



RESOLUTION No. 21-136

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 4 TO PERSONAL SERVICES CONTRACT #BFS19068 BETWEEN THE COUNTY OF NEVADA AND ANGELO, KILDAY & KILDUFF, INCREASING THE MAXIMUM CONTRACT PRICE BY \$25,000; EXTENDING THE CONTRACT TERMINATION DATE TO JUNE 30, 2022, 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 ("Contract") with Angelo, Kilday & Kilduff, for legal services in connection with the lawsuits entitled *Lau, et al. vs. County of Nevada, et al.* (Nevada County Superior Court), Case No. CU18-082845, and *Saigh, et al. vs. County of Nevada, et al.* (Nevada County Superior Court), Case No. CU18-082850 with a contract termination date of June 30, 2020; and

WHEREAS, the maximum amount of Contract was set at \$25,000; and

WHEREAS, on December 7, 2018, the County was served with a new lawsuit related to the *Lau* and *Saigh* cases, entitled *Suarez, et al. vs. County of Nevada, et al.*; and

WHEREAS, on February 12, 2019, Contract was amended pursuant to Resolution 19-068 to expand the scope of services to include legal representation of Nevada County, Nevada County Sanitation District No. 1, and any Nevada County employees and officers that may be named as defendants in connection with the *Suarez* claims and related litigation, and increase Contract amount by \$75,000, for a maximum contract price of \$100,000; and

WHEREAS, by Resolution No. 20-004, the parties amended Contract to increase the maximum amount of Contract to \$225,000; and

WHEREAS, by Resolution No. 20-279, the parties amended Contract to extend the Agreement from June 30, 2020 to June 30, 2021; and

WHEREAS, the parties now desire to amend Contract to increase Contract amount by \$25,000, for a maximum amount of Contract to \$250,000; and

WHEREAS, the parties now desire to extend the term of Contract from June 30, 2021, to June 30, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 4 to Personal Services Contract #BFS19068 by and between the County of Nevada and Angelo, Kilday & Kilduff, increasing Contract amount by \$25,000 and establishing a new maximum contract price of \$250,000 and extending Contract term to June 30, 2022, is hereby 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 April, 2021, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Dan Miller, Chair

4/27/2021 cc: CoCo*
AC*(hold)

5/24/2021 cc: CoCo*
AC* (Release)

**AMENDMENT NO. 4 TO PERSONAL SERVICES CONTRACT
WITH ANGELO, KILDAY & KILDUFF
(BFS19068)**

THIS AMENDMENT No. 4 is made and is effective as of April 27, 2021, by and between Angelo, Kilday & Kilduff (“Contractor”), and the County of Nevada (“County”). 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 representation of Nevada County, Nevada County Sanitation District No. 1, and any Nevada County employees and officers that may be named as defendants in connection with claims filed by G. Michael Saigh and Edna Saigh, and related litigation, in the case of *Saigh, et al. vs. County of Nevada, et al.* (Nevada County Superior Court), Case No. CU18-082850, and by Richard Lau, et al., and related litigation, in the case of *Lau, et al. vs. County of Nevada, et al.* (Nevada County Superior Court), Case No. CU18-082845, and with a Maximum Contract Amount of \$25,000 and a contract termination date of June 30, 2020; and,

WHEREAS, on February 12, 2019, the Contract was amended pursuant to Resolution 19-068 to expand the scope of services to include legal representation of Nevada County, Nevada County Sanitation District No. 1, and any Nevada County employees and officers that may be named as defendants in connection with claims and related litigation filed by Robert E. Suarez and Candice JC Souza-Suarez, in the case of *Suarez, et al. vs. County of Nevada, et al.* (Nevada County Superior Court), Case No. CU18-083381, and increase the contract amount by \$75,000, for a Maximum Contract Price of \$100,000; and

WHEREAS, on July 1, 2020, the Agreement was amended by Resolution No. 20-279 to increase the Maximum Contract Price to \$225,000; and,

WHEREAS, additional funding is necessary to pay for ongoing litigation costs, including motions, discovery, and mediation; and,

WHEREAS, the parties desire to amend the Personal Services Agreement to increase the contract amount by \$25,000, for a Maximum Contract Price of \$250,000; and,

WHEREAS, the parties now desire to extend the term of the contract to June 30, 2022; and,

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

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


1. The contract is increased by \$25,000 and establishing a new Maximum Contract Price of \$250,000;
2. The term of the Contract has been extended to June 30, 2022;
3. That in all other respects the prior agreement of the parties shall remain in full force and effect except as amended herein.

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: 
Dan Miller (May 16, 2021 07:23 PDT)
Hon. Dan Miller
Chair, Board of Supervisors

CONTRACTOR:

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

ATTEST:

By: 
Julie Patterson-Hunter
Clerk of the Board

APPROVED AS TO FORM:

By: 
K.L. Elliott (May 14, 2021 12:54 PDT)
Katharine L. Elliott
County Counsel