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**NEVADA COUNTY BOARD OF SUPERVISORS**  
**Board Agenda Memo**

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**MEETING DATE:** June 27, 2023

**TO:** Board of Supervisors

**FROM:** County Counsel

**SUBJECT:** Resolution Approving Amendment No. 2 to Professional Services Contract [PESQ4388] between the County of Nevada and Porter Scott, A Professional Corporation, Increasing the Maximum Contract Price by \$100,000, to a Maximum Contract Amount of \$150,000, extending the term of the Contract to June 30, 2024, and Authorizing the Chair of the Board to Execute the Amendment (4/5 vote required)

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**RECOMMENDATION:** Adopt the attached Resolution

**FUNDING:** Legal services provided under this Agreement are paid on an as needed basis. The cost of this Contract is being paid from the Risk Management's Fiscal Year 2023/2024 General Liability Fund. No budget Amendment is needed at this time. Eligible litigation costs will be reimbursed from PRISM.

**BACKGROUND:**

On June 27, 2019, litigation was filed against the County of Nevada, by and through the Nevada County Health and Human Services, Caroline Sheller, and Brandon and Michelle Warmuth, individuals.

The County entered into a Contract with Porter Scott to provide advice and litigation services in connection with this case. The original agreement had a Maximum Contract price of \$50,000. We are nearing the limit of the original contract amount. Additional funding is necessary to ensure that sufficient funds are available to cover ongoing litigation costs, including motions, discovery, and trial. The proposed

Amendment increases the contract amount by \$100,000 for a total maximum amount of \$150,000 is anticipated to cover through the completion of this matter.

In addition, an amendment to the Contract is necessary to provide for continued litigation services under the Agreement. It is recommended the Contract be extended to June 30, 2024.

Porter Scott is well qualified to represent the County in this matter and has done a very good job handling the litigation thus far. I recommend that the Board approve the proposed Amendment as submitted.

**Item Initiated by:** Kelly McKinley

**Approved by:** Katharine L. Elliott, County Counsel

**Submittal Date:** June 7, 2023