



County of Santa Cruz Board of Supervisors

Agenda Item Submittal

From: General Services Department

Subject: Approve Joint Retention of Eminent Domain Legal Services Agreement

Meeting Date: June 24, 2025

Formal Title: Approve Agreement for Joint Exercise of Powers Through Joint Retention of Eminent Domain Legal Services Provider with the Santa Cruz County Regional Transportation Commission to retain Laura Beaton of Shute, Mihaly & Weinberger LLP in the not to exceed amount of \$400,000, and take related actions

Recommended Actions

1. Approve the Agreement for Joint Exercise of Powers Through Joint Retention of Eminent Domain Legal Services Provider between the County of Santa Cruz and the Santa Cruz County Regional Transportation Commission to retain Laura Beaton of Shute, Mihaly & Weinberger LLP as eminent domain counsel in the not to exceed amount of \$400,000; and
2. Authorize the Director of General Services to execute the agreement on behalf of the County; and
3. Authorize the Auditor-Controller-Treasurer Tax Collector to make payments and accept reimbursements as described therein.

Executive Summary

In December 2023, the Board of Supervisors (Board) approved a Cooperative Agreement (COOP) between the County of Santa Cruz (County) and the Santa Cruz County Regional Transportation Commission (SCCRTC). Under the COOP, the County agreed to provide real property acquisition services in support of the Highway 1 Auxiliary Lanes and Bus on Shoulders Project between the State Park Drive and Freedom Boulevard interchanges and the Coastal Rail Trail Segment 12 Project (collectively, the Project). The COOP anticipated that the parties would enter into a separate agreement to address the retention of eminent domain counsel and the reimbursement of associated costs. This follow-up agreement is now recommended for Board approval.

Discussion

The County and SCCRTC have negotiated an agreement for joint legal representation by Laura Beaton of Shute, Mihaly & Weinberger LLP (Counsel). Counsel will provide legal services related to the acquisition of real property interests necessary for the Project within the County's jurisdiction. These services include advising on pre-condemnation activities as well as representing the parties in any necessary eminent domain litigation.

Under the terms of the agreement, the County will directly compensate Counsel for services rendered, in an amount not to exceed \$400,000. SCCRTC will fully reimburse the County for all payments made to Counsel. To facilitate this reimbursement, SCCRTC will deposit \$100,000 into a County-designated account ("Funds") within thirty (30) days of the agreement's effective date. The County will use these Funds to pay Counsel. Whenever the balance of the Funds drops below \$25,000, SCCRTC will replenish the account to the full \$100,000 within ten (10) business days.

Financial Impact

This agreement authorizes up to \$400,000 for legal services, appropriated in the upcoming Fiscal Year 2025-26 under GL Key 332300 Object 62360. The County will incur no costs, as SCCRTC will reimburse the County in full through advance deposits to General Services (GL Key 332300 Object 41150).

Strategic Initiatives

Equity Framework - County Facilities & Infrastructure
Operational Plan - Reliable Transportation
Climate Action - Transportation

Submitted By:

Michael Beaton, General Services Director

Recommended By:

Carlos J. Palacios, County Executive Officer

Artificial Intelligence Acknowledgment:

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.