



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Counsel



Date: June 11, 2014
Board Meeting Date: July 15, 2014
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: John C. Beiers, County Counsel

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

RECOMMENDATION:

Adopt a Resolution authorizing an amendment to the agreement with Keker & Van Nest, LLP, extending the term through September 30, 2014 and increasing amount by \$50,000 to \$250,000.

BACKGROUND:

As a component of the FY 2011-12 Recommended Budget, the County's Public Administrator program was transferred from the District Attorney's Office to the Health System. After the transfer, California and federal authorities initiated investigations of two former Deputy Public Administrators, Peter Wong and Mandy Yagi, regarding administration of estates assigned to them. The United States Attorney eventually pursued prosecution of Mr. Wong and Ms. Yagi.

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. Thus, pursuant to Section 2.14.040 of the San Mateo County Ordinance Code, the County Counsel entered into an Agreement with Keker & Van Nest, LLP (the "Agreement") in an amount not to exceed \$100,000. The Agreement covered the term of April 1, 2012 through March 31, 2014.

On or about July 9, 2013, the Board authorized a First Amendment to the Agreement, increasing the maximum amount payable under the Agreement by \$100,000, to \$200,000.

On November 22, 2013, Mr. Wong was convicted in federal court of three counts of theft concerning a federally-funded program, and he was subsequently sentenced to serve 33 months in prison.

Certain matters, including the County's claim for restitution from Mr. Wong, have yet to be decided by the Court.

DISCUSSION:

The Agreement expired on March 31, 2014. However, as noted, certain matters related to this case remain open and there continues to be a need for contractor's services.

Keker & Van Nest, LLP 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.

Amending the Agreement will contribute to the Shared Vision 2025 outcome of collaborative community by helping the County bring to a successful close its role in the prosecution of crimes that have affected estates of our residents.

FISCAL IMPACT:

Funds for this Agreement are included in the Adopted FY 2013-14 and FY 2014-2015 Budgets.