



# RESOLUTION No. 15-118

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### RESOLUTION AUTHORIZING AMENDMENT NO. 2 TO RESOLUTION 11-161, A CONTRACT WITH TELMATE, LLC FOR INMATE PHONE SERVICES

WHEREAS, Resolution 11-161 authorized an agreement with Telmate LLC, to provide inmate phone services; and

WHEREAS, Resolution 12-393, authorized amendment No. 1 to the Telmate LLC contract and extended the term for one additional year; and

WHEREAS, the parties desire a second amendment of their agreement to allow or provide for extending the contract termination date by one (1) year, until April 26, 2016.

BE IT HEREBY RESOLVED by the Board of Supervisors, of the County of Nevada, State of California, that the Chair of the Board of Supervisors be and is hereby authorized to execute, on behalf of the County of Nevada, that certain personal services contract extension with Telmate LLC, for the period April 27, 2015 to April 26, 2016.

Funding: 1339 20301 152 1000 / 462000

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 24th day of March, 2015, by the following vote of said Board:

Ayes: Supervisors Nathan H. Beason, Edward Scofield, Dan Miller,  
Hank Weston and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Interim Clerk of the Board of Supervisors

By: *Julie Patterson Hunter*

*Edward C. Scofield*  
Edward C. Scofield, Chair

3/24/2015 cc: Sheriff\*  
AC\*(hold)

3/26/2015 cc: Sheriff\*  
AC\*(release)  
Telmate

**AMENDMENT #2 TO CONTRACT WITH TELMATE, LLC.**

**THIS AMENDMENT** is executed this 24th day of March, 2015 by and between Telmate LLC. and COUNTY OF NEVADA. Said Amendment will amend the prior agreement between the parties entitled Secure Inmate Telephone and Call Monitoring System and Services executed and adopted by Resolution 11-161 on April 26, 2011 and which Agreement was subsequently amended on August 22, 2012 and adopted by Resolution 12-393 on September 11, 2012.

**WHEREAS**, the parties desire to amend their agreement to allow or provide for extending the Contract Termination Date by one (1) year until April 26, 2016.; and

**NOW, THEREFORE**, the parties hereto agree as follows:

1. That this amendment shall be effective as of April 27, 2015.
2. That in all other respects the prior agreement of the parties as previously amended shall remain in full force and effect except as amended herein.

APPROVED AS TO FORM:  
COUNTY COUNSEL

By: 

COUNTY OF NEVADA

By: 

Edward C. Scofield  
Board of Supervisors Chairman

ATTEST:

By: 

~~Donna~~ Julie Patterson Hunter  
Clerk of the Board of Supervisors

Interim

CONTRACTOR:

By: 

Kevin O'Neil  
President



# RESOLUTION No. 12-393

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO RESOLUTION 11-161, A CONTRACT WITH TELMATE, LLC FOR INMATE PHONE SERVICES

WHEREAS, the parties desire to amend their agreement to provide for one additional year of service for a total of four concurrent years; and

WHEREAS, the parties desire to amend their agreement to further clarify and ensure compliance with federal regulations applicable to the services provided under the subject Contract, and

WHEREAS, the parties desire to amend their agreement providing current contact information; and

WHEREAS, the parties desire to replace Term 11 of the agreement with the language contained in the attached Exhibit C "SCHEDULE OF CHANGES".

BE IT HEREBY RESOLVED by the Board of Supervisors, of the County of Nevada, State of California, that the Chair of the Board of Supervisors be and is hereby authorized to execute, on behalf of the County of Nevada, that certain personal services contract extension with Telmate LLC, for the period August 22, 2012 to April 26, 2015

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a special meeting of said Board, held on the 11<sup>th</sup> day of September, 2012, by the following vote of said Board:

Ayes: Supervisors Nathan Beason, Edward Scofield, Terry Lamphier, Hank Weston, and Ted S. Owens.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

DONNA LANDI  
Clerk of the Board of Supervisors

By: Donna Landi

Ted S. Owens  
Ted S. Owens, Chair

## AMENDMENT #1 TO CONTRACT WITH TELMATE, LLC

**THIS AMENDMENT** is executed this 22<sup>nd</sup> day of Aug. 2012 by and between TELMATE, LLC and COUNTY OF NEVADA. Said Amendment will amend the prior agreement between the parties entitled SECURE INMATE TELEPHONE AND CALL MONITORING SYSTEM AND SERVICES executed on April 26, 2011 by Resolution No.11-161.

