



RESOLUTION No. 23-333

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 2 TO PROFESSIONAL SERVICES CONTRACT BETWEEN THE COUNTY OF NEVADA AND MANNING & KASS, ELLROD, RAMIREZ, TRESTER, LLP, INCREASING THE CONTRACT PRICE BY \$475,000, TO A MAXIMUM CONTRACT AMOUNT OF \$525,000, EXTENDING THE TERM OF THE CONTRACT TO JUNE 30, 2026, AND AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO EXECUTE THE AMENDMENT (4/5 AFFIRMATIVE VOTE REQUIRED)

WHEREAS, effective February 4, 2021, the County entered into a Professional Services Contract with Manning & Kass, Ellrod, Ramirez, Trester, LLP, for legal services in connection with an officer involved shooting occurring on February 4, 2021; and

WHEREAS, the maximum amount of that Contract was set for \$50,000 with a termination date of June 30, 2022; and

WHEREAS, on May 23, 2022, litigation was initiated entitled, *A.C. and M.C. vs. County of Nevada*, Nevada County Superior Court Case No. CU0000079; and

WHEREAS, by Amendment No. 1, on July 1, 2023, the Contract was amended to extend the term of the Contract to June 30, 2023; and

WHEREAS, the case is ongoing, and an extension of the Contract term is necessary to provide for continued litigation services under this Contract; and

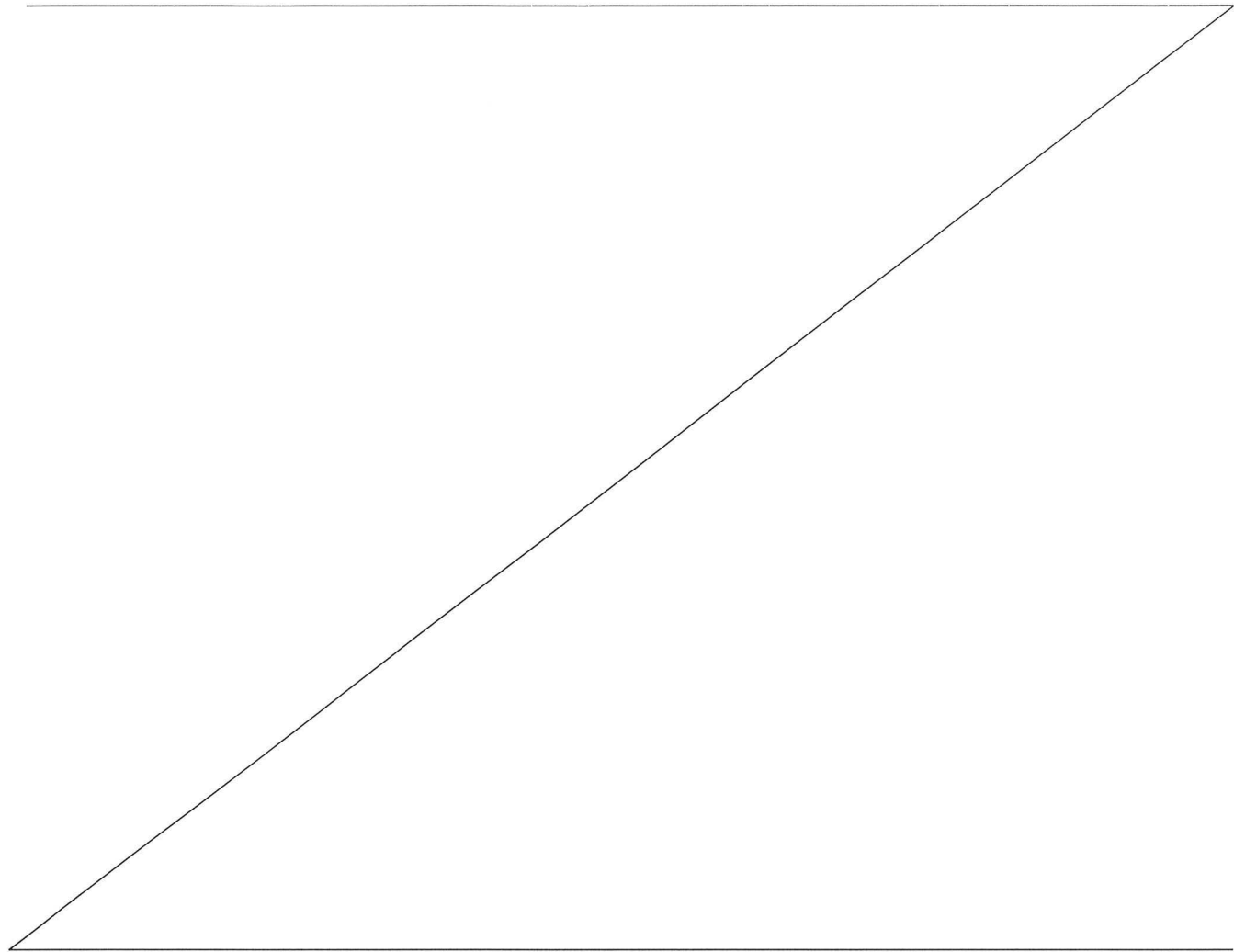
WHEREAS, the County desires that Contractor continue to provide legal services related to the continued defense and trial of the above-referenced claims and litigation, and Contractor is ready, willing and able to provide such services; and

