

# OFFICE OF THE COUNTY COUNSEL

## COUNTY OF NEVADA

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## NEVADA COUNTY BOARD OF SUPERVISORS

### Board Agenda Memo

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**MEETING DATE:** August 13, 2019

**TO:** Board of Supervisors

**FROM:** Alison A. Barratt-Green, County Counsel

**SUBJECT:** Resolution approving Amendment No. 3 to Personal Services Contract #PESM3707 between the County of Nevada and Jarvis, Fay & Gibson, LLP to increase the contract amount by \$9,161.30, For additional legal services related to the Cannabis EIR and Cannabis Cultivation Ordinance, and authorizing the Chair of the Board of Supervisors to execute the Amendment

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**RECOMMENDATION:** Adopt the attached Resolution

**FUNDING:** Legal services provided under this Agreement are paid on an as needed basis. All costs associated with this Amendment will be paid from the Community Development Agency's budget from Fund 1123-20711-326-1000, which has been established for cannabis-related activities. There will be no impact on the General Fund.

**BACKGROUND:** On August 9, 2018, the parties entered into an agreement to provide County with legal advice regarding CEQA compliance for the Cascade Shores Leachfield Project, with a Maximum Contract Amount of \$5,000 and a termination date of June 30, 2019.

On December 7, 2018, the contract was amended to add general legal services related to review of the Cannabis Ordinance Environment Impact Report ("EIR") at the direction of the Planning Director and to increase the maximum contract amount from \$5,000 to \$10,000. Effective January 1, 2019, the contract was further amended to increase the maximum contract amount from \$10,000 to \$25,000 and extend the termination date to June 30, 2020, to allow for additional legal services related to the EIR and review of the cannabis cultivation ordinance.

Due to the very large volume of comments received on both the EIR and the cannabis cultivation ordinance, the unanticipated number and nature of changes being made to both documents in the weeks leading up to adoption of the ordinance, and the desire for additional post-adoption legal services, final costs for outside legal services related to the

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cannabis EIR and cannabis cultivation ordinance exceeded the maximum contract amount. To cover these extra costs and close out the contract, the Maximum Contract Amount needs to be increased by \$9,161.30, for a maximum contract price of \$34,161.30. The legal work was completed prior to June 30, 2019, and there will be no further work under this contract.

Jarvis, Fay & Gibson has done a good job handling the matter under very challenging circumstances. I recommend that the Board approve the proposed Amendment as submitted.

**Item Initiated and Approved by:** Alison A. Barratt-Green, County Counsel

Submittal Date: 7/29/19  
Revision Date: