SW 2nd Avenue, 10th Floor
Miami, FL 33130
(305)416-1048
jagilbert@miamigov.com
www.resilient305.com

“Serving, enhancing and transforming our community.”

Check out this excellent story that just ran today in The VERGE. It does a very good job of summarizing much of what Vic and Matt presented.

Hi Kristy

Can you please send Chuck Savitt a copy of the business case RFQ as well as the manager’s memo on the last agenda? Thanks so much.

Susy

MIAMIBEACH
Susanne M. Torriente
Assistant City Manager/Chief Resiliency Officer
Office of the City Manager
1700 Convention Center Drive
Miami Beach, FL 33139
305-673-7000 x6486
susv.torriente@miamibeachfl.gov

From: Chuck Savitt [mailto:chuck@sheredling.com]
Sent: Friday, February 16, 2018 2:12 PM
To: Torriente, Susanne <SusanneTorriente@miamibeachfl.gov>
Subject: good to talk

Susy, thanks for taking the time got me caught up on your work. Very exciting to know about the RF grant and the team of TA folks you have put together.

Just a reminder, please send me your RFQ and other narrative you have put together about the project, goals, outcomes expected, and methodology. I will then put you in touch with Laurie Mazur at Island Press who is running the Resilience Program with Kresge and JPB.

Best,
Chuck

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From: "Bada, Kristy" <KristyBada@miamibeachfl.gov>
Date: Wednesday, February 21, 2018 at 7:35AM
To: Chuck Savitt <chuck@sheredling.com>, susy torriente <SusanneTorriente@miamibeachfl.gov>
Subject: RE: good to talk

Mr. Savitt,

Per your request attached is the RFQ and Commission Item. If you require additional information please advise.

Thank you,

MIAMI BEACH
Kristy Bada, Contracting Officer III
Procurement Department
1755 Meridian Avenue, 3RD Floor, Miami Beach, FL 33139
Tel: 305-673-7000 Ext. 6218 / KristyBada@miamibeachfl.gov

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historic community.

From: Chuck Savitt [mailto:chuck@sheredling.com]
Sent: Tuesday, February 20, 2018 6:30 PM
To: Torriente, Susanne; Bada, Kristy
Subject: Re: good to talk

Thanks so much. We think a few other cities we are working with that are part of the RF 100 Cities network will be interested. Looking forward to reviewing.

Best,
Chuck

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Dear Xavier, Jane, Domini and Kerri,

Thank you very much for organizing the call today and for all of your time.

Here are two pdf's. The first for San Mateo County focuses on sea level rise. The second, for the City of Richmond also includes other climate related issues. Please let me know if you have any trouble opening them.

Vic, Matt and I will look forward to your questions and further discussion.

Best,

Chuck

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Good evening Mr. Savitt,

Thank you for speaking with me. Pursuant to our conversation, please provide me with the names, emails, and numbers of those from local public counsel, as well as local government counsel, who will be participating in the conference call. As for the City of Miami, attorneys Domini Gibbs, Kerri McNulty, and Xavier Albán will be attending, in addition to Jane Gilbert, from our Sustainability and Resilience Department.

Thank you most kindly,

Jessica Del Oro, Legal Assistant

Assistant to: Deanna D. Gross Rasco, Assistant City Attorney
Xavier E. Albán, Assistant City Attorney

City of Miami Office of the City Attorney
Telephone: 305-416-1894
Facsimile: 305-416-1801
Email: jmdeloro@miamigov.com

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From: Chuck Savitt
To: JaGilbert@miamigov.com
Date: Apr 19, 2018 at 4:33 PM
Subject: FW: good to talk

Dear Jane,

Here is the material for the specs on the Miami Beach engineering panel.

I was wrong, you were right. The RF 100 Cities grant went through ULI.

Thanks again for putting together the meeting on Monday.

Best,
Chuck

Charles C. Savitt
Director of Strategic Client Relationships
SHER EDLING LLP
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From: "Bada, Kristy" <KristyBada@miamibeachfl.gov>
Date: Wednesday, February 21, 2018 at 7:35 AM
To: Chuck Savitt <chuck@sheredling.com>, susy torriente <SusanneTorriente@miamibeachfl.gov>
Subject: RE: good to talk

Mr. Savitt,

Per your request attached is the RFQ and Commission Item. If you require additional information please advise.

