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

MEETING DATE: August 24, 2021

TO: Board of Supervisors

FROM: County Counsel

SUBJECT: Resolution approving Amendment No. 5 to Personal Services Contract between the County of Nevada and Angelo, Kilday & Kilduff, increasing the maximum Contract price by \$190,000, and authorizing the Chair of the Board of Supervisors to execute the Amendment (4/5 affirmative vote required)

RECOMMENDATION:

Adopt the attached Resolution.

FUNDING:

Legal services provided under this Contract are paid on an as needed basis. The cost of this Amendment will be paid from the Risk Management's Fiscal Years 2021/22 General Liability Fund. A budget amendment to the General Liability Fund for FY 2021/22 will be brought to the Board in the first quarterly consolidated budget amendment of FY 2021/22.

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, March 7, 2018, and 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.

Hon. Board of Supervisors

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The Contract, as amended by Resolution 20-279, has a maximum contract price of \$225,000 with a Contract Termination date of June 30, 2021. By Resolution 21-136, the Contract was amended to increase the Maximum Contract Price to \$250,000 and extend the term of the contract to June 30, 2022. Additional funding is necessary to pay for ongoing litigation costs, including motions, discovery, mediation and the preparation of trial. The parties now desire to increase the contract amount by \$190,000, for a maximum contract price of \$440,000.

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 by: Kelly McKinley

Item Approved by: Katharine L. Elliott

Submittal Date: August 9, 2021

Revision Date: