



RESOLUTION No. 19-068

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 1 TO PERSONAL SERVICES CONTRACT #PESM3669 BETWEEN THE COUNTY OF NEVADA AND ANGELO, KILDAY & KILDUFF TO INCREASE THE MAXIMUM CONTRACT AMOUNT BY \$75,000, TO EXPAND THE SCOPE OF SERVICES, 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, the County desires to expand the scope of services of this Contract 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

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

WHEREAS, the parties desire to amend the Personal Services Contract to increase the contract amount by \$75,000, for a Maximum Contract Price of \$100,000.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 1 to Personal Services Contract #PESM3669 by and between the County of Nevada and Angelo, Kilday & Kilduff, increasing the contract amount by \$75,000 and establishing a new Maximum Contract Price of \$100,000, and expanding the scope of services to include legal representation in the lawsuit entitled *Suarez, et al. vs. County of Nevada, et al.* (Nevada County Superior Court), Case No. CU18-083381, 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 27500000, in an amount not to exceed \$100,000.00.

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 February, 2019, 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: 



Richard Anderson, Chair

2/12/19 cc: CoCo*
AC* (Hold)

5/14/2019 cc: CoCo*
AC*(release)
AK&K

**AMENDMENT NO. 1 TO PERSONAL SERVICES CONTRACT
WITH ANGELO, KILDAY & KILDUFF
(PESM3669)**

THIS AMENDMENT No. 1 is made and is effective as of January 22, 2019, by and between Angelo, Kilday & Kilduff (“Contractor”), and the County of Nevada (“County”). This Amendment No. 1 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, the County desires that Contractor provide it with additional legal services related to the continued defense of these matters, and Contractor is ready, willing and able to provide such services; and,

WHEREAS, the County desires to amend this agreement 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 filed by Robert E. Suarez and Candice JC Souza-Suarez, and related litigation, in the case of *Suarez, et al. vs. County of Nevada, et al.* (Nevada County Superior Court), Case No. CU18-083381; and

WHEREAS, the parties now desire to increase the maximum amount of the contract by \$75,000, to a Maximum Contract Amount of \$100,000, 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 1 is hereby amended to read:
“Legal Representation of County of Nevada, Nevada County Sanitation District No. 1, Nevada County Department of Public Works, and any employees and officers that may be named as defendants in connection with claims filed by Saigh, et al.; Lau, et al., and Suarez, et al., and related litigation”
2. That Section 2, Maximum Contract Price, is hereby increased from \$25,000 to \$100,000.
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. 1 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: 
Hon. Richard Anderson
Chair, Board of Supervisors

ATTEST:

By: 
Julie Patterson-Hunter
Clerk of the Board

CONTRACTOR:

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

APPROVED AS TO FORM:

By: 
Alison A. Barratt-Green
County Counsel