



RESOLUTION No. 20-525

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 4 TO PERSONAL SERVICES CONTRACT BETWEEN THE COUNTY OF NEVADA AND ANGELO, KILDAY & KILDUFF FOR THE PROVISION OF LEGAL SERVICES, INCREASING THE MAXIMUM CONTRACT AMOUNT TO \$150,000, INCREASING THE GENERAL LIABILITY REVENUE AND EXPENDITURE BUDGETS BY \$50,000, AND AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO EXECUTE THE AMENDMENT

WHEREAS, effective July 25, 2018, the County executed a Personal Services Contract with Angelo, Kilday & Kilduff, for legal services in connection with the lawsuit entitled *Sullivan, et al. vs. Lake Wildwood Association, et al.* (Nevada County Superior Court), Case No. CU18-083052; and

WHEREAS, on November 18, 2018, by Resolution 18-557, the Parties amended the Contract to increase the maximum amount of the Contract to \$100,000; and

WHEREAS, on June 25, 2019, by Resolution 19-352, the Parties amended the Contract to extend the termination date to June 30, 2020; and

WHEREAS, on June 23, 2020, by Resolution 20-280, the Parties amended the Contract to extend the termination date to June 30, 2021; and

WHEREAS, the Parties now desire to enter into Amendment No. 4 to the Contract to increase the maximum amount of the Contract to \$150,000 (an increase of \$50,000), to cover additional legal costs related to the litigation; and

WHEREAS, funding for litigation expenses is budgeted in the General Liability fund requiring a budget amendment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 4 to Personal Services Contract and between the County of Nevada and Angelo, Kilday & Kilduff for the provision of legal services, increasing the contract amount to \$100,000 for a new Maximum Contract Price of \$150,000, be and hereby is approved in substantially the same form attached hereto as Exhibit A, and the Chair of the Board of Supervisors is hereby authorized to execute the Amendment.

BE IT FURTHER RESOLVED that the Auditor-Controller is directed to amend the Fiscal Year 2020-21 General Liability budget as follows:

Increase:	
4356-92002-275-1000-521520	\$50,000
4356-92002-275-1000-460200	\$50,000

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 15th day of December, 2020, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 



Heidi Hall, Chair

12/15/2020 cc: CoCo*
AC*(hold)

1/5/2021 cc: CoCo*
AC*(release)

EXHIBIT A

**AMENDMENT NO. 4 TO PERSONAL SERVICES CONTRACT
WITH ANGELO, KILDAY & KILDUFF
(BMS18557)**

THIS AMENDMENT No. 4 is made and is effective as of December 15, 2020, by and between Angelo, Kilday & Kilduff (“Contractor”), and the County of Nevada (“County”), collectively, the “Parties.” This Amendment No. 4 amends the Personal Services Contract between the parties for legal services, effective as of July 25, 2018 (“Agreement”).

WHEREAS, the Parties entered into an agreement to provide County with legal services in the case of *Sullivan, et al. vs. Lake Wildwood Association, et al.* (Nevada County Superior Court), Case No. CU18-083052, with a Maximum Contract Amount of \$25,000; and,

WHEREAS, on November 18, 2018, by Resolution No. 18-557, the Parties amended the Contract to increase the maximum amount of the Contract to \$100,000; and,

WHEREAS, on June 25, 2019, by Resolution No. 19-352, the Parties amended the Contract to extend the termination date to June 30, 2020; and,

WHEREAS, on June 23, 2020, by Resolution No. 20-280, the Parties amended the Contract to extend the termination date to June 30, 2021; and,

WHEREAS, the Parties now desire to enter into Amendment No. 4 to the Contract to increase the maximum amount of the Contract to \$150,000 (an increase of \$50,000), to cover additional legal costs related to the litigation; and,

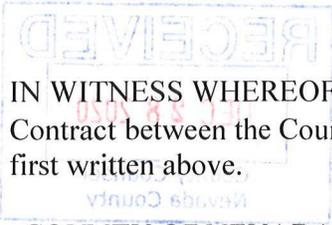
WHEREAS, funding for litigation expenses are budgeted in the General Liability fund requiring a budget amendment.

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

1. Section 2, Maximum Contract Price, is hereby increased to \$150,000.
2. That in all other respects the prior agreement of the parties shall remain in full force and effect except as amended herein.
3. Auditor Controller is directed to amend the FY 2020-21 General Liability budget as follows:

Increase: 4356-92002-275-1000-521520	\$50,000
Increase: 4356-92002-275-1000-460200	\$50,000

Signature Page to Follow



IN WITNESS WHEREOF, the Parties have executed this Amendment No. 4 to Personal Services Contract between the County of Nevada and Angelo, Kilday & Kilduff, effective as of the date first written above.

COUNTY OF NEVADA

By: Heidi Hall
Hon. Heidi Hall
Chair, Board of Supervisors

CONTRACTOR:

By: Bruce A. Kilday
Bruce A. Kilday, Partner
Angelo, Kilday & Kilduff

ATTEST:

By: Julie Patterson-Hunter
Julie Patterson-Hunter
Clerk of the Board

APPROVED AS TO FORM:

By: Katharine L. Elliott
Katharine L. Elliott
County Counsel