



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: May 14, 2024
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Directors, Flood Control and Water Conservation District

FROM: Department Rachel Van Mullem, County Counsel 568-2950
Director(s)
Contact Info: Amber Holderness, Chief Assistant County Counsel, 568-2950

SUBJECT: **Outside Counsel Contract – Atkinson, Andelson, Loya, Rudd & Romo**

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

County Counsel recommends that the Board of Directors:

- a) Approve and authorize the Chair to execute the First Amendment to the Agreement for Professional Legal Services between the Santa Barbara County Flood Control and Water Conservation District and Atkinson, Andelson, Loya, Rudd, & Romo, through June 30, 2025, for a total not-to-exceed amount of \$600,000; and
- b) Determine that the above actions are not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(5) of the CEQA Guidelines, because they consist of administrative activities of government that will not result in direct or indirect physical changes in the environment.

Summary Text:

The District is party to breach of contract litigation involving the State Water Project contract brought by the Central Coast Water Authority (CCWA) and other CCWA members. The matter is pending in the Santa Barbara Superior Court. On July 18, 2023, the District retained Atkinson, Andelson, Loya, Rudd, & Romo (AALRR) to represent the District in this litigation based on this law firm's expertise in this highly specialized area of water law and past representation of public agencies. The proposed amendment will allow AALRR to continue to represent the District in the CCWA litigation within the contract term for an additional \$300,000 with a new contract limit of \$600,000.

Fiscal and Facilities Impacts:

Budgeted: Outside Counsel Designation: \$600,000 paid by Department 054, Fund 2400, Line Item 7508.

Fiscal Analysis:

The amendment brings the Agreement's not-to-exceed to \$600,000 and any increase in the amount would require an amendment to the contract and Board approval.

Key Contract Risks:

County Counsel views this First Amendment to the Agreement as low risk because the involved attorneys from AALRR are highly experienced and have work successfully with the District and with other government agencies for many years.

Staffing Impacts:

Contracting with outside counsel will allow the District to obtain the specialized legal services needed in this matter without hiring additional staff attorneys.

Special Instructions:

Please send an executed First Amendment to Amber Holderness in the County Counsel Office.

Attachments:

1. Agreement for Professional Legal Services
2. First Amendment to Agreement for Professional Legal Services

Authored by:

Chief Assistant County Counsel, Amber Holderness