



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** HUMAN RESOURCES

**File #:** 16-386

Board Meeting Date: 7/11/2017

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**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors

**From:** Donna Vaillancourt, Human Resources Director  
Kathryn Meola, Chief Deputy County Counsel

**Subject:** Amendment to Contract with Liebert Cassidy Whitmore, a Professional Corporation for services related to Robert Fine v County of San Mateo, Case No. 16CIV02994

### **RECOMMENDATION:**

Adopt a resolution authorizing the execution of an amendment to the agreement between the County of San Mateo and Liebert Cassidy Whitmore, a Professional Corporation, to continue to represent the County in the matter of Robert Fine v County of San Mateo, Case No. 16CIV02994 in an amount not to exceed \$300,000.

### **BACKGROUND:**

On December 29, 2016 the County was served with a superior court lawsuit, Robert Fine ("Fine") v County of San Mateo, Case No. 16CIV02994. In the lawsuit, Fine alleges causes of action against the County for discrimination and harassment, retaliation and intentional infliction of emotional distress.

### **DISCUSSION:**

Pursuant to Section 2.14.040 of the San Mateo County Ordinance Code, the County entered into an agreement with Liebert Cassidy Whitmore, to represent the County in this case. Liebert Cassidy Whitmore was chosen because of its experience and specialization in the area of public agency employment law defense as well as their reasonable rates. It has also offered the County favorable rates. The amount of services rendered to date have exceeded the limit specified in the original contract and will soon exceed the amount requiring Board approval. The proposed amendment will also add an attachment to Liebert Cassidy Whitmore's standard agreement to include some of the County's standard terms.

### **FISCAL IMPACT:**

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