



NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: June 13, 2023
TO: Board of Supervisors
FROM: County Counsel
SUBJECT: Resolution approving Amendment No. 11 to Personal Services Contract between the County of Nevada and Porter Scott, A Professional Corporation, extending the contract term to June 30, 2024, and authorizing the Chair of the Board of Supervisors to execute the Amendment (4/5 vote required)

RECOMMENDATION: Adopt the attached Resolution.

FUNDING: Legal services provided under this Contract are paid on an as needed basis. No further funding is needed at this time.

BACKGROUND: On August 24, 2013, litigation was filed against the Nevada County Sheriff's Office in the case entitled *Evans, et al. vs. Nevada County Sheriff's Department, et al.*, (U.S. District Court, E.D. Cal.), Case No. 2:13-cv-01775-TLN-DAD. The Board authorized County Counsel to hire outside counsel for this litigation in the fall of 2013. As of January 1, 2014, the County entered into a Personal Services Contract with the law firm of Porter Scott to provide legal advice and litigation services in connection with this case.

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

On June 15, 2021, pursuant to Resolution No. 21-242, the parties amended the Contract (Amendment No. 9) to increase the maximum amount by \$135,000 for a maximum Contract amount of \$650,000 and extending the time to June 30, 2022. The parties agreed to another extension (Amendment No. 10) to extend the time to June 30, 2023.

The matter is still ongoing and additional time is necessary to continue the defense of this case. The proposed Amendment extends the term of the Contract 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: 5/22/23