



RESOLUTION No. 23-604

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 4 TO PERSONAL SERVICES CONTRACT BETWEEN THE COUNTY OF NEVADA AND ABBOTT & KINDERMANN, INC. FOR LEGAL SERVICES RELATED TO THE IDAHO-MARYLAND MINE – RISE GRASS VALLEY PROJECT, INCREASING THE CONTRACT PRICE BY \$275,000 FOR A MAXIMUM CONTRACT AMOUNT OF \$650,000; AMENDING THE SCHEDULE OF SERVICES AND AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE THE AMENDMENT (4/5 AFFIRMATIVE VOTE REQUIRED)

WHEREAS, on May 1, 2020, by Resolution 20-152, the parties executed a Personal Services Contract [BM220152] with Abbott & Kindermann, Inc., for legal services in connection with the land use and CEQA services to the County in conjunction with the Idaho Maryland Mine and any related litigation actions; and

WHEREAS, by Resolution 22-276, the parties agreed to extend the term of the Contract from June 30, 2022 to June 30, 2023; and

WHEREAS, by Resolution 23-150, the parties agreed to increase the Contract price by \$100,000 for a maximum Contract amount of \$250,000 and extend the Contract term to June 30, 2024; and

WHEREAS, by Resolution 23-428, the parties agreed to increase the Contract price by \$125,000 for a maximum Contract amount of \$375,000 and amend the Schedule of Services; and

WHEREAS, the matter is ongoing, and an increase of the Contract amount is necessary to provide for continued services under this Contract; and

WHEREAS, the County desires that the Contractor continue to provide legal services related to the continued project, and Contractor is ready, willing, and able to provide such services; and

WHEREAS, the parties now desire to amend the Contract to increase the Contract amount by \$275,000, for a maximum Contract amount of \$650,000; and

WHEREAS, the contract amount is to be paid by the Project applicant, but the County may incur its own costs, not to exceed \$50,000; and

WHEREAS, the parties desire to amend the Schedule of Services as outlined in Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Nevada hereby approves in the form attached hereto as Exhibit A that Amendment No. 4 to Personal Services Contract by and between the County of Nevada and Abbott Kindermann, Inc., increasing the Contract amount by \$275,000 for a maximum Contract amount of \$650,000, and hereby authorizes the Chair of the Board of Supervisors to execute the Amendment (4/5 affirmative vote required).

BE IT FURTHER RESOLVED, that these legal services contract expenses are to be paid by the proposed Project applicant, however, the County may incur some costs, not to exceed \$50,000, and pursuant to the attached Amendment No. 4 to the Personal Services Contract, the Planning Department is authorized to accept the deposit from the applicant in an amount equal to the maximum contract price identified in the attached Amendment No. 4 to the Personal Services Contract. The Auditor-Controller is hereby directed to amend the Planning Department Fiscal Year 2023/2024 budget as follows:

Planning Department 1123-20708-325-2000/458010 \$275,000
Planning Department 1123-20708-325-2000/521520 \$275,000

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 5th day of December, 2023, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout,
Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

for
By: Yue H, Dep 4/LOB

Edward C. Scofield
Edward C. Scofield, Chair

EXHIBIT A

**AMENDMENT No 4 TO PERSONAL SERVICES CONTRACT
[BM220152] WITH ABBOTT & KINDERMANN, INC.**

THIS AMENDMENT No. 4 is made and is effective as of October 1, 2023, by and between Abbott & Kindermann, Inc. (“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 May 1, 2020 (“Contract”).

WHEREAS, by Resolution 23-428, the parties agreed to increase the Contract price by \$125,000 for a maximum Contract amount of \$375,000 and amended the Schedule of Services;

WHEREAS, the matter is ongoing, and an increase of the Contract term is necessary to provide for continued services under this Contract; and

WHEREAS, the County desires that the Contractor continue to provide legal services related to the project, and the Contractor is ready, willing, and able to provide such services; and

WHEREAS, the parties desire to amend the Contract to increase the Contract amount by \$275,000, for a maximum Contract amount of \$650,000; and

WHEREAS, the schedule of services of the Contract will be revised as follows:

- Overall Project Review to Date;
- Review Overall County Administrative Record to Date;
- Review and Assist in Responding to any Project inquiries;
- Review and Assist in Preparing any Supplemental Memoranda for the FEIR Record if necessary;
- Project Administration;
- On Demand Coordination with County, Consultant, and Idaho Maryland Mine Team;
- Review and assist in preparation of any Staff Reports and Supplemental Materials if necessary;
- Review and assist in the preparation of all California Environmental Quality Act Findings;
- Review and assist in the preparation of the Conditional Use Permit Findings;
- Review and assist in the preparation of any Surface Mining and Reclamation Act Findings;

- Review and assist in the preparation of any other land use and environmental findings;
- Prepare and participate in the preparation of Planning Commission Hearings;
- Prepare and participate in the preparation of Board of Supervisors Hearings; and
- Any other necessary tasks as determined by Nevada County to comply with all Local, State, and Federal Laws associated with the Idaho Maryland Mine Project.

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


1. Section 2, Maximum Contract Price, is hereby increased by \$275,000, for a maximum Contract amount of \$650,000;
2. Exhibit A, Schedule of Services, shall be amended as written above;
3. 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. 4 to Personal Services Contract between the County of Nevada and Abbott & Kindermann, Inc., effective as of the date first written above.


COUNTY OF NEVADA

By: 
 Hon. Ed Scofield
 Chair, Board of Supervisors


CONTRACTOR:

By: 
 Diane Kindermann (Dec 28, 2023 10:57 PST)
 Diane Kinderman, Partner
 Abbot & Kindermann, Inc.

ATTEST:

By: 
 Julie Patterson-Hunter
 Clerk of the Board

APPROVED AS TO FORM:

By: 
 Kit Elliott (Dec 28, 2023 13:04 PST)
 Katharine L. Elliott
 County Counsel