



RESOLUTION No. 20-106

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING EXECUTION OF AMENDMENT NO. 1 TO THE PERSONAL SERVICES CONTRACT WITH KENNETH CUTLER, M.D. PERTAINING TO SERVING AS THE PUBLIC HEALTH OFFICER AND REGISTRAR FOR THE COUNTY OF NEVADA TO INCREASE THE MAXIMUM CONTRACT PRICE FROM \$211,300 TO \$266,300 (AN INCREASE OF \$55,000) DUE TO COVID-19-RELATED WORK AND EMERGENCY SUPPORT AND REVISE EXHIBIT "B", SCHEDULE OF CHARGES AND PAYMENTS TO REFLECT THE INCREASE IN THE MAXIMUM CONTRACT PRICE FOR THE TERM OF JULY 1, 2019 THROUGH JUNE 30, 2020 (RES 19-308)

WHEREAS, on June 25, 2019 per Resolution 19-308, the Nevada County Board of Supervisors authorized the execution of the Renewal Personal Services Contract with Dr. Cutler to provide approximately twenty-eight (28) hours per week and to continue to serve as the Public Health Officer and Registrar for the County of Nevada; and

WHEREAS, the Parties desire to amend their Agreement to increase the maximum contract price from \$211,300 to \$266,300 (an increase of \$55,000) as need for Public Health Officer and Registrar services has increased due to the COVID-19 pandemic and revise Exhibit "B" Schedule of Charges and Payments to reflect the increase in the maximum contract price.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada, State of California that the Amendment No. 1 to the Personal Services Contract by and between the County and Kenneth Cutler, M.D. for the provision of Public Health Officer and Registrar services for the term of July 1, 2019 through June 30, 2020 in the maximum amount of \$266,300 be and is hereby approved in substantially the form attached hereto, and that the Chair of the Board of Supervisors be and is hereby authorized to execute the Amendment on behalf of the County of Nevada.

Funds to be disbursed from accounts 1589-40101-492-1101/521520; 1589-40101-492-1701/521520 and 1589-40107-492-7000/521520.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 14th day of April, 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

4/14/20 cc: P. Health*
A-C*
Dr. Cutler (1)

**AMENDMENT #1 TO THE RENEWAL CONTRACT
WITH KENNETH CUTLER M.D. (RES 19-308)**

THIS AMENDMENT is executed this 14th day of April, 2020 by and between KENNETH CUTLER, M.D., hereinafter referred to as "Contractor" and COUNTY OF NEVADA, hereinafter referred to as "County". Said Amendment will amend the prior Agreement between the parties entitled Personal Services Contract, executed on June 25, 2019 per Resolution No. 19-308; and

WHEREAS, the Contractor provides services pertaining to serving as the Public Health Officer and Registrar for the County of Nevada; and

WHEREAS, the parties desire to amend their Agreement to increase the maximum contract price from \$211,300 to \$266,300 (an increase of \$55,000) and revise Exhibit "B" Schedule of Charges and Payments to reflect the increase in the maximum contract price.

NOW, THEREFORE, the parties hereto agree as follows:

1. That Amendment #1 shall be effective as of March 1, 2020.
2. That the maximum contract price set forth at §2 shall be changed from \$211,300 to \$266,300, an increase of \$55,000.
3. That the Schedule of Charges and Payments, Exhibit "B" is amended to the revised Exhibit "B" attached hereto and incorporated herein.
4. That in all other respects the prior agreement of the parties shall remain in full force and effect except as amended herein.

COUNTY OF NEVADA:

By: Heidi Hall
Heidi Hall
Chair of the Board of Supervisors

CONTRACTOR:

By: K Cutler
Kenneth Cutler, M.D.
Physician
P.O. Box 10047
Truckee, CA 96162

ATTEST:

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

EXHIBIT "B"
SCHEDULE OF CHARGES AND PAYMENTS
KENNETH CUTLER, M.D.

The maximum contract obligation for services provided under this Contract shall not exceed \$266,300 for the term.

Acting Public Health Officer and Acting Registrar duties	\$258,000
OES funded travel (<i>with prior approval</i>)	\$ 2,500
CME Units	\$ 5,000
Drug Enforcement Agency Certificate or other license fee	\$ 800
Total	\$266,300

Should modification to or changes to the budget line items be needed, a written request for modification shall be submitted for approval to the Director and or his/her designee. County at its sole discretion shall determine if the change will continue to meet the contract objectives and approve or deny the request.

County shall reimburse Contractor at the rate of \$145 per hour. Contractor agrees to bill in the minimum of fifteen (15) minute increments. Of the total contract maximum, up to \$5,000 may be used to reimburse the Contractor costs related to attending conferences for CME (Continuing Medical Education) units/courses, and \$2,500 may be used for Office of Emergency Services (OES) funded travel with prior approval by the Public Health Director.

In consideration of services provided by Contractor under this Agreement, County shall provide general liability insurance and professional liability (malpractice) insurance, for which coverage shall be specifically limited to liabilities from services provided by Contractor under this Agreement.

County and Contractor recognize and acknowledge that Contractor shall act as an Independent Contractor and sole proprietor in providing services under the terms of this agreement and, as such, shall not be covered under the County's Worker's Compensation policy. Contractor agrees to hold harmless County from any occupational injury suffered by Contractor while performing services pursuant to this agreement.

Contractor shall be reimbursed for mileage at the current IRS mileage rate per mile for trips made in Contractor's car when Contractor is required by Department to travel outside of the Grass Valley/Nevada City area in order to attend meetings or provide services.

CERTIFIED PUBLIC EXPENDITURE

The Medi-Cal Administrative Activities (MAA) direct charge for Program Planning and Policy Development for Medi-Cal Services for Medi-Cal Clients and Non-Medical Clients (Code 17) portion of this contract is funded by Public Health Realignment and Medi-Cal Administrative Activities prior year revenues.

BILLING AND PAYMENT

Contractor shall separately track his time spent on specific funded activities (e.g., Public Health Administration and Medi-Cal Administrative Activities) on a monthly basis. Contractor shall submit a monthly invoice at the end of each month for compensation and mileage/expenses to be reimbursed. Invoices shall include a breakdown of how many hours are spent on each activity. The invoice shall be delivered or mailed to:

Nevada County Public Health Department
Attn: Jill Blake, Public Health Director
500 Crown Point Circle
Grass Valley, CA 95945