



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 18, 2021
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, County Counsel (805) 568-2950
Contact Info: Teresa M. Martinez, Deputy County Counsel (805) 568-2980
SUBJECT: Approve Third Amendment to the Agreement for Professional Legal Services with Outside Counsel Andruess/Podberesky

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, ratify, and authorize the Chair to execute the attached Third Amended Agreement for Professional Legal Services between the County of Santa Barbara and the Andruess/Podberesky law firm to account for staffing changes, extend the term of the Agreement to December 31, 2022, and increase the maximum contract amount by \$450,000 for a new maximum contract amount not to exceed \$1,300,000; 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 May 1, 2018, the Board executed an Agreement for Professional Services between the County of Santa Barbara and the Andruess/Podberesky law firm. The primary purpose of the contract is for Andruess/Podberesky to provide needed legal advice and representation in defending against False Claims Act litigation pending in the United States District Court in Los Angeles, California.

For the past 3 years, Andruess/Podberesky has coordinated closely and effectively with County Counsel in meeting the demands of this highly specialized litigation. We anticipate that the litigation will not go to trial until October 2022 and that increased discovery and motion activity will continue for several months. For those reasons, County Counsel recommends increasing to \$1,300,000 the Agreement's current contract amount of \$850,000.

The County's excess insurer, PRISM, has confirmed that the costs of the County's representation by Outside Counsel in this matter will count toward satisfying the County's Self-Insured Retention.

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 Teresa Martinez at teresamartinez@co.santa-barbara.ca.us.

Attachments:

- a) Second Amendment to Agreement for Professional Legal Services
- b) First Amendment to Agreement for Professional Legal Services
- c) Agreement for Professional Legal Services

Authored by: Teresa Martinez, Deputy County Counsel

cc: Risk Management