



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:** March 19, 2024  
**Placement:** Administrative  
**Estimated Time:**  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** 4/5ths

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**TO:** Board of Supervisors

**FROM:** County Counsel Rachel Van Mullem, County Counsel (805) 568-2950  
Contact Info: Susan McKenzie, Sr. Deputy (805) 568-2950

**SUBJECT:** Agreement for Professional Legal Services with Rothschild Wishek + Sands 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

**Other Concurrence:** Public Health Department

Yes

**Recommended Actions:**

County Counsel recommends that the Board of Supervisors:

- a) Approve and authorize the Chair to execute an Agreement for Professional Legal Services with Rothschild Wishek + Sands LLP from March 19, 2024 to March 18, 2027 in an amount not to exceed \$100,000; 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 and fiscal activities that will not result in direct or indirect physical changes in the environment.

**Summary Text:**

The Board of Supervisors, under the provisions of Section 31000 of the California Government Code, is empowered to contract for special legal services. From time to time, the County has need for legal services related to professional licensure issues. Due to the specialized nature in administrative proceedings before California state licensing boards, County Counsel recommends the assistance of Rothschild Wishek + Sands. The firm has extensive experience and expertise in this specialized area of practice, particularly in administrative proceedings before licensing boards involving the licensure of health care professionals. The Agreement will enable County Counsel to retain Rothschild Wishek + Sands to handle such matters. The amount set forth in the agreement is not to exceed \$100,000 over a three-year period.

**Performance Measure:** N/A

**Contract Renewals and Performance Outcomes:** N/A

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

The Agreement has a not-to-exceed amount of \$100,000. This cost will be paid from the Public Health Department's realignment funds. The allotment has not been included in the Public Health Department's FY 2023-24 Adjusted Budget. Once approved by your Board the Public Health Department will return with the necessary Budget Revision.

**Key Contract Risks:**

County Counsel views this Agreement as medium risk. Rothschild Wishek + Sands is highly experienced in administrative proceedings before California state licensing boards. However, the cost of experts and working with protected health information adds some risk. The Agreement contains a Business Associate Agreement and termination for convenience clause that helps reduce risk.

**Staffing Impacts:** None

**Special Instructions:**

Please forward the minute order and a signed copy to Susan McKenzie.

**Attachments:**

1. Agreement for Professional Legal Services

**Authored by:**

Susan McKenzie, Senior Deputy County Counsel