



**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: June 19, 2018
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Directors, Flood Control and Water Conservation District

FROM: Department Michael Ghizzoni, County Counsel
Director(s)
Contact Info: Johannah Hartley, Deputy 568-2950

SUBJECT: Authorize Agreement for Legal Services with Oliver, Sandifer and Murphy for Potential Eminent Domain Action

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 Directors:

- A. Approve and authorize the Chair to execute the attached Agreement for Professional Services between the Santa Barbara County Flood Control and Water Conservation District and attorney Duff Murphy, of the firm Oliver, Sandifer and Murphy, from July 1, 2018 to June 30, 2020, for a total not to exceed amount of \$150,000.
- 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:

The primary purpose of the Agreement is to retain a law firm with expertise in eminent domain proceedings and litigation. Mr. Murphy and his firm have extensive expertise in this area of law and have represented the County of Santa Barbara and the Santa Barbara County Flood Control and Water Conservation District in eminent domain proceedings for several sites including acquisition of the Northern Branch Jail location and the Lower Mission Creek Project. Initiating a retainer agreement with Mr. Murphy at this time does not commit the District 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. 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: \$150,000 paid by Department 054, Fund 2610, Line Item 8400

Fiscal Analysis:

The contract will have a not-to-exceed amount of \$150,000. This cost will be paid from the District's project budget for each of the individual projects for which Outside Counsel is consulted on. No General Fund monies will be used to pay for work associated with this agreement.

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 executed agreement to the attention of Johannah Hartley in the County Counsel Office.

Attachments:

Agreement for Professional Legal Services

Authored by:

Johannah Hartley, Deputy County Counsel