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**NEVADA COUNTY BOARD OF SUPERVISORS**  
**Board Agenda Memo**

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**MEETING DATE:** February 11, 2025

**TO:** Board of Supervisors

**FROM:** Katharine L. Elliott, County Counsel

**SUBJECT:** Resolution approving Amendment No. 2 to Personal Services Contract between the County of Nevada and Downey Brand, LLP, to increase the amount of the contract by \$25,000 for a maximum amount of \$75,000, and extend the term of the Contract to June 30, 2026, and authorize the Chair of the Board of Supervisors to execute the Amendment (4/5 Affirmative vote required)

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**RECOMMENDATION:** Adopt the attached Resolution.

**FUNDING:** Legal services provided under this Contract are paid on an as needed basis. The cost of this Contract is being paid from the County Counsel's Fiscal Year 24/25 budget. No budget amendment is needed at this time.

**BACKGROUND:**

On October 10, 2023, the County retained general legal representation for Nevada County, its employees, representatives, and officers related to the initiation of filing a complaint with the CPUC against PG&E and facilitating meetings and communications with PG&E about its gas infrastructure activities. The scope of representation included but was not limited to, advice on procedural and substantive law, factual investigations, legal research, and representation throughout the CPUC process, including filing responsive pleadings and motions, discovery, participation in mediation or other alternative dispute resolution, and any hearings, and other tasks as directed by County Counsel. The Agreement had a maximum contract price of \$25,000 with a termination date of June 30, 2025.

On December 30, 2024, the parties amended (Amendment No. 1) the Contract to increase the Contract maximum price by \$25,000, for a maximum Contract amount of \$50,000 general legal representation for Nevada County, its employees, representatives, and officers related to (1) the filing of a complaint with the CPUC against PG&E and facilitating meetings and communications with PG&E about its gas infrastructure activities; and (2) various legal issues related to the Blue Lead Gold Mine, including but not limited to the Blue Lead's bankruptcy filing.

The Contract Scope of Services is amended to add other legal issues related to bankruptcy as needed. The County has had various contractors declare bankruptcy and we need ongoing services in addition to our administrative proceeding before the CPUC. An extension of the Contract term is necessary to provide for continued services under the Contract. It is recommended the Contract be increased by \$25,000 for a maximum amount of \$75,000 and be extended to June 30, 2026.

Downey Brand, LLP, is well qualified to represent the County in this matter and in providing additional services and has done an excellent job in representing Nevada County thus far. I recommend that the Board approve the proposed Amendment as submitted.

**Item Initiated by:** Trina Woodward

**Item Approved by:** Katharine L. Elliott, County Counsel

Submittal Date: 1/30/2025