



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: December 5, 2017
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Department
Director(s): Michael C. Ghizzoni, County Counsel (805) 568-2950
Contact Info: Anne Rierson, Senior Deputy County Counsel (805) 568-2950
SUBJECT: Amendment No. 1 to Agreement for Professional Legal Services with Rutan & Tucker, LLP

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- (a) Approve, ratify, and authorize the Chair to execute the attached Amendment No. 1 to the Agreement for Professional Legal Services between the County of Santa Barbara and Rutan & Tucker, LLP, amending the scope of work and increasing the not-to-exceed amount to \$200,000; 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. County Counsel recommends the assistance of outside counsel Rutan & Tucker, LLP to provide legal advice and litigation work on public construction projects, including the proposed Tajiguas Resource Recovery Project (TRRP).

Fiscal and Facilities Impacts:

Costs in connection with the TRRP would be paid by Resource Recovery.

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			NTE \$200,000
Total	\$ -	\$ -	NTE \$200,000

Key Contract Risks:

The contract does not include the County’s indemnity clause, however, the firm is required to and does maintain professional liability insurance. This professional liability insurance is likely to cover any malpractice claim that may arise. Even without this clause, County Counsel views this Agreement as low risk because Partners Douglas Dennington, Robert Owen, and Peter Howell with Rutan & Tucker, LLP are highly experienced and have worked successfully with other government agencies for many years.

Staffing Impacts:

<u>Legal Positions:</u>	<u>FTEs:</u>
0	0

Special Instructions: Please send a copy of the executed agreement to Anne Rierson in County Counsel and a copy to Leslie Wells in Public Works Resource Recovery.

Attachments:

- A. Amendment No. 1
- B. Board Contract Summary
- C. Agreement with Rutan & Tucker, LLP

Authored by:

Anne Rierson, Senior Deputy County Counsel