



**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:** August 23, 2016  
**Placement:** Administrative  
**Estimated Time:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** 4/5

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**TO:** Board of Supervisors  
**FROM:** County Counsel Michael C. Ghizzoni (805) 568-2950  
Contact Info: Rachel Van Mullem (805) 568-2950  
**SUBJECT:** Agreement for Professional Legal Services with Outside Counsel (Hooper, Lundy & Bookman, P.C.) for Administrative Proceedings

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**County Counsel Concurrence**

Yes

**Auditor-Controller Concurrence**

Yes

**Other Concurrence:** Risk Management

Yes

**Recommended Actions:**

County Counsel recommends that the Board of Supervisors:

- A. Authorize, ratify, and approve the Chair to execute the attached Agreement for Professional Legal Services between the County of Santa Barbara and Hooper, Lundy & Bookman, P.C., for the period of August 1, 2016 through October 31, 2016, in an amount not to exceed \$40,000; and,
- B. Find that the proposed contract is not a "project" under CEQA Guideline 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 Board of Supervisors, under the provisions of Section 31000 of the California Government Code, is empowered to contract for special legal services and expert witnesses. Due to the specialized and complex nature of federal and state administrative survey certification proceedings for the County's Psychiatric Health Facility, County Counsel recommends the assistance of attorney Jodi Berlin with Hooper, Lundy & Bookman, P.C., who specializes in survey certification proceedings. Ms. Berlin has extensive experience and expertise in this specialized area of practice, particularly in recertification surveys, consultation for plan of correction, and advice on extension of response time. Legal fees are estimated not to exceed \$40,000.

**Fiscal and Facilities Impacts:**

Budgeted: No

**Fiscal Analysis:**

The Department of Behavioral Wellness is responsible for payment of this agreement. Due to the limited timeframe to respond to the survey, Behavioral Wellness reports that a budget revision for the entire survey will be forthcoming. County Counsel will forward outside counsel invoices directly to Behavioral Wellness for payment.

**Key Contract Risks:**

County Counsel views this Agreement as low risk because Ms. Berlin, with Hooper, Lundy & Bookman, P.C., is highly experienced in survey certification proceedings and has worked successfully with other counties and entities for many years. The Agreement also contains a termination for convenience clause that reduces risk.

**Staffing Impacts:**

**Legal Positions:**

0

**FTEs:**

0

**Special Instructions:**

N/A

**Attachments:**

1. Agreement with Hooper, Lundy, & Bookman, P.C.

**Authored by:**

Rachel Van Mullem, Chief Assistant County Counsel (805) 568-2950

**cc:**

Dr. Alice Gleghorn, Director, Department of Behavioral Wellness