



NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: May 28, 2024
TO: Board of Supervisors
FROM: County Counsel
SUBJECT: Resolution approving Amendment No. 5 to Personal Services Contract between the County of Nevada and Porter Scott, A Professional Corporation, extending the term of the Contract to June 30, 2025, and authorizing the Chair of the Board to execute the Amendment (4/5 vote required)

RECOMMENDATION:

Adopt the attached Resolution.

FUNDING:

The County participates in PRISM's (formerly CSAC-EIA) medical malpractice program for primary coverage with a \$10,000 deductible. Litigation services are covered by this policy and administered by RMS on behalf of PRISM. The services to be provided under this contract will be paid directly by PRISM on an as needed basis. PRISM will bill the County for the \$10,000 deductible, which will be paid from the Sheriff's Administration Budget through savings or cost reductions in other line items. No budget amendment is required and there will be no impact on the General Fund.

BACKGROUND:

On May 24, 2019, litigation was filed against Nevada County in a lawsuit entitled *Peterson vs. Nevada County, California, et al.*, Case No. 2:19-cv-00949-JAM-EFB (U.S. Dist. Court, E.D. Cal.). On August 13, 2019, the Board authorized County to hire outside counsel to provide legal representation in connection with said litigation. Pursuant to Resolution No. 19-463, the County entered into a Personal Services Contract with Carl Fessenden at the Porter Scott law firm to represent the County in this litigation matter. This is a \$0 contract, as PRISM will directly pay all invoices for legal services in this matter. The purpose of the contract was to establish an attorney-client relationship with the Porter Scott law firm and establish non-monetary terms related to this representation.

On June 23, 2020, by Resolution 20-278, the Contract was extended to June 30, 2021. Again, on June 8, 2021, by Resolution No. 21-196, the Contract was extended to June 30, 2022. Also, by Resolution 22-280, on June 14, 2022, the Contract was extended to June 30, 2023, and another extension was obtained on June 13, 2023 by way of Resolution 23-279.

Additional time is necessary to continue defense of this cases. The proposed Amendment extends the term of the Contract to June 30, 2025.

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

Item Approved by: Katharine L. Elliott, County Counsel

Submittal Date: 5/2/2024