



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:** May 12, 2020  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** County Counsel Michael C. Ghizzoni (805) 568-2950  
Contact Info: Rachel Van Mullem, Chief Assistant (805) 568-2950  
**SUBJECT:** Approve Agreement for Services of Contractor on Payroll for Office of County Counsel

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**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:**

- a) Approve and authorize the Chair to execute the attached Agreement for Services of Contractor on Payroll between the County of Santa Barbara and Callie Patton Kim, Attorney at Law, in an amount not to exceed \$208,257.37 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 recommended budget for 2020-2021 (at the time this Board Agenda Letter was filed) includes funding for three Deputy County Counsel positions, one of which is unfilled. The Office of County Counsel had two Senior Deputies retire in Spring 2020, opening up two Deputy County Counsel positions. In addition, due to an increased workload in litigated cases by Child Welfare Services, our office's 2020-2021 recommended budget also includes funding for one additional Deputy County Counsel for Child Welfare Services cases. After a competitive recruitment process, two attorneys were selected to fill two of these three vacancies.

Due to budget uncertainties and an increased workload in County Counsel's Office related to the COVID-19 pandemic response, the Office of County Counsel recommends filling the third position with a "Contractor on Payroll," through a one-year contract. Ms. Patton Kim has significant experience in providing legal support to public agencies and would assist with supporting the COVID-19 response and

backfilling some of the duties of permanent attorneys who are actively engaged in the pandemic response. If funding allows at the end of the year, County Counsel's Office would compete the position through a recruitment for a permanent position. The Human Resources 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 specially trained, experienced, expert, and competent to perform those services.

**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.

A Request for Proposals was not required for this selection.

**Staffing Impacts:** None

**Special Instructions:** Please forward a signed copy to Rachel Van Mullem in County Counsel.

**Attachments:** a) Contract

**Authored by:** Rachel Van Mullem, Chief Assistant