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

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**MEETING DATE:** June 13, 2023

**TO:** Board of Supervisors

**FROM:** County Counsel

**SUBJECT:** Resolution Approving Amendment No. 2 to Personal Services Contract PESO4187 between the County of Nevada and Porter Scott, A Professional Corporation, Increasing the Maximum Contract Price by \$50,000, to a Maximum Contract Amount of \$100,000, 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 Amendment will be paid from the Sheriff's Fiscal Year 2017/18 Operational Budget. There is no additional impact on the General Fund. No budget amendment is required. Costs in excess of \$100,000 will be reimbursed by CSAC-EIA.

**BACKGROUND:** On December 9, 2020, litigation was filed against the County of Nevada.

The Board authorized the County Counsel to hire outside counsel for this litigation: *Rhonna Tindal, Joshua Tindall vs. State of California, City of Nevada*; Nevada County Superior Court Case No. CU20-085052. As of February 1, 2021, the County entered into a Personal Services Contract with the law firm of 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 have reached 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 and discovery. The proposed Amendment increases the contract amount by \$50,000. This is the amount anticipated through the completion of this matter.

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:** 5/16/23