



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 4, 2023
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 Rachel Van Mullem, County Counsel (805) 568-2950
Contact Info: Amber Holderness, Chief Assistant County Counsel (805) 568-2950
SUBJECT: Approve Agreement for Professional Legal Services with Outside Counsel
Andrade Gonzalez 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:

County Counsel recommends that the Board of Supervisors:

- a) Approve, ratify, and authorize the Chair to execute the attached Agreement for Professional Legal Services between the County of Santa Barbara and Andrade Gonzalez LLP for a total not to exceed amount of \$450,000 and term ending December 31, 2024; 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:

The County is a party to three litigation matters alleging that the County did not meet mandatory duties or was negligent with respect to foster care or adoptive services of the County's Child Welfare Services Division, all of which are pending in the Santa Barbara County Superior Court. County Counsel recommends retaining the firm Andrade Gonzalez LLP to represent the County in this litigation because Andrade Gonzalez LLP: (1) has the expertise required by this highly-specialized area of practice; (2) has offices near, and regularly practices in, the court where this litigation is pending; and (3) comes highly recommended from the County's excess insurer PRISM – formerly CSAC-EIA. The proposed contract will authorize Andrade Gonzalez LLP to represent the County in these three matters, within the contract's term and \$450,000 limit.

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 Amber Holderness at aholderness@countyofsb.org.

Attachments: a) Agreement for Professional Legal Services

Authored by: Amber Holderness, Chief Assistant County Counsel

cc: Risk Management