



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: June 4, 2013
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Department Director: Dennis A. Marshall, County Counsel
Contact Information: Martin G. McKenzie, Chief of Litigation (568-2950)
SUBJECT: Approve Agreement for Professional Legal Services with Outside Counsel for
Pending and Potential Litigation (McCarthy & Kroes, Attorneys at Law)

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

Recommended Actions:

County Counsel recommends that the Board of Supervisors:

1. Authorize the Chair to execute the attached Agreement for Professional Legal Services between the County of Santa Barbara and the law firm of McCarthy & Kroes, in an amount not to exceed \$75,000.00.
2. Find that the proposed contract is not a "project" under CEQA Guideline 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: County Counsel is defending the County in a General Fund litigation matter that has a trial scheduled to begin in July of this year. The attorney assigned to the case has scheduling conflicts with other assigned litigation, and County Counsel does not currently have another litigator available. McCarthy & Kroes is a local law firm with extensive litigation expertise, and has successfully represented the County in other litigation. If the Board approves the attached contract, County Counsel will transfer the handling of the case with the July trial date to McCarthy & Kroes.

From time to time, the County needs litigation representation that County Counsel cannot provide, either (as here) because of temporary staffing limitations, or because of potential conflicts of interest. The need can arise on short notice, in which case having a contract in place with outside counsel can avoid delay and concomitant costs. For that reason, the scope of the attached contract is not limited to the case that gave rise

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to the current need, and will enable County Counsel to retain the same firm to assist with similar work if needed within the contract's one-year term and \$75,000 limit.

Fiscal and Facilities Impacts:

Budgeted – Outside Counsel Designation

Special Instructions: Please forward a signed copy to County Counsel.

Attachments: Agreement for Professional Legal Services

Authored by: Martin G. McKenzie, Chief of Litigation