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NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: August 13, 2019

TO: Board of Supervisors

FROM: Alison A. Barratt-Green, County Counsel

SUBJECT: Resolution Approving a Personal Services Contract between the County of Nevada and Porter Scott for Legal Services Related to the Case Entitled *Cavender vs. Nevada County, California, et al.*, in the Maximum Contract Amount of \$0 and Authorizing the Chair of the Board of Supervisors to Execute the Contract

RECOMMENDATION: Adopt the attached Resolution

FUNDING: The County maintains a medical malpractice liability insurance policy through CSAC-EIA with a \$10,000 self-insured retention. Litigation services are covered by this policy and administered by RMS on behalf of CSAC-EIA. The services to be provided under this contract will be paid directly by CSAC EIA on an as needed basis. CSAC-EIA will bill the County for the \$10,000 self-insured retention, which will be paid from the Sheriff's Administration Budget through savings or cost reductions in other line items. There will be no impact on the General Fund.

BACKGROUND: On June 9, 2019, litigation was filed against Nevada County and certain individual County employees in a lawsuit entitled *Cavender vs. Nevada County, California, et al.*, Case No. 2:19-cv-01050-JAM-AC (U.S. Dist. Court, E.D. Cal.). The County requires the services of outside counsel to provide legal representation in connection with said litigation. The County and RMS, CSAC EIA's third party administrator, have mutually agreed to retain Carl Fessendon at the Porter Scott law firm to represent the County in this litigation matter. This is a \$0 contract, as CSAC-EIA will directly pay all invoices for legal services in this matter. The purpose of the contract is to establish an attorney-client relationship with the Porter Scott law firm and establish non-monetary terms related to this representation.

Porter Scott is a well-qualified firm with significant experience and expertise in litigation defense on behalf of the County and numerous other public agencies and is willing and able to represent the County of Nevada and the individual defendants in this case. I recommend that the Board approve the proposed Contract as submitted.

Item Initiated and Approved by: Alison A. Barratt-Green, County Counsel

Submittal Date: 7/29/19
Revision Date: