



# RESOLUTION NO. 21-242

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### RESOLUTION APPROVING AMENDMENT NO. 9 TO PERSONAL SERVICES CONTRACT BETWEEN THE COUNTY OF NEVADA AND PORTER SCOTT, A PROFESSIONAL CORPORATION, INCREASING THE MAXIMUM CONTRACT PRICE BY \$135,000, FOR A MAXIMUM CONTRACT AMOUNT OF \$650,000, EXTENDING THE TERM OF THE CONTRACT TO JUNE 30, 2022, AND AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE THE AMENDMENT

WHEREAS, effective January 1, 2014, the County executed a Personal Services Contract ("Contract") with Porter Scott, A Professional Corporation, for legal services in connection with the lawsuit entitled *Evans, et al vs. Nevada County Sheriff's Department, et al.* (U.S. Dist. Court, E.D. Cal.), Case No. 2:13-cv-01775-TLN-DAD and the related state court action; and

WHEREAS, by Resolution 14-338, the parties amended the Contract to increase the Maximum Contract Price to \$65,000; and

WHEREAS, by Resolution 15-295, the parties amended the Contract to increase the Maximum Contract Price to \$140,000 and extend the term of the Contract to June 30, 2016; and

WHEREAS, by Resolution 16-323, the Contract was amended to extend the term of the Contract to June 30, 2017; and

WHEREAS, by Resolution 16-534, the Contract was amended to increase the Maximum Contract Amount to \$240,000; and

WHEREAS, by Resolution 17-359, the Contract was amended to extend the term of the Contract to June 30, 2018; and

WHEREAS, on September 26, 2017, by Resolution 17-493, the Contract was amended to increase the Maximum Contract Amount to \$290,000; and

WHEREAS, on February 13, 2018, by Resolution 18-061, the Contract was amended to increase the Maximum Contract Amount to \$365,000; and

WHEREAS, on April 18, 2018, following an extraordinarily lengthy trial, the jury issued a defense verdict in favor of the County and Plaintiffs filed a motion for a new trial, which was granted, and the matter was returned to Nevada County Superior Court for retrial; and

WHEREAS, on June 12, 2018, by Resolution 18-230, the Contract was amended to increase the Maximum Contract Amount to \$515,000 and extend the term of the Contract to June 30, 2021; and

WHEREAS, the case is ongoing, and an extension of the Contract term is necessary to provide for continued litigation services under this Agreement; and

WHEREAS, the parties now desire to amend the Contract to increase the Contract amount by \$135,000, for a maximum Contract amount of \$650,000; and

WHEREAS, the parties now desire to extend the term of the contract from June 30, 2021, to June 30, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 9 to the Personal Services Contract by and between the County of Nevada and Porter Scott, A Professional Corporation, increasing the maximum Contract price by \$135,000 for a maximum Contract amount of \$650,000, and extending the Contract Term to June 30, 2022, is hereby approved in the form attached hereto as Exhibit A, and the Chair of the Board of Supervisors is hereby authorized to execute the Amendment.

Funding: 4356-92002-275-1000/521520.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a special meeting of said Board, held on the 15th day of June, 2021, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 



Dan Miller, Chair

6/15/2021 cc: CoCo\*  
AC\*(hold)

6/25/2021 cc: CoCo\*  
AC\* (Release)

**EXHIBIT A**

**AMENDMENT NO. 9 TO PERSONAL SERVICES CONTRACT  
WITH PORTER SCOTT, A PROFESSIONAL CORPORATION**

THIS AMENDMENT No. 9 is made and is effective as of June 15, 2021, by and between Porter Scott (“Contractor”), and the County of Nevada (“County”). This Amendment No. 9 amends the Personal Services Contract between the parties for legal services, effective as of January 1, 2014 (“Agreement”).

WHEREAS, on January 1, 2014, parties executed a Personal Services Contract with Porter Scott, A Professional Corporation, for legal services in connection with the lawsuit entitled *Evans, et al vs. Nevada County Sheriff’s Department, et al.* (U.S. Dist. Court, E.D. Cal.), Case No. 2:13-cv-01775-TLN-DAD and the related state court action; and,

WHEREAS, on June 12, 2018, by Resolution 18-230, the Contract was amended to increase the Maximum Contract Amount to \$515,000 and extend the term of the Contract to June 30, 2021; and,

WHEREAS, the parties now desire to amend the Contract to increase the Contract amount by \$135,000, for a maximum Contract amount of \$650,000; and,

WHEREAS, the case is on-going, and an extension of the Contract term is necessary to provide for continued litigation services under this Agreement; and,

WHEREAS, the County desires that Contractor continue to provide legal services related to the continued defense and trial of the above-referenced claims and litigation, and Contractor is ready, willing and able to provide such services; and,

WHEREAS, the parties now desire to extend the term of the contract from June 30, 2021, to June 30, 2022.

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the parties hereto agree as follows:

1. Increase the Contract amount by \$135,000, for a maximum Contract amount of \$650,000;
2. Section 3, Contract Termination Date, is hereby extended to June 30, 2022.
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. 9 to Personal Services Contract between the County of Nevada and Porter Scott, A Professional Corporation, effective as of the date first written above.

COUNTY OF NEVADA

By: *Dan Miller*  
Dan Miller (Jun 22, 2021 08:36 PDT)  
Hon. Dan Miller  
Chair, Board of Supervisors

ATTEST:

By: *Julie Patterson-Hunter*  
Julie Patterson-Hunter  
Clerk of the Board

CONTRACTOR:

By: *Carl L. Fessenden*  
Carl L. Fessenden (Jun 21, 2021 13:17 PDT)  
Carl L. Fessenden, Shareholder  
Porter Scott, A Professional Corporation

APPROVED AS TO FORM:

By: *K.L. Elliott*  
K.L. Elliott (Jun 21, 2021 11:25 PDT)  
Katharine L. Elliott  
County Counsel