



# County of Fresno

Hall of Records, Rm. 301  
2281 Tulare Street  
Fresno, California  
93721-2198

## Legislation Details (With Text)

**File #:** 19-0125

**On agenda:** 2/26/2019

**Final action:** 2/26/2019

**Enactment date:**

**Enactment #:** Agreement No. 19-102

**Title:** Approve and authorize the Chairman to execute Amendment IV to Agreement P-17-077-Q with Epstein, Becker & Green, PC, for outside legal services to represent the County of Fresno in appeals of federal and state disallowances of cost reimbursement claims, effective upon execution with no change in term to December 31, 2019 and increasing the maximum by \$100,000 to a total of \$400,000

**Attachments:** 1. Agenda Item, 2. Agreement A-19-102 with Epstein, Becker and Green

| Date      | Ver. | Action By            | Action                    | Result |
|-----------|------|----------------------|---------------------------|--------|
| 2/26/2019 | 1    | Board of Supervisors | Approved (Consent Agenda) | Pass   |

**DATE:** February 26, 2019

**TO:** Board of Supervisors

**SUBMITTED BY:** Daniel C. Cederborg, County Counsel

**SUBJECT:** Amendment IV to Legal Services Agreement with Epstein, Becker & Green, PC

### RECOMMENDED ACTION(S):

**Approve and authorize the Chairman to execute Amendment IV to Agreement P-17-077-Q with Epstein, Becker & Green, PC, for outside legal services to represent the County of Fresno in appeals of federal and state disallowances of cost reimbursement claims, effective upon execution with no change in term to December 31, 2019 and increasing the maximum by \$100,000 to a total of \$400,000.**

Approval of the recommended action will amend the existing agreement with Epstein, Becker & Green, PC, to provide additional legal services in their representation of the County in the appeal before the Departmental Appeals Board of the United States Department of Health and Human Services and subsequent federal court litigation. This item is countywide.

### ALTERNATIVE ACTION(S):

There are no viable alternative actions.

### FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The recommended amendment will increase the maximum compensation by \$100,000 to a total of \$400,000 for the entire term of the agreement. Sufficient appropriations are available within the FY 2018-19 Interest and Miscellaneous Expenditures Org 2540 Adopted Budget and will be included in future budget requests.

### DISCUSSION:

The County pursued an appeal before the Departmental Appeals Board (DAB) of the United States

Department of Health and Human Services (DHHS) challenging the disallowance of \$6,271,287 in pension obligation bond costs by DHHS for Fiscal Years 2015 and 2016. In January of 2018, the Departmental Appeals Board filed its decision denying the County's appeal. Epstein, Becker & Green PC was retained to represent the County in the DHHS appeals board process and will continue to provide legal services in a federal court challenge to the DAB decision. Approval of the recommended action will allow Epstein, Becker & Green PC to continue to represent the County in the federal court litigation challenging the DAB decision.

REFERENCE MATERIAL:

BAI #30, September 11, 2018  
BAI #26, March 6, 2018  
BAI #32, April 25, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Amendment with Epstein, Becker & Green, PC

CAO ANALYST:

Yussel Zalapa