



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Counsel's Office



DATE: November 19, 2015
BOARD MEETING DATE: December 8, 2015
SPECIAL NOTICE/HEARING: No
VOTE REQUIRED: Yes

TO: Honorable Members of the Board of Supervisors
FROM: John C. Beiers, County Counsel
SUBJECT: Contract with Kerr & Wagstaffe, LLP for services related to the *Stillpath Retreat Center v. County of San Mateo* case

RECOMMENDATION:

Adopt a resolution authorizing an agreement between the County of San Mateo and Kerr & Wagstaffe, LLP to assist the County Counsel's Office in representing the County in the *Stillpath Retreat Center v. County of San Mateo* case in an amount not to exceed \$600,000.

BACKGROUND:

On July 20, 2015 the County was served with a federal lawsuit, *Stillpath Retreat Center LLC (Stillpath), v County of San Mateo*, No. 15-1386. In the lawsuit, Stillpath alleges that the County violated state and federal law when it denied a conditional use permit amendment in March 2014. This month, American Addiction Center, Inc. (AAC) joined the lawsuit as an additional plaintiff. AAC alleges that it contracted with Stillpath in reliance on Stillpath's obtaining the conditional use permit amendment and asserts similar violations of state and federal law. Collectively, the plaintiffs are seeking substantial damages. Plaintiffs are also represented by two separate law firms.

DISCUSSION:

Pursuant to Section 2.14.040 of the San Mateo County Ordinance Code, the County Counsel's Office entered into an agreement with Kerr & Wagstaffe, LLP to provide the County Counsel's Office and the County assistance with this case, which is unusually complex. Kerr & Wagstaffe was chosen because of its experience in the legal area and prior experience representing the County. It has also offered the County favorable rates. The amount of services rendered to date have now exceeded the contracting authority of the County Counsel's Office.

FISCAL IMPACT:

This is a Risk Management case. Fees incurred will be paid from the Risk Management trust fund.