



**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: August 22, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5^{ths}

TO: Board of Directors, Santa Barbara County Water Agency
FROM: County Counsel Rachel Van Mullem, County Counsel (805) 568-2950
Contact Info: Callie Kim, Deputy County Counsel (805) 568- 2950
SUBJECT: **Agreement for Professional Legal Services with Atkinson, Andelson, Loya, Ruud & Romo to Provide Legal Counsel Related to Indirect Potable Reuse**

County Counsel Concurrence

As to form: Yes

Other Concurrence: 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 Professional Legal Services between the Santa Barbara County Water Agency and Atkinson, Andelson, Loya, Ruud & Romo, from July 18, 2023 through July 18, 2025, for a total not to exceed amount of \$100,000; 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) in that it does not involve a commitment to any specific project which may result in a potentially significant impact to the environment.

Summary Text:

The Water Agency is funding a study to assess the feasibility of improving treatment processes and facilities at the Laguna County Sanitation District wastewater reclamation plant in order to create a new supply of potable water for the Orcutt area. Long-term funding for implementation of the project is also being studied. In the near term, however, there is a need to navigate legally complex issues related to water rights in the adjudicated basin. County Counsel recommends retaining the firm Atkinson, Andelson, Loya, Ruud & Romo to provide legal counsel on this project because this law firm: (1) has the expertise required by this highly-specialized area of water law, including rights to water and water contracts; and (2) has experience advising public agencies. The proposed contract will authorize Atkinson, Andelson, Loya, Ruud & Romo to provide legal advice to the Water Agency and Laguna County Sanitation District in connection with the Indirect Potable Reuse Project within the contract's term and \$100,000 limit.

Performance Measure:

Not applicable.

Fiscal and Facilities Impacts:

Budgeted – Outside Counsel Designation: \$100,000 paid by Department 054, Fund 3050, Line Item 7650.

Fiscal Analysis:

The contract has a not-to-exceed amount of \$100,000. This cost will be paid from the Water Agency's budget. No General Fund monies will be used to pay for work associated with this agreement.

Key Contract Risks:

County Counsel views this Agreement as low risk because the involved attorneys from Atkinson, Andelson, Loya, Ruud & Romo are highly experienced and have worked successfully with other government agencies for many years.

Staffing Impacts:

Contracting with Outside Counsel will allow the Water Agency to obtain the specialized legal services needed in these matters without hiring additional staff attorneys.

Special Instructions:

Please send an executed agreement to Tim Yu in the County Counsel Office.

Attachments:

Agreement for Professional Legal Services