



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: April 7, 2020
Placement: Administrative
Estimated Tme: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5 Vote

TO: Board of Supervisors
FROM: Department Director Michael C. Ghizzoni, County Counsel
Contact Info: Johannah Hartley, Deputy (805) 568-2950
SUBJECT: First Amendment to Agreement for Legal Services with Oliver, Sandifer and
Murphy for Eminent Domain Proceedings and Litigation

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

County Counsel recommends that the Board of Supervisors:

- A. Approve and authorize the Chair to execute the attached First Amendment to the Agreement for Professional Services between the County of Santa Barbara and attorney Duff Murphy, of the firm Oliver, Sandifer and Murphy, to extend the contract through June 30, 2022, and to increase compensation \$150,000, for a total not to exceed amount of \$300,000.
- B. Find that the proposed contract is not a “project” under the California Environmental Quality Act (CEQA) Guidelines section 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:

The primary purpose of the Agreement is to continue to retain a law firm with expertise in the specialized area of law on eminent domain proceedings and litigation. Mr. Murphy and his firm have extensive expertise in this area of law and have represented the County over the last several years in several eminent domain proceedings including the acquisition of the site for the Northern Branch Jail, a conservation easement in *County of Santa Barbara v. Anderson*, and several bike paths. Extending the current agreement with Mr. Murphy does not commit the County to initiating any eminent domain lawsuit, but will ensure that legal services resources and expertise are readily available as may be needed from time to time, including on projects by the Public Works-Transportation Division to acquire property necessary to complete certain bridge and road projects including the Floradale Ave and Fernald

Point Lane Projects. A separate approval of your Board is required before the initiation of any additional eminent domain proceedings. Contracting for outside counsel is allowed with a 2/3 vote pursuant to Government Code section 25203.

Performance Measure:

Not applicable.

Fiscal and Facilities Impacts:

Budgeted- Outside Counsel: \$300,000 paid by Department 054, Fund 0017, Line Item 7460 and individual project budgets as appropriate.

Fiscal Analysis:

The contract has a not-to-exceed amount of \$300,000. This cost will be paid from federal grant funds from the individual project budgets from the Public Work's Transportation Division budget as set forth above.

Key Contract Risks:

County Counsel views this Agreement as low risk due to the expertise of this firm in eminent domain law.

Staffing Impacts:

Contracting with Outside Counsel will allow the County to obtain the specialized legal services needed in this matter without hiring additional staff attorneys.

Special Instructions:

Please forward two copies of the certified stamped minute order and two executed original agreements to the attention of Johannah Hartley in the County Counsel Office.

Attachments:

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

Authored by:

Johannah Hartley, Senior Deputy County Counsel