**WHEREAS**, the parties desire to amend their agreement to provide for one additional year of service for a total of four concurrent years; and

**WHEREAS**, the parties desire to amend their agreement to further clarify and ensure compliance with federal regulations applicable to the services provided under the subject Contract, and

**WHEREAS**, the parties desire to amend their agreement providing current contact information; and

**WHEREAS**, the parties desire to replace Term 11 of the agreement with the language contained in the attached Exhibit C "SCHEDULE OF CHANGES";

**NOW, THEREFORE**, the parties hereto agree as follows:

1. This amendment shall be effective as of the date executed.
2. The Contract Termination Date is extended to April 26, 2015.
3. Exhibit A, Section 8 is revised to add item 8.3:

### 8.3 Operating Guidelines

a) COUNTY accepts the Products (defined below) subject to the terms and conditions contained in this Contract. COUNTY hereby acknowledges that the Products associated with this Contract are subject to certain rules and regulations (collectively "Regulations"), including regulations established by the Office of the Comptroller of the Currency (OCC), the United States Office of the Treasury Office of Foreign Assets Control (OFAC), as well as the relevant provisions of the Patriot Act and the Bank Secrecy Act, and COUNTY agrees to comply with such Regulations. COUNTY and CONTRACTOR both agree with the relevant Regulations described herein. COUNTY agrees to cooperate with CONTRACTOR to the extent necessary to ensure continued compliance with such Regulations. Such cooperation shall include, but is not limited to, access to the data necessary for CONTRACTOR and/or its banking sponsor to identify all parties related to cash, credit card, inmate trust or other related transactions related to revenue from sales of prepaid services, trust and/or bail, and revenue being defined as the net of sale price after applicable sales tax, regulatory and compliance surcharges. COUNTY agrees to help CONTRACTOR and/or its banking sponsor to the best of its ability obtain proper identification information on all cardholders when required, screen all cardholders against the OFAC SDN list and to sufficiently monitor card loading and distribution activities. The parties agree to abide by these Regulations and acknowledge that such Regulations are subject to change, and should a material change to these Regulations occur, CONTRACTOR agrees to notify COUNTY of such change. CONTRACTOR shall be responsible for ensuring that the Products and the use thereof are compliant with all applicable Federal and State laws, rules and regulations.

b) "Products" for purposes of this Agreement, shall include the following:

- i. Inmate Communication Services
  - ii. Kiosk Products
  - iii. Visitation Products
  - iv. Merchant and Cash Processing Services
  - v. Exit/Debit Card Program(s)
  - vi. Ancillary Fee and Trust Processing
  - vii. Facility Information System
  - viii. Any and all other products marketed and/or distributed by Telmate for Customer.
4. That EXHIBIT "B" - SCHEDULE OF CHARGES AND PAYMENTS is revised to include the commission rate of 63.5% for the fourth year of the Contract.
  5. That Section (26) reads: 234 Front St. 2<sup>nd</sup> floor, San Francisco, CA 94111  
Contact Person: General Counsel; e-mail: [legal@telmate.com](mailto:legal@telmate.com)
  6. That Term 11 of the contract be replaced with the language contained in the attached Exhibit C "SCHEDULE OF CHANGES".
  7. That in all other respects the prior agreement of the parties shall remain in full force and effect except as amended herein.

APPROVED AS TO FORM:

COUNTY OF NEVADA

By: 

County Counsel

By: 

Ted S. Owens  
Chair of the Board of Supervisors

ATTEST:

CONTRACTOR:

By: 

Donna Landi  
Clerk of the Board of Supervisors

By: 

Richard Torgersrud  
C.E.O.

 8/22/12  
APPROVED AS TO LEGAL FORM

**EXHIBIT "C"**

**SCHEDULE OF CHANGES**

(Amendments and Additions to Contract)

Clause 11 is replaced in its entirety with the following language.

**11. Indemnity:**

Nothing herein shall be construed as a limitation of Contractor's liability, and Contractor shall indemnify, defend and hold harmless the County and its officers, officials, employees, agents and volunteers from any and all liabilities, claims, demands, damages, losses and expenses (including, without limitation, defense costs and attorney fees of litigation) which result from the negligent act, willful misconduct, or negligent error or omission of Contractor, except such loss or damage which was caused by the sole negligence or willful misconduct of County or its officers, officials, employees, agents and volunteers.

  
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Approved by County Counsel

  
APPROVED AS TO LEGAL FORM



# RESOLUTION No. 11-161

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH TELMATE LLC FOR INMATE PHONE SERVICE

WHEREAS, the Nevada County Sheriff's Jail facilities offer inmate phone services; and,

WHEREAS, the Inmate Welfare Fund receives revenue generated from these calls which benefits the inmates in our correctional facilities; and

WHEREAS, following the RFP process, Telmate LLC, was selected as the provider offering the most comprehensive service and generation of revenue.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors, of the County of Nevada, State of California, that the Chair of the Board of Supervisors be, and is hereby, authorized to execute on behalf of the County of Nevada, that certain personal services contract with Telmate LLC, pertaining to inmate phone services, for the period beginning April 26, 2011, April 26, 2014. This is a revenue contract. Funding 1339 20301 1521000/462000.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 26th day of April, 2011,  
by the following vote of said Board:

Ayes: Supervisors Nate Beason, Ed Scofield,  
Terry Lamphier, Hank Weston & Ted S. Owens.  
Noes: None.

ATTEST:

Absent: None.

CATHY R. THOMPSON

Abstain: None.

Clerk of the Board of Supervisors

By: Cathy R. Thompson

Edward C. Scofield  
Edward C. Scofield, Chair

DATE	COPIES SENT TO
4/27/11	Sheriff
	Telmate
	A-C*