Thank you,
From: Alban, Xavier E.
To: McNulty, Kerri L., Gibbs, Domini (City Attorney), Gilbert, Jane, Vic Sher, Matt Edling, 'chuck@sheredling.com'
CC: Del Oro Jessica, Illescas Yolanda, Bailey Deborah A, Trish Gomez
Date: Jan 25, 2018 at 5:58 PM
Subject: Conference Call - Re: California Big Oil

Those calling in from Sher Edling, LLP, please dial 305-416-1516 and the meeting number is #1847. This number is only valid for this meeting's date/time. If this meeting is rescheduled, I will update with a new call-in number. Thank you.
While we're exchanging emails... See the attached article. Something for us to consider in the upcoming Miami Forever bonds. And given your network among the resiliency officers throughout FL, I believe it's something we should discuss more broadly.

---Original Message-----
From: Gilbert, Jane [mailto:JaGilbert@miamigov.com]
Sent: Wednesday, January 10, 2018 8:18AM
To: Sergio Masvidal <MASVIDALG@pfm.com>
Subject: FW: NYTimes.com: NYC Taking Steps to Divest Pension Funds of Fossil Fuels

Sharing this as motivation to continue with your analysis. ;)

---Original Message-----
From: Jane Gilbert [mailto:outlook_8BA655A736D8FADCF@outlook.com] On Behalf Of Jane Gilbert
Sent: Wednesday, January 10, 2018 7:45 AM
To: Gilbert, Jane <JaGilbert@miamigov.com>
Subject: NYTimes.com: NYC Taking Steps to Divest Pension Funds of Fossil Fuels

From The New York Times:
NYC Taking Steps to Divest Pension Funds of Fossil Fuels

New York City officials are citing climate change as their motivation to join a growing number of investors ridding themselves of financial interest in fossil fuels.

https://urldefense.proofpoint.com/v2/url?u=https-3A_www.nytimes.com_aponline_2018_01_10_us_ap-2Dus-2Dfossil-2Dfuel-2Ddivestment.html&d=DwlFAg&c=gojoMo4NXMhtb6Fdj30QhCw&n=3hPZccOHPljRXbyWtOe9kqs7_OvrthB4oaL4Rde2O&m=1VPuh60rF3yFxRxLhakkIbZnXbVRwLPU5itsmg_nr&f=0FDtqnasOzd4h1-b-tqAh7h3fXhOho926gkluJlI&e=

Sent from my iPhone
How an oil company would turn bond offering documents against California governments

By Keeley Webster
Published January 09 2018, 5:32pm EST

More in Lawsuits, Disclosures, San Francisco City & County, City of Oakland, CA, California, Texas

LOS ANGELES — ExxonMobil is citing California local governments’ bond documents as it tries to turn the table on lawsuits the communities filed against the energy giant.

ExxonMobil filed a countersuit Tuesday afternoon in the district court of Tarrant County, Texas to defend against climate change lawsuits brought by the California governments.

In the countersuit, the oil company’s attorneys alleged that contradictions between the municipalities’ bond documents and their lawsuits against oil companies could equal securities fraud.

If what the cities and counties allege in the lawsuits is true, they have committed securities fraud for failure to disclose, ExxonMobil argues. Conversely, the argument goes, if the language in the bond documents was true, then the lawsuits against the oil companies are frivolous.
ExxonMobil filed a countersuit in Texas against California local governments. Bloomberg News

“In those lawsuits, each of the municipalities warned that imminent sea level rise presented a substantial threat to its jurisdiction and laid blame for this purported injury at the feet of energy companies,” according to ExxonMobil’s lawsuit. “Notwithstanding their claims of imminent, allegedly near-certain harm, none of the municipalities disclosed to investors such risk in their respective bond offerings, which collectively net over $8 billion for these local governments over the last 27 years.”

The countersuit “is an outrageous abuse of the legal process that seeks to limit the ability of law enforcement and local government to protect their residents,” said John Cote, a spokesman for San Francisco City Attorney Dennis Herrera.

“It is an attempted end-run around the California courts that have jurisdiction in this matter,” Cote said.

San Francisco and Oakland filed lawsuits in state superior courts in San Francisco and Alameda counties Sept. 20 seeking billions of dollars in damages to pay for infrastructure to
protect coastal cities from potential damages caused by rising sea levels. The city and the county of Santa Cruz, San Mateo County, the city of Imperial Beach and Marin County were also named in ExxonMobil’s lawsuit.

Scientists have linked rising sea levels and warming global temperatures to the burning of fossil fuels.

An excerpt from an San Francisco bond document cited in the countersuit says the city is "unable to predict” when natural events such as sea rise or other impact of climate change such as flooding may occur or “whether they will have a material adverse effect on the business operations or financial condition of the city or the local economy.”

In the lawsuit brought by the cities, attorneys argue that San Francisco’s plans to fortify the seawall will cost upward of $500 million for short-term upgrades.

Cote noted that bond documents for San Francisco’s October 2017 sale do cite climate change and rising sea levels as a risk factor. The bond documents estimate that up to $62 billion in assets including roads, schools, hospitals would be at risk from a 100-year flood.

The governments’ lawsuits argue that the companies knew or should have known about the potential impacts of burning fossil fuels, but instead have made efforts to discredit the science behind global warming.

ExxonMobil denies the allegations in the countersuit noting that they signed the Paris Agreement of 2015 that outlines efforts to mitigate greenhouse gas emissions, but the company’s attorneys also argue that the city’s lawsuits are efforts “to coerce ExxonMobil and others operating in the Texas energy sector to adopt policies aligned with those favored by local politicians in California.”

The cities and counties have filed suit against Exxon and 17 other energy companies.

"This does appear to be a novel type of claim in terms of municipal disclosure,” said Lisa Quateman, a managing partner with law firm Polsinelli. "The [local governments] should include people on the counsel team who are familiar with the municipal market, because of the nature of the claims."
The case underscores the need for municipalities to focus very clearly on the consistency in their public statements, said a bond counsel attorney, who declined to be named.

An argument could be made, however, that statements made in litigation are privileged, while the statements in bond documents are considered public statements, according to the attorney.

There could also be a timing issue between when statements were made in bond documents relative to the evolution of comprehension around the impacts of global warming, the attorney said.

The trend among bond counsel now is to establish working groups to make sure the bond documents don’t contain material misstatements.

Assuming the claims by Exxon’s attorneys are true, there might have been a disconnect between the person who came up with the statistics for the lawsuit and the group that worked on the bond documents, the attorney said.
I just wrapped up my internal call on this. I think we have a good concept in place, and will be ready to share analysis with the City at the regularly scheduled February investments meeting.
Do you have some time late today or this afternoon to chat?

-----Original Message-----
From: Gilbert, Jane [mailto:JaGilbert@miamigov.com]
Sent: Wednesday, January 10, 2018 2:20 PM
To: Sergio Masvidal <MASVIDALS@pfm.com>
Subject: RE: NYTimes.com: NYC Taking Steps to Divest Pension Funds of Fossil Fuels

Cool thx.

-----Original Message-----
From: Sergio Masvidal [mailto:MASVIDALS@pfm.com]
Sent: Wednesday, January 10, 2018 8:24 AM
To: Gilbert, Jane <JaGilbert@miamigov.com>
Subject: RE: NYTimes.com: NYC Taking Steps to Divest Pension Funds of Fossil Fuels

Hal! Thanks, Jane. No extra motivation needed... I'm fully vested and working on our end. The hold up, if you want to call it that, is that we want to come back with a detailed strategy. For example, it's straightforward to say we're not investing in [insert big oil company], but there's a potentially even more granular level of not investing in the company that makes the drill bits that are used for oil exploration... I have a call with one of my partners in California today to discuss how we can better refine this (she manages investments for many CA municipalities that have also expressed interest).
Stay tuned - will come back soon.
Sergio

-----Original Message-----
From: Gilbert, Jane [mailto:JaGilbert@miamigov.com]
Sent: Wednesday, January 10, 2018 8:18 AM
To: Sergio Masvidal <MASVIDALS@pfm.com>
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Sharing this as motivation to continue with your analysis. ;)

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Sent: Wednesday, January 10, 2018 7:45 AM
To: Gilbert, Jane <JaGilbert@miamigov.com>
Subject: NYTimes.com: NYC Taking Steps to Divest Pension Funds of Fossil Fuels

From The New York Times:

NYC Taking Steps to Divest Pension Funds of Fossil Fuels

New York City officials are citing climate change as their motivation to join a growing number of investors ridding themselves of financial interest in fossil fuels.

https://urldefense.proofpoint.com/v2/url?u=https-3A_www.nytimes.com_aponline_2018_01_10_us_ap-2Dus-2Dfossil-2Dfuel-2Ddivestment.html&d=DwIFAg&c=gjoMo4NXmHlW6iFdj3Q8Cw&r=3hPZccOHPtiRHxYYWroe9qgs7_OwWfB45a-L4R0e20&m=1VPuHs0PfYvFpxLLhalkchHbtZnBvRWPUS9mg__sr4&s=fOFDtginaOkZDr4h1b-tqAi7h3KX6Hofo9Z6qkuKjTQ&e=
Sorry, this is for the business case.

