



Board Agenda Item 28

DATE: October 23, 2018

TO: Board of Supervisors

SUBMITTED BY: Daniel C. Cederborg, County Counsel

SUBJECT: McCormick Barstow, LLP Specialized Legal Services Agreement

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a retroactive specialized legal services Agreement with McCormick Barstow, LLP, to represent the County of Fresno and its employees in Phillips v. State of California, et al., effective September 11, 2018 to September 10, 2021, total not to exceed \$350,000.

Approving the recommended action will engage McCormick Barstow, LLP to provide specialized legal services as authorized by Government Code section 31000 and represent the County of Fresno and its employees in Phillips v. State of California, et al. This item is countywide.

ALTERNATIVE ACTION(S):

There are no viable alternative actions as these specialized legal 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 specific experience in this type of litigation and such specialized legal services are not available in the County Counsel's Office.

RETROACTIVE AGREEMENT:

This recommended Agreement is retroactive to September 11, 2018 due to the need to have the law firm begin representation of the County as soon as possible.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Sufficient appropriations are included in the Org 2540 FY 2018-19 Adopted Budget.

DISCUSSION:

The County and its employees are named defendants in Phillips v. State of California, et al. While the County Counsel's Office has represented the County and its employees to date, key personnel will be leaving the County Counsel's Office and it is necessary to engage McCormick Barstow LLP to continue

representing the County and its employees in this matter. Approval of the recommended action will allow McCormick Barstow LLP to represent the County and its employees in this litigation.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition

On file with Clerk - Agreement with McCormick Barstow, LLP

CAO ANALYST:

Yussel Zalapa