



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: February 12, 2019
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Department Director(s) County Counsel Michael C. Ghizzoni (805) 568-2950
Contact Info: Chief of Litigation Martin G. McKenzie (805) 568-2950
SUBJECT: Approve Agreement for Professional Legal Services with Outside Counsel Baker & Hostetler LLP

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 Agreement for Professional Legal Services between the County of Santa Barbara and the law firm Baker & Hostetler LLP in an amount not to exceed \$100,000 without written amendment; 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:

From time to time, the County requires legal advice and/or representation in the specialized area of data security, including matters relating to regulatory compliance, risk assessment, and avoiding, preparing for, or responding to data security incidents. The Office of County Counsel generally provides such services, but under some circumstances it is necessary or beneficial for the County to obtain such services from a qualified private law firm. The County has a policy of Information Security & Privacy Insurance with Beazley. Beazley has recommended that the County retain the firm Baker & Hostetler to be available to provide the services outlined above when the need arises, and has agreed to pay Baker & Hostetler directly for services performed under the contract once the County has satisfied its \$50,000 self-insured retention. County Counsel and Risk Management recommend retaining Baker & Hostetler for that purpose, within the two-year term and \$100,000 limit of this proposed contract.

Performance Measure:

Contract Renewals and Performance Outcomes:

Fiscal and Facilities Impacts:

Budgeted: Yes

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other: Risk Fund	\$ 50,000.00		\$ 100,000.00
Total	\$ 50,000.00	\$ -	\$ 100,000.00

Narrative:

Once the County reaches its 50,000 deductible the additional costs will be covered by Beazley, the County's insurance company.

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:

Legal Positions:
None

FTEs:
None

Special Instructions:

- Attachments:** a) Contract
b) Contract Summary Form

Authored by: Martin McKenzie, County Counsel Chief of Litigation

CC: