

THIRD AMENDMENT TO AGREEMENT FOR PROFESSIONAL LEGAL SERVICES

This Third Amendment to the Agreement for Professional Legal Services (AGREEMENT) between the County of Santa Barbara ("COUNTY") and Andruess/ Podberesky ("CONTRACTOR"), wherein CONTRACTOR agrees to provide and COUNTY agrees to accept the services specified herein.

WHEREAS, COUNTY continues to require the services of legal counsel to assist in providing legal advice and representation in the specialized area of False Claims Act litigation; and

WHEREAS, under Section 25203 of the California Government Code, COUNTY's Board of Supervisors may employ counsel to assist in the conduct of litigation in which COUNTY is a party; and

WHEREAS, Paragraph 26 of the AGREEMENT states the AGREEMENT may be altered, amended or modified by an instrument in writing, executed by the Parties; and

WHEREAS, the AGREEMENT was previously amended on October 15, 2019 and December 20, 2020; and

WHEREAS, COUNTY wishes to extend the term of the AGREEMENT to December 31, 2022 through this Third Amendment and to increase the maximum contract amount by Four Hundred, Fifty Thousand Dollars (\$450,000).

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

The Parties agree to amend the AGREEMENT as follows:

Section 1 – Designated Representative revised to state: Division Chief Amber Holderness at phone number 805-568-2950 is the designated representative of COUNTY and will administer this Agreement for and on behalf of COUNTY. Mary Carter Andruess at phone number (213) 395-0400 is the designated representative for ATTORNEY. Changes in designated representatives shall be made only after advance written notice to the other party.

Section 2 – Notices is revised to state:

To COUNTY: Amber Holderness
Division Chief
Office of Santa Barbara County Counsel
105 East Anapamu Street, #201
Santa Barbara, CA 93101
Fax (805) 568-2982

To CONTRACTOR: Mary Carter Andruess, Attorney at Law
Andruess/Podberesky
818 West 7th Street, #960
Los Angeles, CA 90017
Fax (213) 395-0401

Third Paragraph of Exhibit A is revised to state:

Unless previously agreed in writing by COUNTY's Designated Representative, Mary Andrues will be the principal attorney responsible for providing services under this Agreement. Additionally, CONTRACTOR's employees may also provide services to COUNTY, including but not limited to attorneys Tabitha Zimbert and Dillon Malar, under the supervision of Mary Andrues or Vicki I. Podberesky. On written approval by COUNTY, CONTRACTOR may retain contract attorneys to provide services under this Agreement. COUNTY may, in its sole discretion, request CONTRACTOR to discontinue the services of any person providing services to COUNTY under this Agreement, whereupon CONTRACTOR shall promptly do so.

Exhibit B, Paragraph A is revised to state:

For CONTRACTOR services to be rendered under this Agreement, CONTRACTOR shall be paid a total contract amount, including cost reimbursements, not to exceed One Million, Three Hundred Dollars (\$1,300,000).

In all other respects, the AGREEMENT remains unchanged and in full effect.

[Signatures on next page.]

SIGNATURE PAGE

IN WITNESS WHEREOF, the parties have executed this Third Amendment to the Agreement to be effective on the date executed by COUNTY.

ATTEST:

Mona Miyasato
County Executive Officer
Clerk of the Board

By: *Shirley de la Guerra*
Deputy Clerk

COUNTY OF SANTA BARBARA:

By: *Bob Nelson*
Chair, Board of Supervisors

Date: 5-18-21

**RECOMMENDED FOR APPROVAL AND
APPROVED AS TO FORM:**
County Counsel

By: *Michael C. Ghizzoni*
Michael C. Ghizzoni, County Counsel

CONTRACTOR:

Andrues/Podberesky

By: _____
Authorized Representative

Name: Mary Carter Andrues

Title: Attorney at Law

APPROVED AS TO FORM:

Risk Management

By: _____
Ray Aromatorio, Risk Manager

**APPROVED AS TO ACCOUNTING
FORM:**

BETSY SCHAFFER, CPA
Auditor-Controller

By: _____
Deputy

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Mona Miyasato
County Executive Officer
Clerk of the Board

COUNTY OF SANTA BARBARA:

By: _____
Deputy Clerk

By: _____
Chair, Board of Supervisors

Date: _____

RECOMMENDED FOR APPROVAL AND APPROVED AS TO FORM:

County Counsel

CONTRACTOR:

Andrues/Podberesky

By: _____
Michael C. Ghizzoni, County Counsel

By:  _____
Authorized Representative

Name: Mary Carter Andrues

Title: Attorney at Law

APPROVED AS TO FORM:

Risk Management

APPROVED AS TO ACCOUNTING FORM:

BETSY SCHAFFER, CPA
Auditor-Controller

By: _____
Ray Aromatorio, Risk Manager

By: _____
Deputy

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Mona Miyasato
County Executive Officer
Clerk of the Board

COUNTY OF SANTA BARBARA:

By: _____
Deputy Clerk

By: _____
Chair, Board of Supervisors

Date: _____

RECOMMENDED FOR APPROVAL AND APPROVED AS TO FORM:
County Counsel

CONTRACTOR:

Andruess/Podberesky

By: Michael C. Ghizzoni
Michael C. Ghizzoni, County Counsel

By: _____
Authorized Representative

Name: Mary Carter Andruess

Title: Attorney at Law

APPROVED AS TO FORM:

Risk Management

APPROVED AS TO ACCOUNTING FORM:

BETSY SCHAFFER, CPA
Auditor-Controller

By: Ray Aromatorio
Ray Aromatorio, Risk Manager

By: C. Schaffer
Deputy