



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: December 9, 2014
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 568-2950
SUBJECT: Approve Second Amendment to Agreement for Legal Services with Oliver, Sandifer and Murphy for Eminent Domain Litigation

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

County Counsel recommends that the Board of Supervisors:

- A. Approve and authorize the Chair to execute the attached Second 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 increase compensation \$100,000, for a total not to exceed amount of \$200,000 and to extend the term of the Agreement to January 1, 2016.
- B. Find that the proposed contract is not a "project" under 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:

On March 12, 2013, the Board executed the attached Agreement for Professional Legal Services between the County and the law firm Oliver, Sandifer, and Murphy. The primary purpose of the Agreement was 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, have represented the County in several eminent domain proceedings including the acquisition of the site for the Northern Branch Jail, and have been representing the County in the case of *County of Santa Barbara v. Anderson* (Santa Barbara Superior Court Case Number 1417253). Increasing and extending the retainer agreement with Mr. Murphy at this time does not commit the County to initiating any additional eminent domain lawsuit, but will ensure that legal services resources and expertise are readily available as may be needed from time to time and continued assistance with the Anderson litigation which is currently set for trial in January 2015. A separate approval of your Board is required before the initiation of any additional eminent domain proceedings.

Performance Measure:

Not applicable.

Fiscal and Facilities Impacts:

Budgeted- Outside Counsel Designation: \$100,000 paid by Department 013, Fund 0001, Line Item 7650

Fiscal Analysis:

The contract will have a not-to-exceed amount of \$200,000. This cost will be paid initially from the County Counsel budget 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 one executed original agreement to the attention of Johannah Hartley in the County Counsel Office.

Attachments:

1. Second Amendment Agreement for Professional Legal Services
2. Agreement for Professional Legal Services and First Amendment

Authored by:

Johannah Hartley, Deputy County Counsel