

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



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

**Agenda Number:**

**Prepared on:** 7/24/03  
**Department Name:** PW/Laguna Sanitation District  
**Department No.:** 054  
**Agenda Date:** 10/14/03  
**Placement:** Administrative  
**Estimate Time:**  
**Continued Item:** NO  
**If Yes, date from:**  
**Document File Name:**

---

**TO:** Board of Directors  
Laguna County Sanitation District

**FROM:** Phillip M. Demery  
Director, Public Works Department

**STAFF CONTACT:** Mark Schleich, Deputy Director  
Martin Wilder, District Manager, x8755

**SUBJECT:** Amendment No. 1 to Board Contract No. 01267 for additional legal services for the TDS Reduction and Recycled Water Project, Fourth and Fifth Supervisorial Districts

---

**Recommendation(s):**

That the Board of Directors:

- A. Approve and execute Amendment No. 1 to Board Contract No. 01267 with Oliver, Barr, Sandifer, Murphy & Lee in the amount of \$40,000 for legal services pertaining to eminent domain action for the acquisition of right-of-way for TDS Reduction and Recycled Water project for a total contract amount not to exceed \$115,000.

**Alignment with Board Strategic Plan:**

The recommendation(s) are primarily aligned with Goal No. 2: A safe and healthy community in which to live, work and visit.

**Executive Summary and Discussion:**

The TDS Reduction and Recycled Water project involved the construction of improvements to the Laguna County Sanitation District wastewater reclamation plant as well as off-site improvements. The plant has been upgraded to produce tertiary disinfected recycled water and includes total dissolved solids (TDS) removal via reverse osmosis. Brine concentrate from the reverse osmosis process is disposed of in a non-hazardous class 1 injection well that was constructed as part of the off-site improvements. Additional off-

site improvements include the brine concentrate pipeline to convey the brine to the well and a recycled water distribution pipeline to convey the recycled water to irrigation sites.

To accommodate the construction of the project, easement and fee acquisition of right-of-way and property were required. The law offices of Oliver, Vose, Sandifer, Murphy & Lee was retained as special legal counsel on April 3, 2001 in closed session to perform eminent domain actions upon adoption of resolutions of necessity. To date the required easements and properties have been acquired. However, additional services were required including additional court hearings, court preparation, expert testimony, and settlement negotiations. These additional services equate to an increase of approximately \$40,000 to the original contract scope of work.

This action, therefore requests that an amendment to the legal services contract with Oliver, Vose, Sandifer, Murphy & Lee be approved and executed in the amount of \$40,000 thereby increasing the contract amount from \$75,000 to \$115,000.

**Mandates and Service Levels:**

There are no changes to service levels with this action.

**Fiscal and Facilities Impacts:**

Funds are available from District service charges in Department 054, Fund 2870, Account 8200.

**Special Instructions:**

Please distribute the documents as follows:

1. One original amendment to the Clerk of the Board.
2. Two originals of the amendment to the Public Works Department, Laguna County Sanitation District to the attention of Sheila Engellenner (x8750).

**Concurrence:**

Auditor-Controller  
County Counsel  
Risk Management