



# RESOLUTION No. 23-279

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### RESOLUTION APPROVING AMENDMENT NO. 4 TO PERSONAL SERVICES CONTRACT BETWEEN THE COUNTY OF NEVADA AND PORTER SCOTT, A PROFESSIONAL CORPORATION, EXTENDING THE TERM OF THE CONTRACT TO JUNE 30, 2024, AND AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE THE AMENDMENT (4/5 AFFIRMATIVE VOTE REQUIRED)

WHEREAS, on May 24, 2019, litigation was filed against Nevada County and certain individual County employees in a lawsuit entitled *Peterson vs. Nevada County, California, et al.*, Case No. 2:19-cv-00949-JAM-EFB (U.S. Dist. Court, E.D. Cal.); and

WHEREAS, effective June 1, 2019, pursuant to Resolution No. 19-464, the parties entered into a \$0 contract with a contract termination date of June 30, 2020; and

WHEREAS, effective June 23, 2020, pursuant to Resolution No. 20-278, the parties extended the term of the contract to June 30, 2021; and

WHEREAS, effective June 8, 2021, pursuant to Resolution No. 21-196, the parties extended the term of the contract to June 30, 2022; and

WHEREAS, effective June 14, 2022, pursuant to Resolution No. 22-280, the parties extended the term of the contract 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, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 4 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, be and 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 13<sup>th</sup> 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: 

  
Edward C. Scofield, Chair

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

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

**EXHIBIT A**

**AMENDMENT NO. 4 TO PERSONAL SERVICES CONTRACT  
WITH PORTER SCOTT, A PROFESSIONAL CORPORATION**

THIS AMENDMENT No. 4 is made and is effective as of July 1, 2023, by and between Porter Scott (“Contractor”), and the County of Nevada (“County”). This Amendment No. 4 amends the Personal Services Contract between the parties for legal services, effective as of June 1, 2019 (“Contract”).

WHEREAS, the parties entered into an Contract to provide County with legal representation in connection with the lawsuit entitled *Peterson vs. Nevada County, California, et al.*, Case No. 2:19-cv-00949-JAM-EFB (U.S. Dist. Court, E.D. Cal.), with a Maximum Contract Amount of \$0 and a Contract termination date of June 30, 2020; and,

WHEREAS, between June 30, 2020 and June 14, 2022, the Contract was Amended extending the term 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.

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. That 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. 4 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

By:   
Edward C. Scofield  
Chair, Board of Supervisors


ATTEST:

By:   
Julie Patterson-Hunter  
Clerk of the Board

CONTRACTOR:

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

APPROVED AS TO FORM:

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