



RESOLUTION No. 15-193

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 2 TO PERSONAL SERVICES CONTRACT BETWEEN THE COUNTY OF NEVADA, ACTING ON BEHALF OF NEVADA COUNTY COMMUNITY FACILITIES DISTRICT NO. 1990-1 (WILDWOOD ESTATES) AND ALLEN MATKINS LEEK GAMBLE MALLORY & NATSIS LLP TO INCREASE THE CONTRACT AMOUNT BY \$160,000 AND EXTEND THE CONTRACT TERM, TO AUTHORIZE THE CHAIR OF THE BOARD OF SUPERVISORS TO EXECUTE THE AMENDMENT, AND APPROVE A BUDGET AMENDMENT

WHEREAS, effective October 1, 2014, the County executed a Personal Services Contract with Allen Matkins Leek Gamble Mallory & Natsis LLP (“Allen Matkins LLP”) for legal services in connection with the analysis and development of a strategy to retire, redeem or restructure the special tax bonds issued by Nevada County Community Facilities District 1990-1 (Wildwood Estates) (“CFD”) with a maximum contract amount of \$25,000; and

WHEREAS, by Resolution 14-541, the parties amended the Contract to expand the scope of services to be provided and increase the maximum contract amount to \$100,000; and

WHEREAS, additional funding and a contract extension are required to implement a workout proposal for the defaulted special tax bonds, including the preparation of legal documents, the initiation of bankruptcy proceedings for the CFD, legal representation in connection with said bankruptcy proceedings and any other actions necessary to implement a proposed workout plan for the CFD’s defaulted special tax bonds; and

WHEREAS, the parties now desire to extend the term of the contract and increase the maximum contract amount to pay for the additional legal services; and

WHEREAS, the Contract is being funded from accrued interest on surety bond proceeds and a budget amendment is necessary to allow for the transfer of funds from the surety bond restricted fund to the County Executive Office’s budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 2 to Personal Services Contract by and between the County of Nevada and Allen Matkins LLP, extending the contract term to June 30, 2016 and increasing the Maximum Contract Price to \$260,000, 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 Board of Supervisors authorizes the release of fund balance in the amount of \$160,000 from “Community Facilities District 1990-Wildwood Estates Fund 1186” and directs the Auditor-Controller to amend the Fiscal Year 2014/15 budget as follows:

Increase:	
1186-10210-272-1000 550700	\$160,000
1139-10209-272-1000 474000	\$160,000
1139-10209-272-1000 521520	\$160,000

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 12th day of May, 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: _____



Edward C. Scofield, Chair

5/12/2015 cc: CC*
AC*
AMLGM&N

**AMENDMENT NO. 2 TO PERSONAL SERVICES CONTRACT
WITH ALLEN MATKINS LLP, A PROFESSIONAL CORPORATION**

THIS AMENDMENT No. 2 is made and is effective as of March 1, 2015, by and between Allen Matkins Leek Gamble Mallory and Natsis LLP ("Contractor") and the County of Nevada ("County"), acting on behalf of Nevada County Community Facilities District 1990-1 (Wildwood Estates) ("CFD"). This Amendment No. 2 amends the Personal Services Contract between the parties for legal services, effective as of October 1, 2014 ("Agreement").

WHEREAS, the parties entered into an agreement for services in connection with the analysis and development of a strategy to retire, redeem or restructure the special tax bonds issued by Nevada County Community Facilities District 1990-1 (Wildwood Estates) ("CFD"), with a Maximum Contract Amount of \$25,000; and,

WHEREAS, by Resolution No. 14-541, the parties amended the Contract to expand the scope of services to be provided and increase the maximum amount of the contract to \$100,000; and,


WHEREAS, the County desires that Contractor provide it with additional legal services related to implementation of a workout proposal for the defaulted special tax bonds, including the preparation of legal documents, the initiation of bankruptcy proceedings for the CFD, legal representation in connection with said bankruptcy proceedings and any other actions necessary to implement a proposed workout plan for the CFD's defaulted special tax bonds; and,

WHEREAS, the parties now desire to extend the term of the contract and increase the maximum amount of the contract by \$160,000, to a Maximum Contract Amount of \$260,000, 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. Section 2, Maximum Contract Amount, is hereby increased from \$100,000 to \$260,000.
2. Section 3, Contract Termination Date, is hereby extended from June 30, 2015 to June 30, 2016.
3. In all other respects the prior agreement of the parties shall remain in full force and effect except as amended herein.


COUNTY OF NEVADA

By: 
Hon. Edward C. Scofield
Chair, Board of Supervisors

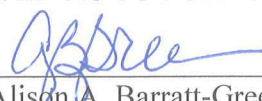
CONTRACTOR:

By: 
Debra A. Riley, Esq.
Allen Matkins Leek Gamble Mallory &
Natsis LLP

ATTEST:

By: 
Julie Patterson-Hunter
Interim Clerk of the Board

APPROVED AS TO FORM:

By: 
Alison A. Barratt-Green
County Counsel