

**City of Carson City
Agenda Report**

Date Submitted: May 6, 2011

Agenda Date Requested: May 19, 2011
Time Requested: Consent

To: Mayor and Supervisors

From: Purchasing & Contracts and Max Cortes, Court Administrator

Subject Title: Action to amend Contract No. 0809-195 Conflict Counsel Attorney Services provided by the consortium of Kay Ellen Armstrong, Thomas R. Armstrong, and Robert B. Walker by removing Thomas R. Armstrong from the consortium and adding Noel S. Waters as a provider under the consortium. *(Kim Belt)*

Staff Summary: On April 21, 2011, Thomas R. Armstrong accepted appointment by the Board of Supervisors as Justice of the Peace/Municipal Court Judge. Judge Armstrong began his appointment on May 2, 2011. Noel S. Waters has accepted being added to the consortium and existing Contract No. 0809-195 for Conflict Counsel Attorney Services.

Type of Action Requested: (check one)

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to amend Contract No. 0809-195 Conflict Counsel Attorney Services provided by the consortium of Kay Ellen Armstrong, Thomas R. Armstrong and Robert B. Walker by removing Thomas R. Armstrong from the consortium and adding Noel S. Waters as a provider under the consortium. *(Kim Belt)*

Explanation for Recommended Board Action: The District and Justice Courts held a discussion with Kay Ellen Armstrong and Robert B. Walker for the possibility of absorbing Thomas R. Armstrong's caseload. Both attorneys stated that they would not be able to absorb the caseload. For the past four years, the Conflict Counsel consortium has consisted of three attorneys. Letters of Interest for the conflict counsel contract were sought by publication in the Nevada Appeal and on the Carson City's website. Four letters of interest were received and considered by the District Court Judges, Justice/Municipal Court Judges and the Juvenile Special Master. After careful deliberation, Noel S. Waters was selected for the consortium.

NRS 332.115 Contracts not adapted to award by competitive bidding; purchase of equipment by local law enforcement agency, response agency or other local governmental agency; purchase of goods commonly used by hospital.

1. Contracts which by their nature are not adapted to award by competitive bidding, including contracts for:

(b) Professional services;
are not subject to the requirements of this chapter for competitive bidding, as determined by the governing body or its authorized representative.

(Added to NRS by 1975, 1538; A 1987, 296, 1484; 1991, 337, 349, 648, 1934, 1935; 1997, 132; 1999, 889, 1684; 2001, 1317; 2003, 620, 2262; 2005, 226, 2554)


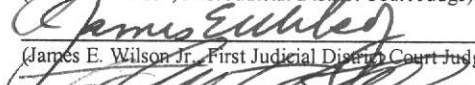
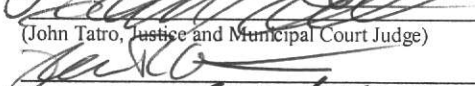
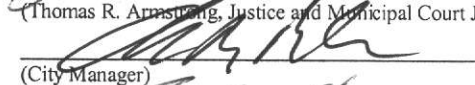



Applicable Statue, Code, Policy, Rule or Regulation: NRS 332.115 subsection 1 (b)

Fiscal Impact: n/a

Funding Source: General Fund

Supporting Material: Amendment to Contract 0809-195 and Executed Contract 0809-195.

Prepared By: Max Cortes, Court Administrator
Kim Belt, Purchasing & Contracts Coordinator

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|--|----------------------|
| Reviewed By: <u></u> | Date: <u>5/9/11</u> |
| (James F. Russell, First Judicial District Court Judge) | |
| <u></u> | Date: <u>5/9/11</u> |
| (James E. Wilson Jr., First Judicial District Court Judge) | |
| <u></u> | Date: <u>5/9/11</u> |
| (John Tatro, Justice and Municipal Court Judge) | |
| <u></u> | Date: <u>5/9/11</u> |
| (Thomas R. Armstrong, Justice and Municipal Court Judge) | |
| <u></u> | Date: <u>5-10-11</u> |
| (City Manager) | |
| <u></u> | Date: <u>5/10/11</u> |
| (District Attorney) | |
| <u></u> | Date: <u>5/10/11</u> |
| (Finance Director) | |

