

1 AMENDMENT IV TO AGREEMENT P-17-077- Q
2 FOR SPECIALIZED LEGAL SERVICES
3

4 THIS AMENDMENT IV to AGREEMENT P-17-077-Q (the "Agreement") is made
5 and entered into by and between the COUNTY OF FRESNO, a political subdivision of
6 the State of California (the "COUNTY"), and the law firm of EPSTEIN, BECKER and
7 GREEN, a professional law corporation, hereinafter referred to as "ATTORNEY."

8 WITNESSETH:

9 WHEREAS, COUNTY has received a notice of disallowance of certain expenses
10 by the Department of Health and Human Services and is seeking to appeal such
11 disallowances before the Departmental Appeals Board and, if necessary, federal court;
12 and

13 WHEREAS, COUNTY wishes to obtain specialized services, as authorized by
14 Government Code section 31000, to represent County and to obtain a review and
15 opinion from ATTORNEY of the relative strengths and weaknesses of the COUNTY's
16 appellate position; and

17 WHEREAS, COUNTY wishes to engage the specialized legal services of counsel
18 who is expert in legal matters concerning such issues; and

19 WHEREAS, ATTORNEY represents that it is specially trained and experienced,
20 and that it possesses such expertise; and

21 WHEREAS, such specialized legal services are either not available or expected
22 not to be available in Fresno County's Office of the County Counsel, and

23 WHEREAS, on or about March 1, 2017, the COUNTY and ATTORNEY entered
24 into COUNTY AGREEMENT No. P-17-077-Q to provide said specialized legal services
25 with a not to exceed amount of Forty Thousand Dollars (\$40,000.00); and
26
27
28

1 WHEREAS, on or about April 4, 2017 the COUNTY and ATTORNEY entered into
2 Amendment I to COUNTY AGREEMENT No. P-17-077-Q to raise the not to exceed
3 amount to Two Hundred and Fifty Thousand Dollars (\$250,000); and

4 WHEREAS, the COUNTY and ATTORNEY entered into Amendment II to
5 COUNTY AGREEMENT No. P-17-077-Q to extend the term of the Agreement to
6 December 31, 2019; and

7 WHEREAS, on September 11, 2018 the COUNTY and ATTORNEY entered into
8 Amendment III to COUNTY AGREEMENT No. P-17-077-Q to raise the not to exceed
9 amount to Three Hundred Thousand Dollars (\$300,000); and

10 WHEREAS the parties now desire to raise the not to exceed amount to Four
11 Hundred Thousand Dollars (\$400,000) for services and litigation required under
12 AGREEMENT No. P-17-077-Q.

13 NOW, THEREFORE, in consideration of the mutual covenants, terms, and
14 conditions herein described, the parties hereto agree to amend COUNTY AGREEMENT
15 P-17-077-Q as follows:

16 1. The fourth (4th) paragraph of Section 3 located at page 4 of AGREEMENT
17 P-17-077-Q, LINES 5-13 is amended to read as follows:

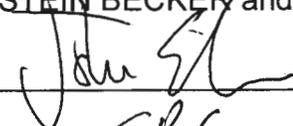
18 " In no event shall the maximum amount paid to ATTORNEY as compensation
19 for ATTORNEY's services performed exceed Four Hundred Thousand and No/100
20 Dollars (\$400,000) under this Agreement unless the parties agree to expand the scope
21 of services through written amendment. ATTORNEY shall not be paid for any services
22 or costs above this limit without a written modification of this Agreement executed by
23 both parties. ATTORNEY shall notify COUNTY in writing when the value of its accrued
24 services, whether billed or not yet billed to the COUNTY, has reached the amount of
25 Three Hundred Fifty Thousand and No/100 Dollars (\$350,000)."

1 2. All other terms and conditions of AGREEMENT No. P-17-077-Q as
2 amended by AMENDMENT I, AMENDMENT II and AMENDMENT III, shall remain in full
3 force and effect and are not affected by this AMENDMENT IV.

4 IN WITNESS WHEREOF, the parties hereto have caused this AMENDMENT IV
5 to Agreement to be executed as of the day and year first above written.

6

7 EPSTEIN BECKER and GREEN, a professional law corporation

8 By 
9 EBG, Partner

10

11 COUNTY OF FRESNO

12

13 By 
14 Nathan Magsig, Chairman of the
15 Board of Supervisors of the County of Fresno

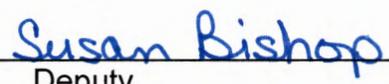
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17 ATTEST:

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19 Bernice E. Seidel,
20 Clerk of the Board of Supervisors
21 County of Fresno, State of California

22

23 By 
24 Deputy

25

26

27

28 Fund/Subclass:
Organization:
Acct/Program: