



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:** April 7, 2020  
**Placement:** Administrative  
**Estimated Tme:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** 4/5 Vote

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**TO:** Board of Directors, Flood Control and Water Conservation District  
**FROM:** Department Director Michael C. Ghizzoni, County Counsel  
Contact Info: Johannah Hartley, Deputy (805) 568-2950  
**SUBJECT:** First Amendment to Agreement for Legal Services with Oliver, Sandifer and  
Murphy for Eminent Domain Proceedings and Litigation

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Other Concurrence: Risk Management**

As to form: Yes

**Recommended Actions:**

County Counsel recommends that the Board of Directors:

- A. Approve, ratify and authorize the Chair to execute the attached First Amendment to the Agreement for Professional Services between the Santa Barbara County Flood Control and Water Conservation District and attorney Duff Murphy, of the firm Oliver, Sandifer and Murphy, to extend the contract through June 30, 2022, and to increase compensation \$150,000, for a total not to exceed amount of \$300,000.
- B. Find that the proposed contract is not a “project” under the California Environmental Quality Act (CEQA) Guidelines section 15378(b)(4) in that it does not involve a commitment to any specific project which may result in a potentially significant impact to the environment.

**Summary Text:**

The primary purpose of the Agreement is to continue to retain a law firm with expertise in the specialized area of law on eminent domain proceedings and litigation. Mr. Murphy and his firm have extensive expertise in this area of law and have represented the County and the District over the last several years in several eminent domain proceedings including the acquisition of the site for the Northern Branch Jail, a conservation easement in *County of Santa Barbara v. Anderson*, and several bike paths. Extending the current agreement with Mr. Murphy does not commit the District to initiating any eminent domain lawsuit, but will ensure that legal services resources and expertise are readily available as may be needed from time to time, including on the Lower Mission Creek Project. A

separate approval of your Board is required before the initiation of any additional eminent domain proceedings. Contracting for outside counsel is allowed with a 2/3 vote pursuant to Government Code section 25203.

**Performance Measure:**

Not applicable.

**Fiscal and Facilities Impacts:**

Budgeted- Outside Counsel: \$300,000 paid by Department 054, Fund 2610, Line Item 8400 and individual project budgets as appropriate.

**Fiscal Analysis:**

The contract has a not-to-exceed amount of \$300,000. This cost will be paid from the District's project budget for each of the individual projects for which Outside Counsel is consulted on. No General Fund monies will be used to pay for work associated with this agreement.

**Key Contract Risks:**

County Counsel views this Agreement as low risk due to the expertise of this firm in eminent domain law.

**Staffing Impacts:**

Contracting with Outside Counsel will allow the County to obtain the specialized legal services needed in this matter without hiring additional staff attorneys.

**Special Instructions:**

Please forward two copies of the certified stamped minute order and two executed original agreements to the attention of Johannah Hartley in the County Counsel Office.

**Attachments:**

1. First Amendment to Agreement for Professional Legal Services
2. Agreement for Professional Legal Services

**Authored by:**

Johannah Hartley, Senior Deputy County Counsel