



RESOLUTION No. 24-295

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 5 TO PERSONAL SERVICES CONTRACT BETWEEN THE COUNTY OF NEVADA AND ABBOTT & KINDERMANN, INC. FOR LEGAL SERVICES RELATED TO THE IDAHO-MARYLAND MINE – RISE GRASS VALLEY PROJECT, INCREASING THE CONTRACT PRICE BY \$23,675 FOR A MAXIMUM CONTRACT AMOUNT OF \$673,675 AND DIRECTS THE AUDITOR-CONTROLLER TO AMEND THE FISCAL YEAR 2023/24 BUDGET AND AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE THE AMENDMENT (4/5 AFFIRMATIVE VOTE REQUIRED)

WHEREAS, on May 1, 2020, by Resolution 20-152, the parties executed a Personal Services Contract [BM220152] with Abbott & Kindermann, Inc., for legal services in connection with the land use and CEQA services to the County in conjunction with the Idaho Maryland Mine and any related litigation actions; and

WHEREAS, by Resolution 22-276, the parties agreed to extend the term of the Contract from June 30, 2022 to June 30, 2023; and

WHEREAS, by Resolution 23-150, the parties agreed to increase the Contract price by \$100,000 for a maximum Contract amount of \$250,000 and extend the Contract term to June 30, 2024; and

WHEREAS, by Resolution 23-428, the parties agreed to increase the Contract price by \$125,000 for a maximum Contract amount of \$375,000 and amend the Schedule of Services; and

WHEREAS, by Resolution 23-604, the parties agreed to increase the Contract price by \$275,000 for a maximum Contract amount of \$650,000 and amend the Schedule of Services; and

WHEREAS, the parties now agree to strike paragraph 8 of Resolution 23-604 which read “the contract amount is to be paid by the Project Application, but the County may incur its own costs, not to exceed \$50,000” as we have paid for those services separately; and

WHEREAS, the matter is ongoing, and an increase of the Contract amount is necessary to provide for continued services under this Contract; and

WHEREAS, the County desires to compensate the Contractor for continuing legal services provided related to the continued project, and Contractor has been ready, willing and able to provide such services; and

WHEREAS, the parties now desire to amend the Contract to increase the Contract amount by \$23,675, for a maximum Contract amount of \$673,675; and

WHEREAS, the parties desire to amend the Schedule of Services as outlined in Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Nevada hereby approves in the form attached hereto as Exhibit A that Amendment No. 5 to Personal Services Contract by and between the County of Nevada and Abbott Kindermann, Inc., increasing the Contract amount by \$23,675 for a maximum Contract amount of \$673,675, and hereby authorizes the Chair of the Board of Supervisors to execute the Amendment (4/5 affirmative vote required).

BE IT FURTHER RESOLVED that these legal services contract expenses are to be paid by the proposed Project applicant, and pursuant to the attached Amendment No. 5 to the Personal Services Contract, the Planning Department is authorized to accept the deposit from the applicant in an amount equal to the maximum contract price identified in the attached Amendment No. 5 to the Personal Services Contract. The Auditor-Controller is hereby directed to amend the Planning Department fiscal year 2023/2024 budget as follows:

Planning Department 1123-20708-325-2000/458010 \$23,675
Planning Department 1123-20708-325-2000/521520 \$23,675

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 11th day of June 2024, 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.

Recuse: None.

ATTEST:

TINE MATHIASSEN
Chief Deputy Clerk of the Board of Supervisors

By:  _____

 _____
Hardy Bullock, Chair

EXHIBIT A

**AMENDMENT No 5 TO PERSONAL SERVICES CONTRACT
[BM220152] WITH ABBOTT & KINDERMANN, INC.**

THIS AMENDMENT No. 5 is made and is effective as of January 15, 2024, by and between Abbott & Kindermann, Inc. (“Contractor”), and the County of Nevada (“County”). This Amendment No. 5, amends the Personal Services Contract between the parties for legal services, effective as of May 1, 2020 (“Contract”).

WHEREAS, by Resolution 23-604, the parties agreed to increase the Contract price by \$275,000 for a maximum Contract amount of \$650,000 and amended the Schedule of Services;

WHEREAS, the matter is ongoing, and an increase of the Contract term is necessary to provide for continued services under this Contract; and

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


WHEREAS, the parties desire to amend the Contract to increase the Contract amount by \$23,675, for a maximum Contract amount of \$673,675; and

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


1. Section 2, Maximum Contract Price, is hereby increased by \$23,675, for a maximum Contract amount of \$673,675;
2. That in all other respects the prior Contract of the parties shall remain in full force and effect except as amended herein.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 5 to Personal Services Contract between the County of Nevada and Abbott & Kindermann, Inc., effective as of the date first written above.


COUNTY OF NEVADA

By: 
Hon. Hardy Bullock
Chair, Board of Supervisors

CONTRACTOR:

By: 
Diane Kindermann (Jun 14, 2024 10:02 PDT)
Diane Kindermann, Partner
Abbot & Kindermann, Inc.

ATTEST:

By: 
Tine Mathiasen
Chief Deputy Clerk of the Board of
Supervisors

APPROVED AS TO FORM:

By: 
Kit Elliott (Jun 14, 2024 10:26 PDT)
Katharine L. Elliott
County Counsel