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COUNTY OF NEVADA

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NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: December 15, 2020

TO: Board of Supervisors

FROM: County Counsel

SUBJECT: Resolution approving Amendment No. 4 to Personal Services Contract between the County of Nevada and Angelo, Kilday & Kilduff for the provision of legal services, increasing the maximum contract price to \$150,000, increasing the General Liability budget by \$50,000, and authorizing the Chair of the Board to execute the Amendment

RECOMMENDATION: Adopt the attached Resolution.

FUNDING: Legal services provided under this Agreement are paid on an as needed basis. The cost of this Amendment will be paid from the Risk Management's Fiscal Year 2020/21 General Liability Fund. The contract is increasing from \$100,000 to \$150,000 (in increase of \$50,000). Costs in excess of \$100,000 are expected to be reimbursed by PRISM, so the additional \$50,000 is expected to be reimbursed. There is a budget amendment included in the resolution to increase both the expense and insurance proceeds/revenue by \$50,000 each, with a net impact of zero dollars. There is no additional impact on the General Fund.

BACKGROUND:

On June 15, 2018, litigation was filed against Nevada County and Nevada County Sanitation District No. 1 in the case entitled *Sullivan, et al. vs. Lake Wildwood Association, et al.* (Nevada County Superior Court), Case No. CU18-083052. The Board authorized County Counsel to hire outside counsel for this litigation. On July 25, 2018, the County entered into a Personal Services Contract with the law firm of Angelo, Kilday & Kilduff to provide legal advice and litigation services in connection with this case.

The Agreement has been amended on three prior occasions. On November 18, 2018, by Resolution No. 18-557, the Parties entered into the first amendment to the Contract to increase the maximum amount of the Contract to \$100,000. On June 25, 2019, by Resolution No. 19-352, the Parties entered into the second amendment to the Contract to extend the termination date to June 30, 2020. Finally, on June 23, 2020, by Resolution No. 20-280, the Parties entered into the third amendment to the Contract to extend the termination date to June 30, 2021.

Due to the ongoing defense of this case, it is requested that the maximum Contract price be increased to \$150,000 (an increase of \$50,000) to cover the additional legal expenses related to the litigation, thereby necessitating this Amendment No. 4.

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Angelo, Kilday & Kilduff is well qualified to represent the County in this matter and has done a very good job handling the litigation thus far. I recommend that the Board approve the proposed Amendment as submitted.

Item Initiated by: Kelly McKinley

Approved by: Katharine L. Elliott

Submittal Date: November 24, 2020

Revision Date: December 2, 2020