



**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:** December 10, 2024  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** 4/5ths

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**TO:** Board of Supervisors

**FROM:** Department Director(s): Rachel Van Mullem, County Counsel (805) 569-2950  
Contact Info: Paul Lee, Deputy County Counsel (805) 569-2950

**SUBJECT:** Approve Amendment to Agreement for Professional Legal Services with Outside Counsel Rutan & Tucker, LLP

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence**

As to form: Risk Management

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- a) Approve and authorize the Chair to execute the Fourth Amendment to Agreement for Professional Legal Services between the County of Santa Barbara and Rutan & Tucker, LLP to extend the term of the Agreement to December 31, 2025 and increase the maximum contract amount by \$300,000 for a new maximum contract amount not to exceed \$1,334,000; and
- b) Determine that the above action is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 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:**

This item is on the agenda to approve of the Fourth Amendment to the Agreement for Professional Legal Services with Rutan & Tucker, LLP. The amendment will extend the contract through December 31, 2025, and increase the maximum contract amount by \$300,000. Rutan & Tucker is representing the County in the Northern Branch Jail litigation.

**Background:**

Rutan & Tucker has been coordinating with County Counsel to represent the County in complex litigation concerning the Northern Branch Jail construction. Rutan & Tucker is representing the County in litigation against the architect that designed the Northern Branch Jail. Rutan and Tucker is also representing the County in litigation against the general contractor while also defending the County in litigation initiated by the general contractor. Lastly, Rutan and Tucker is representing the County in three separate stop notice actions initiated by three subcontractors.

We anticipate that the increased pre-trial discovery, retention of experts, and arbitration will add to the costs of this litigation. Through this Fourth Amendment, County Counsel recommends increasing the maximum contract amount by \$300,000 for a new maximum contract amount of \$1,334,000 and extending the agreement through December 31, 2025.

**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 the settlement.

**Fiscal Analysis:**

Budgeted: Yes

**Special Instructions to Clerk of the Board:**

Please forward a signed copy to Paul Lee at [plee@countyofsb.org](mailto:plee@countyofsb.org)

**Attachments:**

Attachment A – Fourth Amendment to Agreement for Professional Legal Services

Attachment B – Agreement for Professional Services, Amendment No. 2, and Amendment No. 3

**Authored by:**

cc: Paul Lee, Deputy County Counsel