



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:** October 19, 2021  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** 4/5<sup>ths</sup>

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

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**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 Lewis Brisbois Bisgaard & Smith LLP for October 1, 2021 to September 30, 2023 in an amount not to exceed \$150,000; 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 County occasionally requires legal advice or representation in the highly-specialized area of insurance law. For many years, the County has received such services from attorney Alan Swerdlow, with the law firm Lewis Brisbois Bisgaard & Smith LLP. County Counsel recommends the Board authorize this new contract with Mr. Swerdlow's firm because the need for these specialized services continues to arise, sometimes on short notice, and Mr. Swerdlow has a successful history of work for the County. The proposed contract will enable County Counsel to continue retaining Mr. Swerdlow and his firm to handle insurance issues as needed, within the contract's two-year term and \$150,000 limit. County Counsel will return to the Board for specific authorization any time County Counsel recommends the referral of litigation.

**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 the litigation, including the exclusive right to make decisions regarding settlement.

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](mailto:aholderness@countyofsb.org).

**Attachments:** a) Agreement for Professional Legal Services

**Authored by:** Amber Holderness, Chief Assistant County Counsel

**cc:** Risk Management