



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, 2024  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** 4/5<sup>ths</sup>

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**TO:** Board of Supervisors  
**FROM:** County Counsel Rachel Van Mullem, County Counsel (805) 568-2950  
Contact Info: Amber Holderness, Chief Assistant (805) 568-2950  
**SUBJECT:** Approve First Amendment to Agreement for Professional Legal Services with  
Outside Counsel Perkins Coie 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

**Recommended Actions:**

- a) Approve, ratify, and authorize the Chair to execute the attached First Amendment to Agreement for Professional Legal Services between the County of Santa Barbara and Perkins Coie LLP to increase the total contract amount by \$150,000 for a total not to exceed amount of \$900,000 and to extend the term to June 30, 2024; 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:**

The Board of Supervisors, under the provisions of Sections 25203 and 31000 of the California Government Code, is empowered to contract for special legal services. Upon the recommendation of County Counsel, the Board previously authorized the assistance of outside counsel Perkins Coie LLP to provide legal representation and advice on environmental law and compliance matters, including as to: (1) the Toro Canyon Oil Water Separator facility; and (2) contamination at or around the former Semco Twist Drill and Tool Company, Inc. site and Santa Maria Airport that are under Regional Water Quality Control Board oversight. This amendment allows for Outside Counsel's legal representation and advice on these matters through June 30, 2024. After June 30, 2024, the Office of County Counsel will be handling any ongoing legal work and monitoring of these matters.

**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 litigation, including the exclusive right to make decisions regarding settlement. The Agreement includes an advance conflicts waiver, including waiver of a conflict as to Perkins Coie’s representation of Strauss Wind, LLC, an affiliate of BayWa r.e. Wind, LLC, regarding permitting, counseling, and litigation for the Strauss Wind Energy Project within the County of Santa Barbara. This waiver would allow Perkins Coie LLP to represent this client or another client whose interests may be adverse to the County’s interests in matters that are not substantially similar to Toro Canyon or SEMCO matters. Perkins Coie LLP must notify the County of a future actual conflict and shall not disclose the County’s confidential or proprietary information in connection with its representation of another client without the County’s written consent. 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@countyofsb.org](mailto:aholderness@countyofsb.org).

**Attachments:**

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

**Authored by:** Amber Holderness, Chief Assistant