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COUNTY OF SANTA BARBARA
CLERK OF THE
BOARD OF SUPERVISORS

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 1, 2018
Placement: Administrative
Estimated Time: N/A
Continued Item: No
If Yes, date from:
Vote Required: 4/5^{ths}

18-00802

TO: Board of Supervisors
FROM: County Counsel Michael C. Ghizzoni (805) 568-2950
Contact Info: Martin G. McKenzie, Chief of Litigation (805) 568-2950
SUBJECT: Approve Agreement for Professional Legal Services with Outside Counsel
Andrues/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:

- Approve and authorize the Chair to execute the attached Agreement for Professional Legal Services between the County of Santa Barbara and the firm of Andrues/Podberesky in an amount not to exceed \$250,000 without written amendment; and
- 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 False Claims Act litigation pending in the United States District Court in Los Angeles. County Counsel recommends retaining the firm Andrues/Podberesky to represent the County in this litigation because Andrues/Podberesky: (1) has the expertise required by this highly-specialized area of practice, and (2) has offices near, and regularly practices in, the court where this litigation is pending. The proposed contract will authorize Andrues/Podberesky to represent the County in this one matter, within the contract's two-year term and \$250,000 limit. The County's excess insurer, CSAC-EIA, 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 (SIR).

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. We interviewed representatives from this law firm and two others, all three of which were recommended by other public entities familiar with their work.

Staffing Impacts: None

Special Instructions: Please forward a signed copy to Martin McKenzie in County Counsel.

Attachments: a) Contract
b) Contract Summary Form

Authored by: Martin McKenzie, County Counsel Chief of Litigation

cc: