

MEMORANDUM

TO: Board of Trustees

THROUGH: Mike Bandelin
Interim General Manager

FROM: Susan Herron
Director of Administrative Services

SUBJECT: Approve a final payment in the amount of \$7,200 to Erickson, Thorpe and Swainston, LLC. for legal services in *Smith v. IVGID*

DATE: September 13, 2023

I. RECOMMENDATION

That the Board of Trustees approve a final payment to Erickson, Thorpe and Swainston, LLC in settlement for their work conducted in *Smith v. IVGID*.

II. BACKGROUND

There was an outstanding amount owed, pending negotiation, to Erickson, Thorpe and Swainston LLC for services in *Smith v. IVGID*. After the departure of the former District General Manager, counsel reached out and asked for a settlement meeting; Chairman Dent authorized engaging in this meeting. Acting District General Manager Mike Bandelin and Director of Administrative Services Susan Herron met with counsel and negotiated a final payment for services rendered. The amount claimed was \$10,277.60 and the settlement amount has been lowered to \$7,200.00. If approved by the Board, this will be paid conditioned on an acknowledgement that no further payment will be provided as outlined below in Section VI.

III. BID RESULTS

Not applicable.

IV. FINANCIAL IMPACT AND BUDGET

These funds will come out of the General Fund.

V. ALTERNATIVES

Decline this request and ETS has indicated it will move forward with arbitration to recover amounts it believes it is owed.

Approve a final payment in -2- September 13, 2023
the amount of \$7,200 to Erickson,
Thorpe and Swainston, LLC. for legal services in *Smith v. IVGID*

VI. COMMENTS

If this payment is approved, a full release of all future claims, including a release from future litigation, will be prepared and executed by both parties.

VII. BUSINESS IMPACT/BENEFIT

This item is not applicable to a business impact statement.

VIII. ATTACHMENTS

None

IX. DECISION POINTS NEEDED FROM THE BOARD OF TRUSTEES

An approval, by the Board of Trustees, is needed in order to make this payment.