



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: Human Resources
Department No.: 064
For Agenda Of: May 10, 2022
Placement: Administrative
Estimated Time:

Continued Item: No
If Yes, date from:
Vote Required: Majority

DocuSigned by:

TO: Board of Supervisors
FROM: Department Director(s)
Contact Info: Yvonne Torres, Assistant Human Resources Director
SUBJECT: Approve Agreement for Professional Legal Services with Outside Counsel
Liebert Cassidy Whitmore

Maria Elena De Guevara
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County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- 1) Approve, ratify, and authorize the Chair to execute the attached Agreement for Professional Legal Services between the County of Santa Barbara and Liebert Cassidy Whitmore with a not to exceed amount of \$15,000 and for the term commencing May 3, 2022 through September 30, 2022; and
- 2) 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 primary purpose of this Agreement is to retain an outside investigator to conduct an independent, impartial, and objective employee investigation. The County has hired Liebert Cassidy Whitmore for such assignments in the past when Human Resources staff is unable to conduct the investigation. . Under California law, investigators must either be licensed attorneys or private investigators. This Agreement will provide for independent attorney investigators to gather facts from witness interviews. The independent attorney investigator will also provide a factual report consistent with the County's Civil and

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Respectful Workplace Policy so that the County can determine whether additional action is needed. Should additional action be necessary, the scope of this Agreement may be amended in writing.

The independent attorney investigator will not be acting in the role of an "advocate" attorney for the County. Rather, County Counsel is responsible for providing the legal analysis and advice necessary to respond to any findings in the factual report. Post-investigation legal advice concerning the investigation, the factual findings, recommendations concerning potential "corrective action" or related administrative or legal proceedings, are outside the scope of this specific and limited scope engagement.

Performance Measure: N/A

Contract Renewals and Performance Outcomes: N/A

Fiscal and Facilities Impacts:

Budgeted: Yes

Key Contract Risks:

County Counsel views this Agreement as low risk.

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

Attachments:

A. Agreement for Professional Legal Services

Authored by: Yvonne Torres, Assistant Human Resources Director

CC: Mona Miyasato, County Executive Officer

Rachel Van Mullem, County Counsel