



# CITY OF FERNLEY

## CITY COUNCIL AGENDA REPORT

Meeting Date: April 7, 2021

<b>REPORT TO:</b>	Mayor and City Council
<b>PREPARED BY:</b>	<b>Mike Toombs, Deputy City Manager</b>
<b>REPORT FROM:</b>	<b>Daphne Hooper, City Manager</b>
<b>REVIEWED BY:</b>	Denise Lewis, City Treasurer

<b>FINANCIAL IMPACT:</b> Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	<b>CURRENTLY BUDGETED:</b> Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>	<b>FUND/ACCOUNT:</b>
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**ACTION REQUESTED:**  Consent  Ordinance  Resolution  Motion  Receive/File

**AGENDA ITEM: Staff Report (For Possible Action): Possible Action to amend the Contract with the Law Offices of Kenneth V. Ward for Public Defender Services not to exceed \$80,000.**

**Agenda Item Brief: On March 17, 2021, Council approved the 1<sup>st</sup> Amendment to the Public Defender Contract to increase the annual cost to the city. Since the approval, a party listed on the contract is no longer providing public defender services. This modification is resubmitting the previously approved amendment and removing the name of the individual no longer acting as a Public Defender. No change in cost from previously approved amendment.**

**Recommended Motion:**  
"I move to approve the 2<sup>nd</sup> Amendment for the Contract with the Law Offices of Kenneth V. Ward for public defender services for FY 2021-2022 for the amount not to exceed \$80,000.00, annually."

**Business Impact (per NRS Chapter 237):**

A Business Impact Statement is Attached.

A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B).

See attached report for background, analysis, alternatives.

**ALTERNATIVES:**

The Council can may:

- Not approve the Change Order and direct staff to look for other possible professional services for the City’s Public Defender.
- Request Council provide additional information on Public Defender services.

**BACKGROUND:**

The 2<sup>nd</sup> Amendment to this contract is to remove the name of Aaron Mouritsen and Mouritsen Law PLLC from the Public Defender agreement with the City of Fernley.

Previous Council Action

In April 2020, the City advertised an RFP for Public Defender Services. The announcement closed on May 15, 2020 with one applicant, a joint proposal from Mouritsen Law PLLC and The Law Offices of Kenneth V. Ward. On July 1, 2020 Council approved the Joint Contract with Mouritsen Law PLLC and The Law Offices of Kenneth V. Ward for a term from July 1, 2020 through June 30, 2022 not to exceed \$60,000.00, annually.

On March 17, 2021, Council approved the 1<sup>st</sup> Amendment to the Joint Contract with Mouritson Law PLLC and the Law Offices of Kenneth V. Ward for public defender services for FY2021-2022 for the amount not to exceed \$80,000.

**RECOMMENDATION:**

Approve the 2<sup>nd</sup> Amendment to the agreement to remove Mr. Mourtisen with same previously approved compensation to Mr. Ward.

**LEGAL IMPLICATIONS:**

NRS 332.115

The contract defines termination, liability, and legal requirements.

**FINANCIAL IMPLICATIONS:**

Funds will be included in the City Manager’s FY 2021-2022 budget submission.

**ATTACHMENTS:**

**Previously approved contract Agreement with change compensation and names.  
Attachment B of base contract titled Fee Schedule.**