

# San Bernardino County settles suit with former top exec for \$650,000

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The San Bernardino County Board of Supervisors agreed Tuesday to pay \$650,000 to former County Administrative Officer Mark Uffer to settle his \$15 million wrongful-termination lawsuit.

The settlement was approved on a 3-2 vote after a closed-session discussion, said county spokesman David Wert. The settlement was recommended by the county's legal counsel.

Supervisors Josie Gonzales, Gary Ovitt and Janice Rutherford voted yes, while supervisors Neil Derry and Brad Mitzelfelt opposed the settlement, Wert said.

Uffer was fired in 2009. The county terminated Uffer without cause after the Board of Supervisors said it wished to "go in a different direction" with the top administrative post, Wert said.

Uffer challenged the county's official explanation for his termination when he sued the county in 2010. He alleged he was fired for acting as a whistleblower and for cooperating with state and local

prosecutors in an ongoing corruption probe.

Derry blasted the settlement on Tuesday, saying that Uffer mismanaged the county's budget and already had received a generous severance package, a lump sum of one-year's pay that which also sweetened his annual pension.

"The apparent lesson for all San Bernardino County employees to learn from this is even if you are an at-will employee and are terminated, go ahead and sue us because we are going to give you a lot of taxpayer dollars," Derry said in a statement.

After Uffer's departure, the board discovered that the county was in worse financial shape than it was previously led to believe by Uffer, according to Derry.

"After his departure it was learned that the county faced an ongoing structural deficit in excess of \$100 million over the next five years," Derry's statement said.

Derry said he believes there was no reason to settle Uffer's case. He said he believed the county would have prevailed in court.

Said Mitzelfelt: "I opposed the settlement agreement with Mr. Uffer because I believe his lawsuit was frivolous."

Uffer contended his firing was retaliation for providing authorities with information related to the county's \$102 million legal settlement in 2006 with Rancho Cucamonga-based Colonies Partners LP.

The District Attorney's Office alleges the settlement was tainted by

bribery and blackmail. Four major figures associated with the case have been indicted.

They include former county Supervisor Paul Biane, the former chief of staff to Supervisor Gary Ovitt, Colonies co-managing partner Jeff Burum, and a former county official who prosecutors allege served as an agent for Burum.

The county rejected Uffer's initial claim seeking \$15 million. His later settlement request of \$3.5 million was also turned down the county.

Uffer said Tuesday that while he believes he would have won if his case had gone to trial, "I appreciate that the county has agreed to a settlement."

"The mutual offer to mediate and settle this case offered an opportunity to resolve a painful issue for both sides," Uffer said. "I hope that everyone involved can move on and work toward the public good."

A Tuesday news release describing the county's position said the Board of Supervisors agreed to settle with Uffer to avoid excessive trial costs. The trial would have cost the county an additional sum of least \$400,000, the release said.

"The county had no problem with this case going to trial other than the cost," Wert said.

The county didn't agree to a settlement to avoid potential revelations by Uffer or other witnesses in the Colonies case, Wert said.

**"It's not a concern for the county, and it's not a concern for the county's legal team," Wert said.**

**A mediator, retired San Bernardino County Superior Court Presiding Judge John W. Kennedy Jr., endorsed the settlement as reasonable and fair to both sides, according to the county news release.**

**Uffer's attorney, Sandy Kassel, said Uffer's aim in suing the county was to share the truth with the public.**

**"As much as people accused Mr. Uffer of seeking huge damages, this case was more about opening the books on the behavior of certain elected officials and their staff and less about winning huge awards," Kassel said.**

**Concern about millions in legal in costs hasn't led to a settlement in the county's lawsuit against Upland, San Bernardino Associated Governments and Caltrans.**

**The county is seeking partial reimbursement from the three agencies for its settlement with Colonies.**

**That case differs from Uffer's case, said Wert, in that the county has sought mediation with the agencies, but "only the county has been willing to sit down with a mediator," Wert said.**

**The county is willing to settle the case, Wert and Derry said.**

**Gonzales, Ovitt and Rutherford did not return calls seeking comment on the Uffer settlement.**

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