



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: November 15, 2016
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: County Counsel Michael C. Ghizzoni (805) 568-2950
Contact Info: Rachel Van Mullem (805) 568-2950
SUBJECT: **Second Amendment to Agreement for Professional Legal Services with Outside Counsel (Hooper, Lundy & Bookman, P.C.) for Administrative Proceedings**

County Counsel Concurrence

Yes

Auditor-Controller Concurrence

Yes

Other Concurrence: Risk Management

Yes

Recommended Actions:

County Counsel recommends that the Board of Supervisors:

- a) Authorize, ratify, and approve the Chair to execute the attached First Amendment to the Agreement for Professional Legal Services between the County of Santa Barbara and Hooper, Lundy & Bookman, P.C., increasing the cost for an amended Agreement amount total not to exceed \$150,000 for the period August 1, 2016 through June 30, 2017; and
- b) 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:

On August 23, 2016 your Board approved the Agreement between the County of Santa Barbara and Hooper, Lundy & Bookman, P.C. On September 20, 2016, your Board approved a First Amendment to the Agreement extending the term and increasing the funding to a total amount not to exceed \$75,000. Due to the complexity of the County's Psychiatric Health Facility's federal certification process outside counsel has exceeded the First Amendment contract amount. Therefore, this Second Amendment is being requested to increase the total amount not to exceed \$150,000.

The Board of Supervisors, under the provisions of Section 31000 of the California Government Code, is empowered to contract for special legal services. Due to the specialized and complex nature of federal

and state administrative survey certification proceedings for the County's Psychiatric Health Facility, County Counsel recommends the assistance of attorney Jodi Berlin with Hooper, Lundy & Bookman, P.C., who specializes in survey certification proceedings. Ms. Berlin has extensive experience and expertise in this specialized area of practice, particularly in recertification surveys.

Fiscal and Facilities Impacts:

Budgeted: No

Fiscal Analysis:

The Department of Behavioral Wellness is responsible for payment of this Agreement. Due to the limited timeframe to respond to the survey, Behavioral Wellness reports that a budget revision for the entire survey will be forthcoming. County Counsel will forward outside counsel invoices directly to Behavioral Wellness for payment.

Key Contract Risks:

County Counsel views this Agreement as low risk because Ms. Berlin, with Hooper, Lundy & Bookman, P.C., is highly experienced in survey certification proceedings and has worked successfully with other counties and entities for many years. The Agreement also contains a termination for convenience clause that reduces risk.

Staffing Impacts:

Legal Positions:

0

FTEs:

0

Special Instructions:

Please provide one signed copy to County Counsel and a Minute Order.

Attachments:

1. Second Amendment to the Agreement with Hooper, Lundy & Bookman, P.C.
2. First Amendment to the Agreement with Hooper, Lundy & Bookman, P.C.
3. Agreement with Hooper, Lundy & Bookman, P.C.

Authored by:

Rachel Van Mullem, Chief Assistant County Counsel (805) 568-2950

cc:

Dr. Alice Gleghorn, Director, Department of Behavioral Wellness