



RESOLUTION No. 21-386

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 ANGELO, KILDAY & KILDUFF, INCREASING THE MAXIMUM CONTRACT PRICE BY \$190,000 AND AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO EXECUTE THE AMENDMENT (4/5 AFFIRMATIVE VOTE REQUIRED)

WHEREAS, effective July 25, 2018, the County executed a Personal Services 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 the 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, 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 the *Suarez* claims and related litigation, and increase the contract amount by \$75,000, for a Maximum Contract Price of \$100,000; and

WHEREAS, by Resolution No. 21-136, the parties amended the Contract to increase the maximum amount of the Contract to \$250,000 and extend the term of the Contract to June 30, 2022; and

WHEREAS, the parties now desire to amend the Contract to increase the Contract amount by \$190,000, for a maximum amount of the Contract to \$440,000.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 5 to Personal Services Contract by and between the County of Nevada and Angelo, Kilday & Kilduff, increasing the contract amount by \$190,000 and establishing a new Maximum Contract Price of \$440,000, 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 (4/5 affirmative vote required).

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 August, 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

8/24/2021 cc: CoCo*
AC* (Hold)

9/13/2021 cc: CoCo*
AC* (Release)

**AMENDMENT NO. 5 TO PERSONAL SERVICES CONTRACT
WITH ANGELO, KILDAY & KILDUFF
(BFS19068)**

THIS AMENDMENT No. 5 is made and is effective as of August 24, 2021, by and between Angelo, Kilday & Kilduff (“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 July 25, 2018 (“Contract”).

WHEREAS, the parties entered into an Contract 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 Contract was amended by Resolution No. 20-279 to increase the Maximum Contract Price to \$225,000; and

WHEREAS, on April 27, 2021, the Contract was amended by Resolution No. 21-136 to increase the Maximum Contract Price to \$250,000 and extend the term of the contract to June 30, 2022; and

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

WHEREAS, the parties now desire to amend the Personal Services Contract to increase the contract amount by \$190,000, for a Maximum Contract Price of \$440,000; and

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


1. The contract is increased by \$190,000 and establishing a new Maximum Contract Price of \$440,000; and
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 Angelo, Kilday & Kilduff, effective as of the date first written above.


COUNTY OF NEVADA

By: 
Dan Miller (Sep 13, 2021 12:52 PDT)
Hon. Dan Miller
Chair, Board of Supervisors

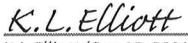
CONTRACTOR:

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 (Sep 13, 2021 15:17 PDT)
Katharine L. Elliott
County Counsel