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

MEETING DATE: January 22, 2019

TO: Board of Supervisors

FROM: County Counsel

SUBJECT: Resolution Approving Amendment No. 1 to Personal Services Contract PESH3669 between the County of Nevada and Angelo, Kilday & Kilduff, Increasing the Maximum Contract Price by \$75,000, Expanding the Scope of Services, 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 General Liability Fiscal Year 2018/19 and 2019/20 Budgets. There is no impact on the General Fund. County staff are working closely with CSAC-EIA to review this case for coverage of claims; if there's coverage then costs in excess of \$100,000 will be reimbursed by CSAC-EIA; if there's no coverage then there will be no reimbursed costs. A budget amendment will be included in an upcoming Consolidated Budget Amendment if needed.

BACKGROUND: Litigation was filed against Nevada County and Nevada County Sanitation District No. 1 in the cases entitled *Lau, et al. vs. County of Nevada, et al.* (Nevada County Superior Court), Case No. CU18-082845, and *Saigh, et al. vs. County of Nevada, et al.* (Nevada County Superior Court), Case No. CU18-082850 on March 6, 2018, and March 7, 2018, respectively. The Board authorized County Counsel to hire outside counsel for these litigation matters in the summer of 2018. As of July 25, 2018, the County entered into a Personal Services Contract with the law firm of Angelo, Kilday & Kilduff with a Maximum Contract Price of \$25,000 to provide legal advice and litigation services in connection with these cases.

A new related case was filed against Nevada County and Nevada County Sanitation District No. 1 entitled *Suarez, et al. vs. County of Nevada, et al.* (Nevada County Superior Court), Case No. CU18-083381. The Board authorized County Counsel to hire outside counsel for this litigation matter on January 7, 2019. Additional funding is necessary to cover the expanded scope of services and to ensure that sufficient funds are available to cover ongoing litigation costs, including motions and discovery. The proposed Amendment increases the contract amount by \$75,000, for a

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maximum contract price of \$100,000 and expands the scope of services to include the new litigation case. Angelo, Kilday & Kilduff is well qualified to represent the County in these matters 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 and Approved by: Alison A. Barratt-Green, County Counsel

Submittal Date: January 10, 2019
Revision Date: