



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: June 25, 2024
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Rachel Van Mullem, County Counsel (805) 568-2950
Director(s)
Contact Info: Michelle Montez, Division Chief, County Counsel, (805) 568-2950

SUBJECT: Approve Agreement for Services of Contactor on Payroll for Office of County Counsel

County Counsel Concurrence

As to form: Yes

Other Concurrence: Human Resources, Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

County Counsel recommends that the Board of Directors:

- a) Approve, ratify, and authorize the Chair to execute the attached Agreement for Services of Contractor on Payroll between County Counsel and Ruben Daniel Lopez, Attorney at Law, in an amount not to exceed \$102,369, for the period of June 24, 2024 to June 23, 2025; and
- b) Determine that the above actions are not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(4) and 15378(b)(5) of the CEQA Guidelines, because they consist of government administrative activities or fiscal activities that will not result in direct or indirect physical changes in the environment.

Summary Text:

The Office of County Counsel has two Deputy County Counsel positions open. We currently are in a competitive recruitment process for one of these positions. Due to potential budget shortfalls in the upcoming years, the Office of County Counsel recommends filling the second open position with a "Contractor on Payroll," through one-year contract. Mr. Lopez has been serving successfully as an extra-help Deputy County Counsel with the Office of County Counsel since November 11, 2023 and would continue to assist in backfilling duties that permanent attorneys in our office would otherwise be performing.

The Human Resource Department Employee Relations Divisions reached out to the Civil Attorneys Association to meet and confer on this item prior to moving it forward.

County's Contractor on Payroll Policy ("COP Policy") defines a Contractor on Payroll as an at-will employee who: (1) is employed through a contract; (2) does not fill a regular, allocated position; and (3) does not meet the Internal Revenue Service definition of an independent contractor. The COP Policy permits hiring a COP if: (1) there is a need for specialized work to be performed; (2) the work cannot be performed by an independent contractor; (3) there is a temporary funding source for the work; and (4) the work is sporadic and does not warrant a full or part-time regular position.

This Agreement meets the foregoing requirements of the COP Policy and is authorized under California Government Code Section 31000, which allows the Board of Supervisors to contract for legal services with persons trained, experienced, expert, and competent to perform those services.

Fiscal and Facilities Impacts:

Budgeted: Yes

Key Contract Risks:

The Office of County Counsel identified this agreement as low risk.

Staffing Impacts: None

Special Instructions:

Please send a signed copy to Michelle Montez, Division Chief, County Counsel Office.

Attachments:

1. Agreement
2. Board Contract Summary Form

Authored by:

Michelle Montez, Division Chief, County Counsel