



Board Agenda Item 25

DATE: June 10, 2025

TO: Board of Supervisors

SUBMITTED BY: Daniel C. Cederborg, County Counsel

SUBJECT: Amendment No. 2 to Legal Services Agreement with McCormick Barstow, LLP

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute Amendment No. 2 to Legal Services Agreement, Purchasing Agreement P-23-696, with McCormick Barstow, LLP for specialized legal services converting to a Board Agreement, effective upon execution with no change in the term from December 1, 2023, to December 31, 2026, and increasing the maximum compensation by \$350,000 to a total of \$500,000.

There is no increase in Net County Cost associated with the recommended action. Approval of the recommended action will convert Purchasing Agreement No. P-23-686 (Agreement) into a Board Agreement and increase the maximum compensation to allow McCormick Barstow, LLP (McCormick Barstow) to continue providing services on a pending litigation matter.

ALTERNATIVE ACTION(S):

There is no viable alternative action. The County Counsel's Office does not have the capacity to take over the pending litigation matter that McCormick Barstow is handling under the existing agreement.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended action. Sufficient appropriations and estimated revenues are included in the Interest & Miscellaneous Expenditures Org 2540 FY 2024-25 Adopted Budget and will be included in future budget requests for the duration of the Agreement term.

DISCUSSION:

On April 19, 2024, the County entered into the Agreement for McCormick Barstow to provide legal advice and counsel to the County, including litigation, effective December 1, 2023. The Agreement provided for maximum compensation payable to McCormick Barstow in the amount of \$50,000, and had a term expiring on December 31, 2024.

On January 1, 2025, the County and McCormick Barstow executed Amendment No. 1 to the Agreement to extend its expiration date from December 31, 2024, to December 31, 2026, and increase the maximum compensation by \$100,000 to a total of \$150,000.

McCormick Barstow is handling a pending litigation matter in the Fresno County Superior Court that is not yet completed, but is requiring intensive work. The County Counsel's Office does not currently have the capacity to handle that matter directly and therefore presents the recommended Amendment to further

increase the maximum compensation payable to McCormick Barstow.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Amendment No. 2 to Legal Services Agreement

CAO ANALYST:

Amy Ryals