



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: County Counsel
Department No.: 013
For Agenda Of: October 18, 2022
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4⁵ths

TO: Board of Supervisors
FROM: County Counsel Rachel Van Mullem, County Counsel (805) 568-2950
Contact Info: Amber Holderness, Chief Assistant County Counsel (805) 568-2950
SUBJECT: Approve Agreement for Professional Legal Services with Outside Counsel McCune & Harber

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

County Counsel recommends that the Board of Supervisors:

- a) Approve, ratify, and authorize the Chair to execute the attached Agreement for Professional Legal Services between the County of Santa Barbara and McCune & Harber for a total not to exceed amount of \$150,000 and term ending June 30, 2024; and
- b) Determine that the above action is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15378(b)(4) and 15378(b)(5) because it consists of government administrative or fiscal activities that will not result in direct or indirect physical changes in the environment.

Summary Text:

The County is a party to litigation alleging that the County did not meet the reporting requirements of the Child Abuse and Neglect Act, which is pending in the Los Angeles Superior Court. County Counsel recommends retaining the firm McCune & Harber to represent the County in this litigation because McCune & Harber: (1) has the expertise required by this highly-specialized area of practice; (2) has offices near, and regularly practices in, the court where this litigation is pending; and (3) comes highly recommended from the County's excess insurer PRISM — formerly CSAC-EIA. The proposed contract will authorize McCune & Harber to represent the County in this one matter, within the contract's term and \$150,000 limit. The County's excess insurer, PRISM has confirmed that the costs of the County's representation by Outside Counsel in this matter will count toward satisfying the County's Self-Insured Retention (SIR).

Performance Measure: N/A

Contract Renewals and Performance Outcomes: N/A

Fiscal and Facilities Impacts:

Budgeted: Yes

Key Contract Risks:

The Office of County Counsel reviewed the Contract Risk Assessment Worksheet as part of our process.

Exhibit A of the Agreement ("Statement of Work") provides that the Board of Supervisors, acting through its County Counsel, expressly retains the authority to direct and control the course and conduct of the litigation, including the exclusive right to make decisions regarding settlement.

A Request for Proposals was not required for this selection.

Staffing Impacts: None

Special Instructions: Please forward a signed copy to Amber Holderness at aholderness@countyofsb.org.

Attachments: a) Agreement for Professional Legal Services

Authored by: Amber Holderness, Chief Assistant County Counsel

cc: Risk Management