



# Board Agenda Item 30

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DATE: May 17, 2022

TO: Board of Supervisors

SUBMITTED BY: Daniel C. Cederborg, County Counsel

SUBJECT: Amendment to Best, Best and Krieger, LLP Specialized Legal Services Agreement

RECOMMENDED ACTION(S):

**Approve and authorize the Chairman to execute First Amendment to Agreement with Best, Best and Krieger, LLP to represent the County of Fresno and the Fresno County Board of Supervisors in Comunidades Unidas Por Un Cambio v. County of Fresno, et al., effective upon execution to extend the term of the agreement through June 30, 2024, with no change to the maximum compensation of \$275,000.**

Approving the recommended action will continue the engagement of Best, Best and Krieger, LLP to provide legal services as authorized by Government Code section 31000 and represent the County of Fresno and its employees in Comunidades Unidas Por Un Cambio v. County of Fresno, et al. This litigation is ongoing and the extension of the term of the legal services agreement is necessary to continue Best, Best and Krieger, LLP's representation until this litigation is concluded. This item is countywide.

ALTERNATIVE ACTION(S):

There are no viable alternative actions as these specialized services are not available in the County Counsel's Office.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

Under the County's policies for obtaining services, competitive bidding is not required to select specialized legal counsel. This is a contract for specialized legal services. The law firm selected has the specific experience in this type of litigation and such specialized legal services are not available in the County Counsel's Office.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The maximum compensation is \$275,000 for the term of this agreement. To date, the total amount billed against the agreement is \$78,866.06. Sufficient appropriations are included within FY 2021-2022 Interest and Miscellaneous Expenditures Org 2540 Adopted Budget and will be included in future budget requests.

DISCUSSION:

On June 18, 2019, your Board approved Agreement No. 19-284 with Best, Best and Krieger, LLP for specialized legal services and to represent the County of Fresno and employees in Comunidades Unidas Por Un Cambio v. County of Fresno, et al. This litigation involves complex and novel theories of relief. The

term of the Agreement No. 19-284 is set to expire on June 19, 2022. The County Counsel's Office identified a need to continue to retain Best, Best and Krieger, LLP because this litigation is ongoing.

Approval of the recommended action will allow Best, Best and Krieger, LLP to continue to represent the County and Board of Supervisors in this litigation.

REFERENCE MATERIAL:

BAI #41, June 18, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - First Amendment

CAO ANALYST:

Ronald Alexander