

**CITY OF SAN RAFAEL
City Attorney's Office**

INTERDEPARTMENTAL MEMORANDUM

DATE: October 13, 2020

TO: Jim Schutz, City Manager

FROM: Robert F. Epstein City Attorney

RE: Threat of Litigation re Employee Claim for Back Pay for City Employee Elected as Member of Board of Marin County Employees Retirement Association (MCERA)

Today I spoke by telephone with attorney Gregg Adam about the claim for back pay he submitted on May 14, 2020 on behalf of his client, San Rafael Fire Captain Chris Cooper. Captain Cooper has been on the board of MCERA for several years and claims that he has not been fully compensated for the time he has spent performing his official MCERA duties.

City representatives have been in discussions with Mr. Adam for several months but have been unable to reach an agreement as to how much, if any, additional compensation is owing to Captain Cooper. Mr. Adam confirmed to me that should his client and the City fail to come to an agreement as to compensation payable to Captain Cooper for his past MCERA work, his intention is to file a lawsuit against the City on his client's behalf.