



RESOLUTION No. 23-277

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 2 TO PERSONAL SERVICES CONTRACT NO. PES04187 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, AND AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO EXECUTE THE AMENDMENT (4/5 AFFIRMATIVE VOTE REQUIRED)

WHEREAS, effective February 4, 2021, the County executed a Personal Services Contract with Porter Scott, A Professional Corporation, for legal services in connection with the lawsuit entitled *Rhona Tindall, Joshua Tindall, et al. vs Nevada County*, Nevada County Superior Court Case No. CU20-085052; and

WHEREAS, by Amendment No. 1, on June 8, 2022, the Contract was amended to extend the term of the Contract to June 30, 2023; and

WHEREAS, the case is on-going, and an extension of the Contract term is necessary to provide for continued litigation services under this Contract; 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, 2023, to June 30, 2024; and

WHEREAS, additional funding is necessary to pay for ongoing litigation costs, including dispositive motion expenses; and

WHEREAS, the parties now desire to increase the maximum amount of the contract by \$50,000, to a maximum contract amount of \$100,000, to pay for the additional legal services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 2 to the Personal Services Contract by and between the County of Nevada and Porter Scott, A Professional Corporation, increasing the contract amount by \$50,000, to a maximum contract amount of \$100,000, and extending the term of the contract from June 30, 2023, to June 30, 2024 upon adoption of the Fiscal Year 2023/24 budget, hereby is approved in the form attached hereto as Exhibit A, and the Chair of the Board of Supervisors is hereby authorized to execute the Amendment.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 13th day of June, 2023, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 

6/13/2023 cc: CoCo
AC*(Hold)



Edward C. Scofield, Chair

6/21/2023 cc: CoCo*
AC*(Release)

**AMENDMENT No. 2 TO PERSONAL SERVICES CONTRACT [PESO4187]
WITH PORTER SCOTT, A PROFESSIONAL CORPORATION**

THIS AMENDMENT No. 2 is made effective as of January 3, 2023, by and between Porter Scott, A Professional Corporation (“Contractor”), and the County of Nevada (“County”). This Amendment No. 2 amends the Personal Services Contract between the parties for legal services, executed on February 4, 2021 (“Contract”).

WHEREAS, on February 4, 2021, parties executed a Personal Services Contract [PESO4187] for legal services in connection with the lawsuit entitled Rhona Tindall, Joshua Tindall, et al vs. Nevada County Nevada County Superior Court Case No. CU20-085052 and the related state court action; and

WHEREAS, the parties now desire to increase the maximum amount of the contract by \$50,000, to a Maximum Contract Amount of \$100,000, to pay for the additional legal services.

WHEREAS, the case is on-going, and an extension of the Contract term is necessary to provide for continued litigation services under this Contract; 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, 2023, to June 30, 2024; and

WHEREAS, the contract amendment is contingent upon the adoption of the FY 2023/2024 budget.

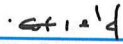



NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the parties hereto agree as follows:

1. Section 2, Payment, is hereby increased from \$50,000 to \$100,000.
2. Section 3, Term, is hereby extended to June 30, 2024; and
3. That in all other respects the prior Contract of the parties shall remain in full force and effect except as amended herein.

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IN WITNESS WHEREOF, the parties have executed this Amendment No. 2 to Personal Services Contract between the County of Nevada and Porter Scott, A Professional Corporation, effective as of the date first written above.

<p>COUNTY OF NEVADA</p> <p>By: <u></u> <small>Ed Scofield (Jun 13, 2023 17:03 PDT)</small> Edward C. Scofield Chair, Board of Supervisors</p> <p>ATTEST:</p> <p>By: <u></u> Julie Patterson-Hunter Clerk of the Board</p>	<p>CONTRACTOR:</p> <p>By: <u></u> <small>Carl L. Fessenden (Jun 13, 2023 11:21 PDT)</small> Carl L. Fessenden, Esq. Porter Scott</p> <p>APPROVED AS TO FORM:</p> <p>By: <u></u> <small>Kit Elliott (Jun 13, 2023 14:03 PDT)</small> Katharine L. Elliott County Counsel</p>
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