



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 1, 2019
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: County Counsel Michael C. Ghizzoni (805) 568-2950
Contact Info: Martin G. McKenzie, Chief of Litigation (805) 568-2950
SUBJECT: Approve Agreement for Professional Legal Services with Outside Counsel Lewis
Brisbois Bisgaard & Smith LLP

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

- a) Approve and authorize the Chair to execute the attached Agreement for Professional Legal Services between the County of Santa Barbara and Lewis Brisbois Bisgaard & Smith LLP in an amount not to exceed \$100,000 without written amendment; 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 occasionally requires legal advice or representation in the highly-specialized area of insurance law. For more than fourteen years, the County has received such services from attorney Alan Swerdlow. Mr. Swerdlow recently moved from the firm Boornazian, Jensen & Garthe to the firm Lewis Brisbois Bisgaard & Smith LLP. County Counsel recommends the Board authorize this contract with Mr. Swerdlow's new firm because the need for these specialized services continues to arise, sometimes on short notice, and Mr. Swerdlow has a successful history of work for the County. The proposed contract will enable County Counsel to continue retaining Mr. Swerdlow and his firm to handle insurance issues as needed, within the contract's two-year term and \$100,000 limit. County Counsel will return to the Board for specific authorization any time County Counsel recommends the referral of litigation.

Performance Measure: N/A

Contract Renewals and Performance Outcomes: N/A

Fiscal and Facilities Impacts:

Budgeted: Yes

Key Contract Risks:

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 settlement.

A Request for Proposals was not required for this selection.

Staffing Impacts: None

Special Instructions: Please forward a signed copy to Martin McKenzie in County Counsel.

Attachments: a) Contract
b) Contract Summary Form

Authored by: Martin McKenzie, County Counsel Chief of Litigation

cc: