



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

2012 JUN 31 PM 1:15

COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

Department Name: County Counsel
Department No.: 013
For Agenda Of: 02/14/2012
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: 4/5^{ths}

TO: Board of Supervisors

FROM: Department: Dennis A Marshall
Director(s): County Counsel
Contact Info: Dennis A Marshall, County Counsel 568-2966

SUBJECT: Amendment to Contract with Outside Counsel for Pending Litigation
Terris v. County of Santa Barbara, Superior Court Case No. 1339241

County Counsel Concurrence

Yes.

Auditor-Controller Concurrence

As to form: Yes.

Other Concurrence: Risk Management

Yes.

Recommended Actions:

County Counsel recommends that the Board of Supervisors:

Authorize your Chair to execute the attached amendment to the Agreement for Professional Legal Services between the County of Santa Barbara and Nye, Peabody, Stirling, Hale & Miller, LLP increasing maximum payments from \$250,000 to \$410,000.

Summary Text: The County is a defendant in a lawsuit entitled *Shawn Terris v. The County of Santa Barbara, et al.*, Santa Barbara Superior Court Case No. 1339241. In December 2009, the County retained the law firm of Nye, Peabody, Stirling, & Hale, LLP to defend the suit pursuant to the attached Agreement. The litigation has not been resolved and the County's defense is expected to require considerable additional legal work. Having the Nye firm perform the next segment of that work requires increasing the Agreement's payment limit from \$250,000 to \$410,000.

Fiscal and Facilities Impacts:

Budgeted: Yes.

Narrative: The costs will be funded by the Risk Management Liability fund.

Special Instructions:

Copy of signed minute order to:
Dennis Marshall, County Counsel

Attachments:

- (1) Current Agreement for Professional legal Services
- (2) Proposed Addendum to Agreement for Professional Legal Services

Authored by: Jordan Sheinbaum, Deputy County Counsel.