



**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: July 18, 2023
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5^{ths}

TO: Board of Directors
FROM: County Counsel Rachel Van Mullem, County Counsel (805) 568-2950
Contact Info: Amber Holderness, Chief Assistant County Counsel (805) 568-2950
SUBJECT: Agreement for Professional Legal Services with Atkinson, Andelson, Loya, Ruud & Romo for Water Law Litigation

County Council Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

County Council recommends that the Board of Directors:

- a) Approve, ratify, and authorize the Chair to execute the attached Agreement for Professional Legal Services between the Santa Barbara County Flood Control and Water Conservation District (District) and Atkinson, Andelson, Loya, Ruud & Romo, from June 6, 2023 through June 30, 2025, for a total not to exceed amount of \$300,000; 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) 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 District is a party to breach of contract litigation involving the State Water Project contract brought by the Central Coast Water Authority (CCWA) and other CCWA members. The matter is pending in the Santa Barbara County Superior Court. County Council recommends retaining the firm Atkinson, Andelson, Loya, Ruud & Romo to represent the District in this litigation because this law firm: (1) has the expertise required by this highly-specialized area of water law, including rights to water and water contracts; and (2) has represented public agencies over the last several years in such proceedings. The proposed contract will authorize Atkinson, Andelson, Loya, Ruud & Romo to represent the District in the CCWA litigation within the contract's term and \$300,000 limit.

Performance Measure:

Not applicable.

Fiscal and Facilities Impacts:

Budgeted – Outside Counsel Designation: \$300,000 paid by Department 054, Fund 2610, Line Item 8400.

Fiscal Analysis:

The contact has a not-to-exceed amount of \$300,000. This cost will be paid from the District's budget. 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 because the involved attorneys from Atkinson, Andelson, Loya, Ruud & Romo are highly experience and have worked successfully with other government agencies for many years.

Staffing Impacts:

Contracting with Outside Counsel will allow the District to obtain the specialized legal services needed in these matters without hiring additional staff attorneys.

Special Instructions:

Please send an executed agreement to Amber Holderness in the County Counsel Office.

Attachments:

Agreement for Professional Legal Services