

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

August 24, 1993

To: Board of Directors (Legal and Claims Committee--Action)
(Organization and Personnel Committee--Action)

From: General Counsel

Subject: Amendment of Contract with Liebert, Cassidy & Frierson
Re Employee Disciplinary Matters

Report

At its July meeting, your Board authorized the General Counsel to retain the firm of Liebert, Cassidy & Frierson (Liebert, Cassidy) to assist the General Counsel on employee disciplinary hearings and associated matters. It was necessary to retain Liebert, Cassidy because an unusually high number of disciplinary matters were pending, and because two members of the legal staff, including the attorney who normally handles personnel matters, were on maternity leave. This created a staffing problem, which still exists.

Moreover, a number of the pending disciplinary matters have become more complicated than anticipated for a variety of reasons, a dispositive motion has been scheduled in pending litigation (Denman v. MWD) and further potentially significant disciplinary actions are contemplated. For all of these reasons, it is probable that Liebert, Cassidy will provide more services to Metropolitan than originally contemplated, and that it will be necessary to increase the current \$50,000 maximum on the contract with that firm.

It is difficult to determine the amount of work that will be required in the pending administrative and judicial actions or in the additional actions presently being considered. However, the work contemplated under the contract is likely to be substantial. Therefore, it is recommended that the contract with Liebert, Cassidy be amended to revise the maximum payable under the contract to \$150,000.

Board Committee Assignments

This letter is referred for action to:

The Legal and Claims Committee because of its authority to study advise, and make recommendations with regard to the selection of special counsel and the determination of the scope of their assignments, pursuant to Administrative Code section 2461(e); and

The Organization and Personnel Committee because of its authority to study, advise, and make recommendations with regard to the terms and conditions of employment of special counsel, pursuant to Administrative Code section 2471(g).

Recommendation

LEGAL AND CLAIMS AND ORGANIZATION AND PERSONNEL COMMITTEES FOR ACTION.

It is recommended that the General Counsel be authorized to amend the existing contract with Liebert, Cassidy & Frierson, dated July 14, 1993, providing for assistance to the General Counsel on disciplinary appeal hearings and associated matters, to increase the maximum amount payable under the contract to \$150,000.


N. Gregory Taylor