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NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: January 14, 2020

TO: Board of Supervisors

FROM: County Counsel

SUBJECT: Resolution Approving Amendment No. 2 to Personal Services Contract BFS19068 Between the County of Nevada and Angelo, Kilday & Kilduff, Increasing the Maximum Contract Price by \$125,000, 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 General Liability Fiscal Year 2018/19 and 2019/20 Budgets. There is no additional impact on the General Fund. No budget amendment is required.

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. The contract was amended on February 12, 2019, pursuant to Resolution 19-068 to expand the scope of services to include the *Suarez, et al.* case and to increase the Maximum Contract Price to \$100,000.

A Motion for Summary Judgment was filed in these matters on behalf of County defendants and the hearing on said motion was originally scheduled for November 22, 2019. Due to the anticipated PSPS that was potentially scheduled for that day the Court

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continued the hearing to December 6, 2019. Plaintiffs asked the Court for additional time to file their briefing. The matter returns to Court on January 10, 2020 to set a briefing schedule on the Motion for Summary Judgment.

In the event the Court does not grant our motion for summary judgment, additional funding is required to ensure that sufficient funds are available to cover legal costs related to unanticipated trial costs, post-trial motions and other legal activities, and any appeal in this case. The proposed Amendment increases the contract amount by \$125,000, for a maximum contract price of \$225,000. 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 and Approved by: Katharine L. Elliott, County Counsel

Submittal Date: December 23, 2019