



**COUNTY OF SAN MATEO**  
Inter-Departmental Correspondence  
County Counsel



**Date:** May 31, 2013  
**Board Meeting Date:** July 9, 2013  
**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** John C. Beiers, County Counsel

**Subject:** Second Amendment to Agreement with Keker & Van Nest LLP

**RECOMMENDATION:**

Adopt a Resolution authorizing an Amendment to the Agreement with Keker & Van Nest, LLP, increasing the amount by \$100,000 to an amount not to exceed \$200,000.

**BACKGROUND:**

As a component of the FY 2011-12 Recommended Budget, the Public Administrator's program was transferred from the District Attorney's Office to the Health System. After the transfer, it came to light that two former Deputy Public Administrators improperly administered estates that they were assigned to process through the probate court. State and Federal authorities initiated investigations of the matter and eventually pursued prosecution of these two former Deputy Public Administrators. Given the scope of matters raised in this case, and the extensive interfacing with state and federal authorities, the County Counsel, County Manager, and the Chief of the Health System determined that Keker & Van Nest, LLP should assist in facilitating, expediting, and coordinating with these agencies. Keker & Van Nest, LLP has, among things, assisted the County in responding to investigative requests from federal agencies while minimizing disruptions of Public Administrator operations.

**DISCUSSION:**

Pursuant to Section 2.14.040 of the San Mateo County Ordinance Code, the County Counsel entered into an Agreement with the Keker & Van Nest, LLP in an amount not to exceed \$100,000. The investigation and prosecution of the former Deputy Public Administrators is ongoing and expected to take several more months to complete, and there continues to be a need for the services of Keker & Van Nest law firm. Therefore, we recommend that the agreement with this firm be amended to increase the maximum amount payable by \$100,000 to \$200,000. The contractor has assured compliance with the County's Contractor Employee Jury Service Ordinance, as well as all other contract provisions that are required by County ordinance and administrative memoranda,

including but not limited to insurance, hold harmless, non-discrimination and equal benefits.

**FISCAL IMPACT:**

Funds for this agreement are included in the Adopted FY 2012-13 Budget and the proposed FY 2013-2014 Budget.