



RESOLUTION No. 20-277

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 1 TO PERSONAL SERVICES CONTRACT BETWEEN THE COUNTY OF NEVADA AND PORTER SCOTT, A PROFESSIONAL CORPORATION, FOR LEGAL SERVICES RELATED TO THE CASE ENTITLED *CAVENDER VS. NEVADA COUNTY, CALIFORNIA, ET AL.*, EXTENDING THE TERM OF THE CONTRACT TO JUNE 30, 2021, AND AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE THE CONTRACT

WHEREAS, on May 24, 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.); 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, 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, 2020, to June 30, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 1 to the Personal Services Contract by and between the County of Nevada and Porter Scott, A Professional Corporation, in the Maximum Contract Amount of \$0, 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 on behalf of the County of Nevada.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 23rd day of June, 2020, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By:  _____



Heidi Hall, Chair

6/23/2020 cc: CoCo*
AC*

EXHIBIT A

**AMENDMENT NO. 1 TO PERSONAL SERVICES CONTRACT
WITH PORTER SCOTT, A PROFESSIONAL CORPORATION**

THIS AMENDMENT No. 1 is made and is effective as of July 1, 2020, by and between Porter Scott (“Contractor”), and the County of Nevada (“County”). This Amendment No. 1 amends the Personal Services Contract between the parties for legal services, effective as of July 1, 2019 (“Agreement”).

WHEREAS, the parties entered into an agreement to provide County with legal representation of 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.), with a Maximum Contract Amount of \$0 and a contract termination date of June 30, 2020; and,

WHEREAS, the case is on-going, and an extension of the contract term is necessary to provide for continued litigation services under this Agreement; 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, 2020, to June 30, 2021.

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

1. Section 3, Contract Termination Date, is hereby extended to June 30, 2021.
2. That in all other respects the prior agreement 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. 3 to Personal Services Contract between the County of Nevada and Angelo, Kilday & Kilduff, effective as of the date first written above.

COUNTY OF NEVADA

By: Heidi Hall
Hon. Heidi Hall
Chair, Board of Supervisors

CONTRACTOR:

By: Carl L. Fessenden
Carl L. Fessenden, Shareholder
Porter Scott, A Professional Corporation

ATTEST:

By: Julie Patterson-Hunter
Julie Patterson-Hunter
Clerk of the Board

APPROVED AS TO FORM:

By: Katharine L. Elliott
Katharine L. Elliott
County Counsel