



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. 3 to Personal Services Contract BM123277 between the County of Nevada and Porter Scott, A Professional Corporation, Increasing the Maximum Contract Price by \$40,000, to a Maximum Contract Amount of \$140,000, 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: 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 and 2024/2025 General Liability Fund. No budget Amendment is needed at this time. Eligible litigation costs will be reimbursed from PRISM.

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 Contract had a Maximum Contract price of \$50,000. By Resolution 23-277, the Maximum Contract price was increased to \$100,000 and the Contract term was extended to June 2024. Litigation is still ongoing and additional funding is necessary to ensure that sufficient funds are available to cover ongoing litigation costs, including motions and discovery. The proposed Amendment increase the contract amount by

\$40,000. This is the amount anticipated through the completion of this matter. It is also 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: 5/2/2024