

**AMENDMENT TO BOARD OF SUPERVISORS
AGREEMENT NO. 21-086**

This Amendment to BOS Agreement No. 21-086 is entered into this 14th day of September, 2021, by and between the COUNTY OF MENDOCINO, a political subdivision of the State of California, hereinafter referred to as "COUNTY" and Colantuono, Highsmith & Whatley, PC, hereinafter referred to as "CONTRACTOR".

WHEREAS, BOS Agreement No. 21-086 was entered into on May 27, 2021; and

WHEREAS, upon execution of this document by the Chair of the Mendocino County Board of Supervisors and Colantuono, Highsmith & Whatley, PC, this document will become part of the aforementioned agreement and shall be incorporated therein; and

WHEREAS, the parties to this agreement desire that CONTRACTOR shall provide litigation legal services, advisory, and representation services to COUNTY and its officers and employees, in and with respect to the lawsuit *Ezekial Flatten, et al. v. Bruce Smith, et al.*, Mendocino County Superior Court Case No. 21CV00588, in addition to continuing representation of the County in the defense of the matter of *Anne Marie Borges, et al. v. County of Mendocino, et al.*, Northern District of California Case No. 3:30-cv-04537-SI; and; and

WHEREAS, it is the desire of CONTRACTOR and COUNTY to increase the total amount of the agreement by \$250,000 for a new total of \$300,000.

NOW, THEREFORE, we agree as follows:

1. The total amount of the agreement set out in the original BOS Agreement No. 21-086 will be increased by \$250,000 for a new total of \$300,000; and
2. CONTRACTOR shall provide litigation legal services, advisory, and representation services to COUNTY, its officers and employees, in and with respect to the lawsuit *Ezekial Flatten, et al. v. Bruce Smith, et al.*, Mendocino County Superior Court Case No. 21CV00588, in addition to continuing to provide a defense in the matter of *Anne Marie Borges, et al. v. County of Mendocino, et al.*, Northern District of California Case No. 3:30-cv-04537-SI.

All other terms and conditions of BOS Agreement No. 21-086 shall remain in full force and effect.

IN WITNESS WHEREOF

DEPARTMENT FISCAL REVIEW:

Christina Fair 9/1/21
DEPARTMENT HEAD DATE

Budgeted: Yes No

Budget Unit: 0713

Line Item: 863320

Grant: Yes No

Grant No.: _____

CONTRACTOR/COMPANY NAME:

By: Michael G. Colantuono, President
NAME AND ADDRESS OF CONTRACTOR:
Colantuono, Highsmith & Whatley, PC
420 Sierra College Drive, Suite 140
Grass Valley, CA 95945-5091

COUNTY OF MENDOCINO

By: _____
DAN GJERDE, Chair
BOARD OF SUPERVISORS

Date: _____

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

ATTEST:

CARMEL J. ANGELO, Clerk of said Board

By: _____
Deputy

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

CARMEL J. ANGELO, Clerk of said Board

By: _____
Deputy

COUNTY COUNSEL REVIEW:

APPROVED AS TO FORM:

CHRISTIAN M. CURTIS,
County Counsel

By: Charlotte Scott
Deputy

08/31/2021

Date: _____

INSURANCE REVIEW:

By: Christina Fair
Risk Management

Date: **08/31/2021**

EXECUTIVE OFFICE/FISCAL REVIEW:

By: Darcie Antle
Deputy CEO

Date: **08/31/2021**

Signatory Authority: \$0-25,000 Department; \$25,001- 50,000 Purchasing Agent; \$50,001+ Board of Supervisors
Exception to Bid Process Required/Completed _____
Mendocino County Business License: Valid
Exempt Pursuant to MCC Section: _____