



Board Agenda Item 37

DATE: January 27, 2026

TO: Board of Supervisors

SUBMITTED BY: Hollis Magill, Director of Human Resources

SUBJECT: Attorney Firm Agreement for General Liability, Auto Liability, Employment Law, and Medical Malpractice Legal Services

RECOMMENDED ACTION(S):

- 1. Under Administrative Policy No. 34 for competitive bids or requests for proposals (AP 34) determine that an exemption to the competitive bidding requirements under AP 34 is satisfied and a suspension of competition is warranted, and that the best interests of the County would be served by entering into an agreement with Aleshire & Wynder, LLP as they possess the demonstrated specialized expertise and availability to defend the County in general liability litigated claims; and**
- 2. Approve and authorize the Chairman to execute a retroactive Agreement with Aleshire & Wynder, LLP to represent the County and its employees in General Liability, Auto Liability, Employment Law, and Medical Malpractice legal services, effective August 24, 2025, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, total not to exceed \$7,500,000.**

There is no increase in Net County Cost associated with the recommended actions. Approval of the recommended actions will allow the County to maintain General Liability, Auto Liability, Medical Malpractice, and Employment Law defense legal services at a maximum annual cost of \$1,500,000. Their services will be funded with annual budgetary contributions based on actuarial projections, with no additional Net County Cost. This item is countywide.

ALTERNATIVE ACTION(S):

The Board can reject the recommended firm, however, this would result in the reduction in the number of experienced contracted firms to handle the defense of general liability claims against the County. Should the Board reject the recommended firm, the cases currently assigned to the firm would need to be assigned to other firms that do not have the demonstrated success exhibited by the firm over their tenure defending the County and the County may incur additional expense in onboarding those cases with another firm.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

It is requested that the County find under AP 34 that an exception to the competitive bidding process is satisfied, and a suspension of competition is warranted due to unusual or extraordinary circumstances, and Aleshire & Wynder, LLP possesses the demonstrated expertise to defend the County in high-exposure liability cases, particularly in the area of dangerous conditions of public property and automobile liability cases, and is currently assigned cases in active litigation. Based on this, a letter of interest was not necessary. The General Services Department - Purchasing, concurs with the Department's assessment that this satisfies the exception to the competitive bidding process required by AP 34.

RETROACTIVE AGREEMENT:

The recommended Agreement is Retroactive to August 24, 2025, due to the inadvertent lapse of the first one-year extension for Agreement No. 21-330. The expiration was not identified until several months after it occurred while processing invoices for payment of services, at which time the recommended Agreement was prepared and processed in accordance with the agenda item processing deadlines. The Agreement was signed by the firm on December 29, 2025. The Department has implemented additional processes and procedures in order to avoid a similar situation in the future. During the period following the Agreement's expiration, the firm continued to provide services and work on their assigned cases.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended actions. The costs associated with the attorney services are part of the Risk Management Internal Service Fund (ISF), Org 8925, General Liability and Medical Malpractice rates which are determined actuarially. Sufficient appropriations and estimated revenues for the Agreements are included in the Risk Management Org 8925 FY 2025-26 Adopted Budget and will be requested for future budgets for the duration of the term. There are outstanding invoices for services dating to the expiration of the contract and the vendor has been updated and is amenable to receiving payment on those invoices upon execution of the Agreement.

DISCUSSION:

On August 24, 2021, your Board approved Agreement No. 21-330 with Aleshire & Wynder, LLP. Since that time, the firm has been assigned nearly 40 litigated matters, with no adverse outcomes in the cases that have reached resolution. Aleshire & Wynder's deep familiarity with County of Fresno operations, coupled with their established working relationships with departmental stakeholders, has been instrumental in their efficient and effective management of County litigation.

The firm continues to represent the County in numerous active cases. Their comprehensive understanding of case histories, legal strategy, and evidentiary records has resulted in consistent, high-quality representation and measurable progress across their caseload. Transitioning these complex, ongoing matters to a new firm at this stage would require substantial duplication of effort, significant additional cost, and could introduce delays that may negatively impact case outcomes.

Approval of the recommended actions will allow the County to continue benefiting from the expertise and continuity provided by Aleshire & Wynder, LLP in delivering essential liability defense services for the County's Self-Insured General Liability Program.

REFERENCE MATERIAL:

BAI #33, August 24, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition Acquisition Request Form
On file with Clerk - Agreement with Aleshire & Wynder, LLP

CAO ANALYST:

Sevag Tateosian