



RESOLUTION No. 23-280

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

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 AFFIRMATIVE VOTE REQUIRED)

WHEREAS, effective January 1, 2014, the County executed a Personal Services Contract ("Contract") with Porter Scott, A Professional Corporation, for legal services in connection with the lawsuit entitled *Evans, et al vs. Nevada County Sheriff's Department, et al.* (U.S. Dist. Court, E.D. Cal.), Case No. 2:13-cv-01775-TLN-DAD; and

WHEREAS, by Resolution 14-338, the parties amended the Contract to increase the Maximum Contract Price to \$65,000; and

WHEREAS, by Resolution 15-295, the parties amended the Contract to increase the Maximum Contract Price to \$140,000 and extend the term of the Contract to June 30, 2016; and

WHEREAS, by Resolution 16-323, the Contract was amended to extend the term of the Contract to June 30, 2017; and

WHEREAS, by Resolution 16-534, the Contract was amended to increase the Maximum Contract Amount to \$240,000; and

WHEREAS, by Resolution 17-359, the Contract was amended to extend the term of the Contract to June 30, 2018; and

WHEREAS, on September 26, 2017, by Resolution 17-493, the Contract was amended to increase the Maximum Contract Amount to \$290,000; and

WHEREAS, on February 13, 2018, by Resolution 18-061, the Contract was amended to increase the Maximum Contract Amount to \$365,000; and

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

WHEREAS, on June 12, 2018, by Resolution 18-230, the Contract was amended to increase the Maximum Contract Amount to \$515,000 and extend the term of the Contract to June 30, 2021; and

WHEREAS, on June 15, 2021, by Resolution 21-242, the Contract was amended to increase the Maximum Contract Amount to \$650,000 and extend the term of the Contract to June 30, 2022; and

WHEREAS, on June 14, 2022, by Resolution 22-281, the Contract was amended to extend the term to June 30, 2023; and

WHEREAS, the case is ongoing, and an extension of the Contract term is necessary to provide for continued litigation services under this Agreement; and

WHEREAS, the parties now desire to extend the term of the contract from June 30, 2023, to June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 11 to the Personal Services Contract by and between the County of Nevada and Porter Scott, A Professional Corporation, extending the Contract Term to June 30, 2024, is hereby 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 Swarhout, Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Edward C. Scofield, Chair

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

7/7/2023 cc: CoCo*
AC* (Release)

EXHIBIT A

**AMENDMENT NO. 11 TO PERSONAL SERVICES CONTRACT [BFS15295]
WITH PORTER SCOTT, A PROFESSIONAL CORPORATION**

THIS AMENDMENT No. 11 is made and is effective as of July 1, 2023, by and between Porter Scott, A Professional Corporation (“Contractor”), and the County of Nevada (“County”). This Amendment No. 11 amends the Personal Services Contract between the parties for legal services, effective as of January 1, 2014 (“Contract”).

WHEREAS, the parties entered into a Personal Services Contract [BFS15295] on January 1, 2014 to provide legal representation to Nevada County and any Nevada County employees and officers that may be named as defendants in connection with claims filed by William and Yvonne Evans and related litigation, in the case of *Evans, et al. v. Nevada County Sheriff's Department, et al.* (U.S. Dist. Court, E.D. Cal.), Case No. 2:13-cv-01775-TLN-DAD and the related state court action, with a Maximum Contract Amount of \$25,000; and

WHEREAS, between July 8, 2014 and June 14, 2022, the Contract was amended several times for a recent maximum Contract amount to \$650,000 and extending the term to June 30, 2022; and

WHEREAS, on June 14, 2022, by Resolution 22-281, the Contract was amended to extend the term to June 30, 2023; and

WHEREAS, the case is ongoing, 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.

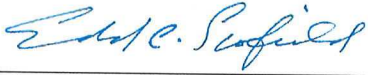
NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the parties hereto agree as follows:


1. This Amendment shall be effective as of July 1, 2023.
2. Section 3, Contract Termination Date, is hereby extended to June 30, 2024.
3. In all other respects, the prior Contract of the parties shall remain in full force and effect except as amended herein.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 11 to Personal Services Contract between the County of Nevada and Porter Scott, a Professional Corporation, effective as of the date first written above.

COUNTY OF NEVADA

CONTRACTOR:


By: 
Edward C. Scofield
Chair, Board of Supervisors

By: 
Carl Fessenden (Jul 3, 2023 14:40 PDT)
Carl Fessenden, Shareholder
Porter Scott, A Professional
Corporation

ATTEST:

APPROVED AS TO FORM:

By: 
Julie Patterson-Hunter
Clerk of the Board

By: 
Kit Elliott (Jul 6, 2023 09:31 PDT)
Katharine L. Elliott
County Counsel