



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:** April 4, 2017  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department  
Director(s): Michael C. Ghizzoni, County Counsel (805) 568-2950  
Contact Info: Rachel Van Mullem, Chief Assistant County Counsel (805) 568-2950  
**SUBJECT:** Agreement for Professional Legal Services with Outside Counsel (Nielsen, Merksamer, Parrinello, Gross & Leoni, LLP) for Consultation on Tribal Relations

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

**Recommended Actions:**

County Counsel recommends that the Board of Supervisors:

- (a) Approve and authorize the Chair to execute the attached Agreement for Professional Legal Services between the County of Santa Barbara and Nielsen, Merksamer, Parrinello, Gross & Leoni, LLP, in an amount not to exceed \$25,000; 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:**

The Board of Supervisors, under the provisions of Section 31000 of the California Government Code, is empowered to contract for special legal services and expert witnesses. Due to the specialized and complex nature of tribal law, County Counsel recommends the assistance of attorney Cathy Christian with Nielsen, Merksamer, Parrinello, Gross & Leoni, LLP, who specializes in tribal relations. Ms. Christian has extensive experience and expertise in this specialized area of practice, particularly in statewide issues, consultation on fee to trust acquisitions, environmental issues, mitigation measures, best practices, advising on negotiations, and securing judicially enforceable agreements. Legal fees are estimated not to exceed \$25,000.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Fiscal Analysis:**

The Agreement does not have any new fiscal impacts.

<b><u>Funding Sources</u></b>	<b><u>Current FY Cost:</u></b>	<b><u>Annualized On-going Cost:</u></b>	<b><u>Total One-Time Project Cost</u></b>
General Fund			
State			
Federal			
Fees			
Other:			\$ 25,000.00
Total	\$ -	\$ -	\$ 25,000.00

**Key Contract Risks:**

The contract contains a broad conflict of interest waiver due to Ms. Christian’s other existing clients. County Counsel views this Agreement as low risk because Ms. Christian with Nielsen, Merksamer, Parrinello, Gross & Leoni, LLP is highly experienced in tribal relations and has worked successfully with counties for many years about tribal relations.

**Staffing Impacts:**

**Legal Positions:**  
0

**FTEs:**  
0

**Special Instructions:**

Please execute two (2) original Agreements and retain one (1) original Agreement and one (1) Minute Order for pick up by The Office of County Counsel. Please email [smckenzie@co.santabarbara.ca.us](mailto:smckenzie@co.santabarbara.ca.us) when available for pick up.

**Attachments:**

1. Agreement with Nielsen, Merksamer, Parrinello, Gross & Leoni, LLP

**Authored by:**

Rachel Van Mullem, Chief Assistant County Counsel (805) 568-2950

**cc:**