



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:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department  
Director(s): Michael C. Ghizzoni, County Counsel (805) 568-2950  
Contact Info: Amber Holderness, Division Chief (805) 568-2950

**SUBJECT:** Agreement for Professional Legal Services with Kingston, Martinez & Hogan, LLP

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: County Executive Office, Risk  
Management  
As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Recommended Actions:**

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 Kingston, Martinez & Hogan, LLP, for a term of October 15, 2019 to October 15, 2021 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 County Executive Office and a County Department recently asked about the legal framework for pursuing visas for the County to hire non-U.S. citizens who are highly qualified candidates for difficult to fill positions. As part of our response, County Counsel recommends retaining Kingston, Martinez & Hogan, LLP, a law firm with extensive expertise in the specialized and arcane area of immigration law. Establishing an agreement with Kingston, Martinez & Hogan does not commit the County to hiring any particular individual, but will ensure that legal services resources and expertise are readily available as may be needed from time to time on employment-related immigration issues.

The County Executive Office reports that it would recommend pursuing the hiring of non-U.S. citizens for County employment only in those instances where a rigorous recruitment is unsuccessful. Currently,

Behavioral Wellness has an open and hard to fill position for which they previously completed two unsuccessful recruitments and are considering the employment of a non-U.S. citizen.

**Fiscal and Facilities Impacts:**

Budgeted: The cost of the services will be addressed through direct billing by County Counsel to the client department's operating budget.

**Fiscal Analysis:**

The two-year contract has a not-to-exceed amount of \$25,000. The legal services contract will be overseen by County Counsel and costs will be paid by the client departments based on utilization.

**Key Contract Risks:**

County Counsel views this Agreement as low risk due to the expertise of this firm in immigration law, including with respect to employment issues.

**Staffing Impacts:**

Contracting with Outside Counsel will allow the County to obtain the specialized legal services needed in this matter without hiring additional staff attorneys.

**Special Instructions:**

Please forward two copies of the certified stamped minute order and two executed original agreements to the attention of Amber Holderness in the County Counsel Office.

**Attachments:**

- A. Agreement for Professional Legal Services

**Authored by:**

Amber Holderness, Division Chief