Charles C. Savitt
Director of Strategic Client Relationships

SHER EDLING LLP
100 Montgomery St., Ste. 1410
San Francisco CA 94104
(202) 236-0494 | sheredling.com

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From: Chuck Savitt <chuck@sheredling.com>
Date: Thursday, April 19, 2018 at 4:29 PM
To: "JaGilbert@miamigov.com" <JaGilbert@miamigov.com>
Subject: FW: good to talk

Dear Jane,

Here is the material for the specs on the Miami Beach engineering panel.

I was wrong, you were right. The RF 100 Cities grant went through ULI.

Thanks again for putting together the meeting on Monday.

Best,

Chuck

Charles C. Savitt
Director of Strategic Client Relationships

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Mr. Savitt,

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Thank you,

MIAMI BEACH
Kristy Bada, Contracting Officer III
Procurement Department
1755 Meridian Avenue, 3RD Floor, Miami Beach, FL 33139
Tel: 305-673-7000 Ext. 6218 / KristyBada@miamibeachfl.gov

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From: Chuck Savitt [mailto:chuck@sheredling.com]
Sent: Tuesday, February 20, 2018 6:30 PM
To: Torriente, Susanne; Bada, Kristy
Subject: Re: good to talk

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Best,
Chuck

Charles C. Savitt
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From: Chuck Savitt
To: Gilbert, Jane
Date: Apr 11, 2018 at 5:02 PM
Subject: Re: interesting article

Sorry. See u next week

Sent from my iPhone

Charles C. Savitt
Director of Strategic Client Relationships

SHER EDLING LLP
100 Montgomery St., Ste. 1410
San Francisco CA 94104
(202) 236-0494 | sheredling.com

On Apr 11, 2018, at 4:32 PM, Gilbert, Jane <JaGilbert@miamigov.com> wrote:

Thx but I think you already sent this.

Get Outlook for iOS

From: Chuck Savitt <chuck@sheredling.com>
Sent: Wednesday, April 11, 2018 1:33:27 PM
To: Gilbert, Jane
Subject: interesting article

HI Jane,


Best,
Chuck

Charles C. Savitt
Director of Strategic Client Relationships

SHER EDLING LLP
100 Montgomery St., Ste. 1410
San Francisco CA 94104
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Hi Kristy

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Susy

MIAMI BEACH
Susanne M. Torriente
Assistant City Manager/Chief Resiliency Officer
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305-673-7000 x6486
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Susy, thanks for taking the time got me caught up on your work. Very exciting to know about the RF grant and the team of TA folks you have put together.

Just a reminder, please send me your RFO and other narrative you have put together about the project, goals, outcomes expected, and methodology. I will then put you in touch with Laurie Mazur at Island Press who is running the Resilience Program with Kresge and JPB.

Best,
Chuck

Charles C. Savitt
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Mobile 202-235-0494

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Hi Chuck,

I am Cc'ing Kerri and Domini. Thank you for your time and we look forward to reviewing the materials.

Xavier E. Albán
Assistant City Attorney

City of Miami Office of the City Attorney
Telephone: 305-416-1830
Facsimile: 305-400-5033
xealban@miamigov.com
PublicRecords@miamigov.com
Assistant: Jessica Del Oro (305) 416-1894

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Hi Jessica,

We just finished our call with your team and I need to send pdfs of two of our cases to everyone on the call. I only have Xavier and Jane's email addresses. Can you please send me the others?

Thank you.

Best,

Chuck

Charles C. Savitt
Sher Edling LLP
Director of Strategic Client Relationships
Mobile 202-236-0494

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Good evening Mr. Savitt,

Thank you for speaking with me. Pursuant to our conversation, please provide me with the names, emails, and numbers of those from local public counsel, as well as local government counsel, who will be participating in the conference call. As for the City of Miami, attorneys Domini Gibbs, Kerri McNulty, and Xavier Alban will be attending, in addition to Jane Gilbert, from our Sustainability and Resilience Department.

Thank you most kindly,

Jessica Del Oro, Legal Assistant
Assistant to: Deanna D. Gross Rasco, Assistant City Attorney
Xavier E. Alban, Assistant City Attorney

City of Miami Office of the City Attorney
Telephone: 305-416-1894