



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: December 15, 2020
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 Michael C. Ghizzoni, County Counsel (805) 568-2950
Contact Info: Amber Holderness, Division Chief (805) 568-2969
SUBJECT: Approve First Amendment to Agreement for Professional Legal Services with
Outside Counsel Lewis Brisbois Bisgaard & Smith 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 and authorize the Chair to execute the attached First Amendment to the Agreement for Professional Legal Services between the County of Santa Barbara and Lewis Brisbois Bisgaard & Smith LLP to increase the maximum contract amount by \$100,000 for a total not to exceed contract amount of \$200,000; 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:

On October 1, 2019, the Board executed an Agreement for Professional Services between the County of Santa Barbara and the Lewis Brisbois Bisgaard & Smith LLP law firm for a two-year term ending September 30, 2021. The primary purpose of the Agreement was to allow the County to receive legal advice or representation in the highly-specialized area of insurance law. For more than fourteen years, the County has received such services from attorney Alan Swerdlow, who is currently with the law firm Lewis Brisbois Bisgaard & Smith LLP. The current contract amount of \$100,000 will be expended prior to the end of the contract term due to an increase in the need for legal advice on insurance law, including insurance coverage issues.

County Counsel recommends the Board authorize this First Amendment increasing the contract amount to \$200,000 because Mr. Swerdlow has a successful history of work for the County on these issues and

County Counsel expects the need for these specialized services will continue to arise, sometimes on short notice. The proposed amendment will enable County Counsel to continue having Mr. Swerdlow and his firm to handle insurance issues as needed, within the contract's two-year term. 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@co.santa-barbara.ca.us.

Attachments:

- a) First Amendment to Agreement for Professional Legal Services
- b) Agreement for Professional Legal Services

Authored by: Amber Holderness, Division Chief

cc: Risk Management