



RESOLUTION No. 20-004

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 2 TO PERSONAL SERVICES CONTRACT NO. BFS19068 BETWEEN THE COUNTY OF NEVADA AND ANGELO, KILDAY & KILDUFF TO INCREASE THE MAXIMUM CONTRACT AMOUNT BY \$125,000, 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 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; 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

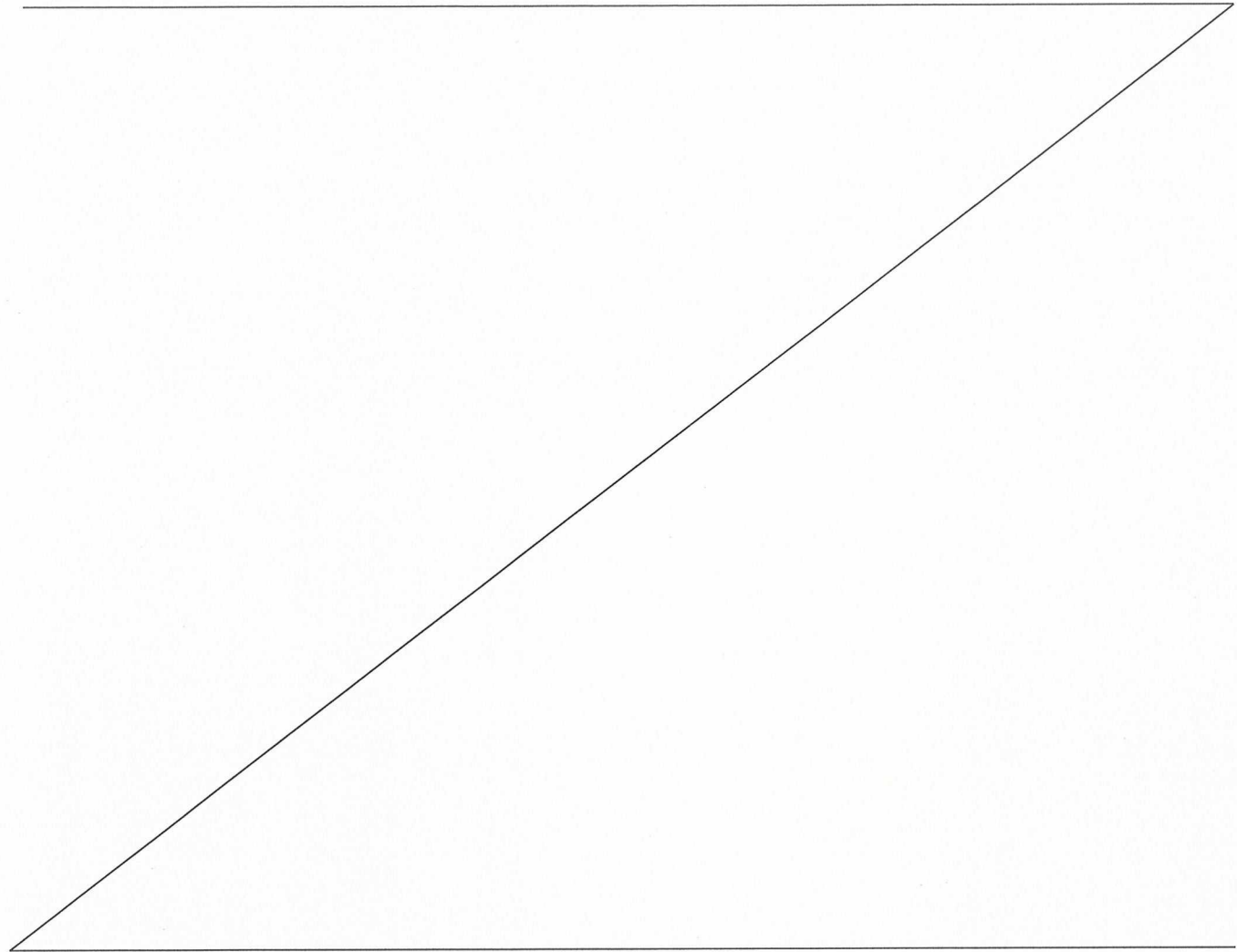
WHEREAS, on February 12, 2019, the Contract was amended pursuant to Resolution 19-068 to expand the scope of services to include legal representation of Nevada County, Nevada County Sanitation District No. 1, and any Nevada County employees and officers that may be named as defendants in connection with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

WHEREAS, additional funding is required to ensure that sufficient funds are available to cover legal costs related to potential trial costs, post-trial motions and other legal activities, and any appeal in these matters; and

WHEREAS, the parties now desire to increase the maximum amount of the contract by \$125,000, to a Maximum Contract Amount of \$225,000, to pay for the additional legal services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 2 to Personal Services Contract No. BFS19068 by and between the County of Nevada and Angelo, Kilday & Kilduff, increasing the contract amount by \$125,000 and establishing a new Maximum Contract Price of \$225,000, be and hereby is approved in the 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 authorized to encumber the funds in account number 4356-92002-275-1000 521520 27502764, by an additional \$125,000, for an amount not to exceed \$225,000.



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 January, 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

1/14/2020 cc: CoCo*
AC* (Hold)

2/6/2020 cc: CoCo*
AC* (Release)
AK&K

**AMENDMENT NO. 2 TO PERSONAL SERVICES CONTRACT
WITH ANGELO, KILDAY & KILDUFF
(BFS19068)**

THIS AMENDMENT No. 2 is made and is effective as of January 14, 2020, by and between Angelo, Kilday & Kilduff (“Contractor”), and the County of Nevada (“County”). This Amendment No. 2 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,

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, additional funding is required to ensure that sufficient funds are available to cover legal costs related to potential trial costs, post-trial motions and other legal activities, and any appeal in this case; and,

WHEREAS, the parties now desire to increase the maximum amount of the contract by \$125,000, to a Maximum Contract Amount of \$225,000, to pay for the additional legal services.

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

1. That Section 2, Maximum Contract Price, is hereby increased from \$100,000 to \$225,000.
2. That in all other respects the prior agreement of the parties shall remain in full force and effect except as amended herein.

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IN WITNESS WHEREOF, the parties have executed this Amendment No. 2 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
Chair, Board of Supervisors

ATTEST:

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

CONTRACTOR:

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

APPROVED AS TO FORM:

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