WHEREAS, the parties now desire to extend the term of the contract from June 30, 2023, to June 30, 2026; and

WHEREAS, additional funding is necessary to pay for ongoing litigation costs, including upcoming trial expenses; and

WHEREAS, the parties now desire to amend the Contract to increase the Contract amount by \$475,000, for a maximum Contract amount of \$525,000; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 2 to the Professional Services Contract by and between the County of Nevada and Manning & Kass, Ellrod, Ramirez, Trester, LLP, increasing the contract amount by \$475,000, to a Maximum Contract Amount of \$525,000, extend the term of the contract from June 30, 2023, to June 30, 2026, and hereby is approved in the form attached hereto as Exhibit A, and the Chair of the Board of Supervisors is hereby authorized to execute the Amendment.



PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 27th day of June, 2023, by the following vote of said Board:

- Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.
- Noes: None.
- Absent: None.
- Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Edward C. Scofield, Chair

6/27/2023 cc: CoCo*
AC*(Hold)

7/17/2023 cc: CoCo*
AC*(Release)

**AMENDMENT No. 2 TO PROFESSIONAL SERVICES CONTRACT [PESQ4230]
WITH MANNING & KASS, ELLROD, RAMIREZ, TRESTER, LLP**

THIS AMENDMENT No. 2 is made effective as of June 8, 2023 by and between Manning & Kass, Ellrod, Ramirez, Trester, LLP (“Contractor”), and the County of Nevada (“County”). This Amendment No. 2 amends the Professional Services Contract between the parties for legal services, entered on February 4, 2021 (“Contract”).

WHEREAS, parties entered into a Professional Services Contract [PESQ4230] for legal services in connection with the lawsuit entitled *A.C. and M.C. vs. County of Nevada, et al, NCSC Case No. CU0000079*; and

WHEREAS, the issue is ongoing, and an extension of the Contract term is necessary to provide for continued litigation services under this Contract; and

WHEREAS, the County desires that Contractor continue to provide legal services related to the above-referenced issue, and Contractor is ready, willing and able to provide such services; and

WHEREAS, the parties now desire to extend the term of the contract from June 30, 2023, to June 30, 2026; and

WHEREAS, the parties now desire to amend the Contract to increase the Contract amount by \$475,000, for a maximum Contract amount of \$525,000; and

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the parties hereto agree as follows:

1. Section 2, Payment is hereby amended to not exceed \$525,000.
2. Section 3, Contract Termination Date, is hereby extended to June 30, 2026.
3. That in all other respects the prior Contract of the parties shall remain in full force and effect except as amended herein.

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IN WITNESS WHEREOF, the parties have executed this Amendment No. 2 to Professional Services Contract between the County of Nevada and Manning & Kass, Ellrod, Ramirez, Trester, LLP, effective as of the date first written above.

COUNTY OF NEVADA

By: 
Edward C. Scofield
Chair, Board of Supervisors


CONTRACTOR:

By: 
Missy O Linn (Jul 4, 2023 23:57 PDT)
Missy O Linn
Manning & Kass, Ellrod, Ramirez,
Trester, LLP

ATTEST:

By: 
Julie Patterson-Hunter
Clerk of the Board

APPROVED AS TO FORM:

By: 
Kit Elliott (Jul 5, 2023 15:08 PDT)
Katharine L. Elliott
County Counsel