



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 2, 2017
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department

Director(s): Michael C. Ghizzoni, County Counsel (805) 568-2950

Contact Info: Rachel Van Mullem, Chief Assistant County Counsel (805) 568-2950

SUBJECT: Agreement for Professional Legal Services with Outside Counsel (Rutan & Tucker, LLP) for Consultation on Highway 101 Construction

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

County Counsel recommends that the Board of Supervisors:

- (a) Approve and authorize the Chair to execute the attached Agreement for Professional Legal Services between the County of Santa Barbara and Rutan & Tucker, LLP, in an amount not to exceed \$40,000; 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) 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 Board of Supervisors, under the provisions of Section 31000 of the California Government Code, is empowered to contract for special legal services and expert witnesses. County Counsel recommends the assistance of attorney Douglas J. Dennington with Rutan & Tucker, LLP who specializes in government and regulatory law. Mr. Dennington has extensive experience and expertise in this area of practice, particularly in administrative law, land-use, real estate, business, and regulatory disputes. Legal fees are estimated not to exceed \$40,000.

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

The Agreement does not have any new fiscal impacts.

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized</u>	<u>On-going Cost:</u>	<u>Total One-Time</u>	<u>Project Cost</u>
General Fund					
State					
Federal					
Fees					
Other:				\$	40,000.00
Total	\$	-	\$	-	\$ 40,000.00

Key Contract Risks:

The contract does not include the County’s standard indemnity clause, however, Rutan & Tucker are required to and do maintain professional liability insurance. This professional liability insurance is likely to cover any malpractice claim that may arise. Even with the altered clause, County Counsel views this Agreement as low risk because Mr. Dennington with Rutan & Tucker, LLP is highly experienced and has worked successfully with other government agencies for many years.

Staffing Impacts:

Legal Positions:
0

FTEs:
0

Special Instructions:

Please execute two (2) original Agreements and retain one (1) original Agreement and one (1) Minute Order for pick up by The Office of County Counsel. Please email MYee@co.santabarbara.ca.us when available for pick up.

Attachments:

1. Agreement with Tucker & Rutan, LLP

Authored by:

Rachel Van Mullem, Chief Assistant County Counsel (805) 568-2950

cc: