



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 15, 2019
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5^{ths}

TO: Board of Supervisors
FROM: County Counsel Michael C. Ghizzoni (805) 568-2950
Contact Info: Martin G. McKenzie, Chief of Litigation (805) 568-2950
SUBJECT: Approve Amendment to Agreement for Professional Legal Services with Outside Counsel Andruess/Podberesky

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

- a) Approve and authorize the Chair to execute the attached Amendment to Agreement for Professional Legal Services between the County of Santa Barbara and the Andruess/Podberesky law firm, increasing the contract payment limit from \$250,000 to \$500,000; 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:

On May 1, 2018, the Board executed the attached Agreement for Professional Services between the County of Santa Barbara and the Andruess/Podberesky law firm. The primary purpose of the contract was for Andruess/Podberesky to provide needed legal advice and representation in defending against False Claims Act litigation pending in the United States District Court in Los Angeles.

Andruess/ Podberesky has been coordinating closely and effectively with County Counsel to defend against this litigation, and has had success in challenging the pleadings through early motion practice. The County's payments to Andruess/ Podberesky are approaching the contract's payment limit of \$250,000, and the need for the firm's services continues. To continue funding the needed services, County Counsel recommends increasing the contract's payment limit from \$250,000 to \$500,000. All other terms of the contract will remain as previously approved by the Board.

The County's excess insurer, CSAC-EIA, 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 Council, 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 Martin McKenzie in County Council.

Attachments: a) Agreement for Professional Legal Services [5/01/18]
b) Amendment to Agreement for Professional Legal Services [10/15/19]

Authored by: Martin McKenzie, County Counsel Chief of Litigation

cc: