



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: October 15, 2019
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5^{ths}

TO: Board of Supervisors
FROM: County Counsel Michael C. Ghizzoni (805) 568-2950
Contact Info: Martin G. McKenzie, Chief of Litigation (805) 568-2950
SUBJECT: Approve Second Amendment to Agreement for Professional Legal Services with Outside Counsel Meyers/Nave

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 and authorize the Chair to execute the attached Second Amendment to Agreement for Professional Legal Services between the County of Santa Barbara and the Meyers/Nave law firm, increasing the contract payment limit from \$750,000 to \$1,500,000; 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 or fiscal activities that will not result in direct or indirect physical changes in the environment.

Summary Text:

On August 28, 2018, the Board executed the attached Agreement for Professional Services between the County of Santa Barbara and the Meyers/Nave law firm. The primary purpose of the contract was for Meyers/Nave to provide needed legal advice and representation in defending against tort and real property claims and litigation arising from the Thomas Fire and resulting debris flow. A major part of that litigation is an attempt by Southern California Edison to shift billions of dollars of SCE's potential liability to the County, the Flood Control and Water Conservation District, and other public entities. Meyers/Nave has been coordinating closely and effectively with County Counsel to defend against SCE's allegations. County Counsel previously recommended, and the Board approved, increasing the Agreement's payment limit from \$250,000 to \$750,000. Because the County's defense in this complex litigation continues to require a high volume of legal work, County Counsel recommends increasing the Agreement's payment limit from \$750,000 to \$1,500,000. All other terms of the contract will remain as previously approved by the Board.

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 the litigation, including the exclusive right to make decisions regarding settlement.

A Request for Proposals was not required for this selection.

Staffing Impacts: None

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

Attachments:

- a) Agreement for Professional Legal Services [8/28/18]
- b) Amendment to Agreement for Professional Legal Services [7/16/19]
- c) Amendment to Agreement for Professional Legal Services [10/15/19]

Authored by: Martin McKenzie, County Counsel Chief of Litigation

cc: