



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

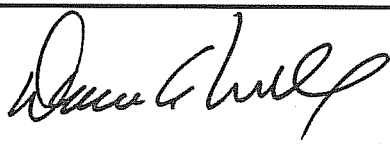
Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

2009 MAR 26 PM 3:33

COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

Department Name: County Counsel
Department No.: 0710
For Agenda Of: 04/07/09
Placement: Administrative
Estimated Tme: 5 minutes
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors

FROM: County Counsel Dennis A. Marshall 568-2950 

Contact Info: Rachel Van Mullem, Deputy County Counsel

SUBJECT: Contract for legal services with Goldfarb Lipman

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: N/A

Recommended Actions:

Approve and authorize attached contract with law firm of Goldfarb Lipman to defend County of Santa Barbara in litigation threatened by California Rural Legal Assistance, Inc. challenging the County's Housing Element.

Summary Text:

Under Government Code section 31000, the Board of Supervisors is authorized to contract for special legal services. Due to the specialized nature of the litigation and the reduced staffing in County Counsel, it is most efficient to contract with Goldfarb Lipman, a firm with prior experience with Housing Element litigation. The attached contract is limited to \$150,000.

Background:

On February 19, 2009, California Rural Legal Assistance, Inc. (CRLA) notified the County of Santa Barbara of its claim that the County's Housing Element does not substantially comply with State Housing Element law. This letter constitutes a 60-day notice pursuant to Government Code section 65009, subdivision (d), after which CRLA may sue the County.

In anticipation of this litigation, County Counsel has interviewed outside counsel and recommends Goldfarb Lipman because of their expertise in Housing Element law. The County Executive Office has indicated that the Litigation Designation is intended for the purpose of covering the proposed contract and has sufficient funds available to cover this proposed contract's "not to exceed" amount of \$150,000.

Performance Measure:

Payment for legal services shall be made upon the contractor’s satisfactory performance, based on the scope and methodology contained in Exhibit A of the contract as determined by County staff.

Fiscal and Facilities Impacts:

Budgeted: Yes

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:			
Total	\$ -	\$ -	\$ -

Narrative:

Staffing Impacts:

Legal Positions:

FTEs:

Special Instructions:

Please send two (2) fully executed originals of the contract and one (1) minute order to Rachel Van Mullem, Deputy County Counsel, Room 201.

Attachments:

Contract with Goldfarb Lipman.

Authored by:

Rachel Van Mullem, Deputy County Counsel, ext. 2950

cc: