



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: March 21, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5^{ths}

TO: Board of Supervisors
FROM: County Counsel Rachel Van Mullem, County Counsel (805) 568-2950
Contact Info: Amber Holderness, Chief Assistant (805) 568-2950
SUBJECT: Approve Agreement for Professional Legal Services with Outside Counsel
Perkins Coie LLP

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

- a) Approve, ratify, and authorize the Chair to execute the attached Agreement for Professional Legal Services between the County of Santa Barbara and Perkins Coie LLP for a total not to exceed amount of \$750,000 and term ending February 14, 2024; 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 Sections 25203 and 31000 of the California Government Code, is empowered to contract for special legal services. County Counsel recommends the assistance of outside counsel Perkins Coie LLP to provide legal representation and advice on environmental law and compliance matters, including as to: (1) the Toro Canyon Oil Water Separator facility; and (2) contamination at or around the former Semco Twist Drill and Tool Company, Inc. site and Santa Maria Airport that are under Regional Water Quality Control Board oversight. Outside Counsel legal services regarding the Toro Canyon Oil Water Separator were previously provided by Wilmer Cutler Pickering Hale & Dorr LLP. If approved, this agreement will consolidate the two environmental matters with one law firm that has experience in both environmental areas and Wilmer Cutler Pickering Hale & Dorr LLP will be cease further work.

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. Exhibit A of the Agreement (“Statement of Work”) provides that the Board of Supervisors, acting through its County Counsel, expressly retains the authority to direct and control the course and conduct of litigation, including the exclusive right to make decisions regarding settlement. The Agreement includes an advance conflicts waiver, including waiver of a conflict as to Perkins Coie’s representation of Strauss Wind, LLC, an affiliate of BayWa r.e. Wind, LLC, regarding permitting, counseling, and litigation for the Strauss Wind Energy Project within the County of Santa Barbara. This waiver would allow Perkins Coie LLP to represent this client or another client whose interests may be adverse to the County’s interests in matters that are not substantially similar to Toro Canyon or SEMCO matters. Perkins Coie LLP must notify the County of a future actual conflict and shall not disclose the County’s confidential or proprietary information in connection with its representation of another client without the County’s written consent. A Request for Proposals was not required for this selection.

Staffing Impacts: None

Special Instructions: Please forward a signed copy to Amber Holderness at aholderness@countyofsb.org.

Attachments: a) Agreement for Professional Legal Services

Authored by: Amber Holderness, Chief Assistant