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May 23, 2018

Honorable Board of Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

DATE OF MEETING: June 12, 2018

SUBJECT: Resolution Approving Amendment No. 8 to Personal Services Contract BFS15295 between the County of Nevada and Porter Scott, A Professional Corporation, Increasing the Maximum Contract Price by \$150,000, Extending the term of the Contract to June 30, 2021, and Authorizing the Chair of the Board to Execute the Amendment

RECOMMENDATION: Adopt the attached Resolution

FUNDING: Legal services provided under this Agreement are paid on an as needed basis. The cost of this Amendment will be paid from the Sheriff's Fiscal Year 2017/18 Operational Budget. There is no additional impact on the General Fund. No budget amendment is required. Costs in excess of \$100,000 will be reimbursed by CSAC-EIA.

BACKGROUND: On August 24, 2013, litigation was filed against the Nevada County Sheriff's Department 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 have now filed a motion for a new trial and indicated that they intend to appeal the verdict.

The Agreement, as amended, has a maximum contract amount of \$365,000, with a termination date of June 30, 2018. Additional funding and an extension of the contract are necessary to ensure that sufficient funds are available to cover legal costs related to

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unanticipated trial costs, post-trial motions and other legal activities, and any appeal of the verdict. The proposed Amendment increases the contract amount by \$150,000, for a maximum contract price of \$515,000. The Amendment also extends the term of the contract to June 30, 2021 to cover the long timeframe typically required for an appeal.

Porter Scott is well qualified to represent the County in this matter and has done a very good job defending the County in this matter. I recommend that the Board approve the proposed Amendment as submitted.

Respectfully submitted,



Alison A. Barratt-Green
County Counsel

Attachments: Resolution Approving Amendment No. 8 to Personal Services Contract
Amendment No. 8 to Personal Services Contract