



Agenda Item No. _____

File Code No. 540.10

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: May 6, 2008

TO: Mayor and Councilmembers

FROM: Water Resources Division, Public Works Department
City Attorney's Office

SUBJECT: Authorization For Agreement For Legal Services

RECOMMENDATION:

That Council authorize the Public Works Director to execute a professional services agreement with the law firm of Bartkiewicz, Kronick & Shanahan (BKS) in a form acceptable to the City Attorney in the not-to-exceed amount of \$100,000 for special legal services to the City on matters related to the City's water rights.

DISCUSSION:

The City has two significant water supplies on the Santa Ynez River, the Gibraltar Reservoir, and Cachuma Lake. City water rights for water from Gibraltar were adjudicated decades ago, and thus, water rights are very well established both historically and legally. Water rights for Lake Cachuma are held in trust for the City by the U.S. Bureau of Reclamation (USBR). There is a pending decision before the State Water Resources Control Board (SWRCB) to determine whether the shared water rights in Lake Cachuma should be re-adjusted among Cachuma municipal supply agencies and the ecological and biological needs of the Santa Ynez River watershed. The decision of the SWRCB has the potential to significantly reduce Santa Barbara's water supply.

The firm of Bartkiewicz, Kronick & Shanahan (BKS) is an experienced Water Rights law firm that has successfully participated with other water and public agencies to develop an accord that meets public water supply, fishery, and ecological interests. Staff believes that BKS's legal experience will be helpful to the City, as well as to the other parties in advancing the collaborative effort to explore opportunities for enhancing steelhead trout habitat within the context of the Cachuma water rights held by the USBR.

BUDGET/FINANCIAL INFORMATION:

Staff has negotiated an acceptable hourly rate for this contract that is consistent with the rate typically paid by a water agency for such expertise. There are adequate funds in the City Water Fund to pay for this work. This contract will be closely supervised by both the Public Works Water Division and the City Attorney.

SUSTAINABILITY IMPACT:

Successful negotiation of habitat issues related to the protection of the steelhead trout may allow the City to protect critical water supplies while assisting with the recovery of the steelhead.

PREPARED BY: Rebecca Bjork, Acting Water Resources Manager/spm
David McDermott, Assistant City Attorney

SUBMITTED BY: Paul Casey, Acting Public Works Director
Steven Wiley, City Attorney

APPROVED BY: City Administrator's Office