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
_____ 2) _____

(Vote Recorded By)

**CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR
AMENDMENT No. 2
Contract No. 0809-195**

THIS AMENDMENT, made and entered into this 19th day of May, 2011, by and between the City and County of Carson City, a political subdivision of the State of Nevada, hereinafter referred to as the "**CITY**", and the consortium of Kay Ellen Armstrong, Thomas R. Armstrong, and Robert B. Walker, qualified and professional attorneys, licensed in the State of Nevada, hereinafter referred to as the "**CONTRACTOR**".

WITNESSETH:

WHEREAS, the **CITY** desires to amend sub-sections of Sections 3.1.1. of the original contract to include that which is contained herein; and

WHEREAS, it is deemed that said amendment is both necessary and in the best interests of the **CITY**.

NOW, THEREFORE, in consideration of the aforesaid, the parties agree as follow:

This Amendment shall not become effective until and unless approved by the Carson City Board of Supervisors.

1. Amend Paragraphs 3.1.1 of CONTRACT Notice as follows:

Notice to CONTRACTOR shall be addressed to:

Kay Ellen Armstrong
415 West Second Street
Carson City, NV 89703
775-883-3990 / FAX #775-882-8854
klnatty@pyramid.net

Robert B. Walker
415 West Second Street
Carson City, NV 89703-4231
775-882-8851 / FAX #775-882-8854
benwalkeratty@aol.com

Noel S. Waters
1772 Ridgeway Ct.
Carson City, NV 89706
775-230-3973
noelwaters@gmail.com

IT IS ALSO AGREED, that all unaffected conditions, requirements, and restrictions of the Original contract document remain in full force and effect for the duration of the Contract term.

**CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR
AMENDMENT No. 2
Contract No. 0809-195**

ACKNOWLEDGMENT AND EXECUTION:

In witness whereof, the parties hereto have caused this Contract to be signed and intend to be legally bound thereby.

CARSON CITY

Finance Department
Attn: Kim Belt, Purchasing & Contracts
Manager
201 North Carson Street Suite 3
Carson City, Nevada 89701
Telephone: 77283-7362
Fax: 775-887-2107
KBelt@carson.org

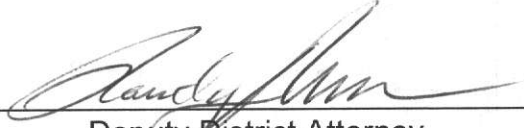
By: 
Kim Belt

DATED this 10 day of May, 2011.

CITY'S LEGAL COUNSEL

Neil A. Rombardo, District Attorney


I have reviewed this Contract and approve
as to its legal form.

By: 
Deputy District Attorney

DATED this 10th day of May, 2011.

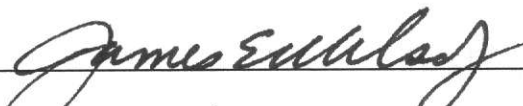
CITY'S ORIGINATING DEPARTMENT

BY: James T. Russell, District Court Judge
First Judicial District Court, Dept. I
885 East Musser Street, Suite 3061
Carson City, NV 89701
Telephone: 775-882-1996
Fax: 775-887-2272
JRussell@carson.org


DATED this 10 day of May, 2011.

CITY'S ORIGINATING DEPARTMENT

BY: James E. Wilson Jr. District Court
Judge First Judicial District Court, Dept. II
885 East Musser Street, Suite 3057
Carson City, NV 89701
Telephone: 775-882-1619
Fax: 775-887-2296
JWilson@carson.org


DATED this 10 day of May, 2011.