



**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

Submitted on:
(COB Stamp)

Department Name: County Counsel
Department No.: 013
For Agenda Of: 12/17/2024
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5ths

TO: Board of Supervisors

FROM: Department Director(s): Rachel Van Mullem, County Counsel (805) 568-2950
Contact Info: Amber Holderness, Chief Assistant County Counsel (805) 568-2950

SUBJECT: Approve First Amendment to Agreement for Professional Legal Services with Outside Counsel Meyers Nave for Solid Waste Legal Services

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Public Works Department

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve and authorize the Chair to execute the attached First Amendment to Agreement for Professional Legal Services between the County of Santa Barbara and Meyers Nave to increase the total contract amount by \$850,000 for a total not to exceed amount of \$1,000,000 and to extend the contract term to June 30, 2026 for legal advice and representation related to solid waste services and contracting; 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:

The Board of Supervisors, under the provisions of Section 31000 of the California Government Code, is

empowered to contract for special legal services. County Counsel recommends the assistance of outside counsel Meyers Nave to provide legal advice on solid waste services and contracting, including as to the ReSource Center project and the litigation filed related to that project, *MSB Investors, LLC et al. v. County of Santa Barbara et al.*, U.S. District Court for the Central District of California, Case No. 2:24cv07237.

Contract Risk, Renewals and Performance Outcomes: 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.

Fiscal Analysis:

Costs in connection with the ReSource Center would be paid by the Resource Recovery and Waste Management Division of the Public Works Department.

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

Attachments:

Attachment A – First Amendment to Agreement for Professional Legal Services

Attachment B – Agreement for Professional Legal Services

Authored by: Amber Holderness, Chief Assistant County Counsel