



RESOLUTION No. 24-293

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 3 TO PERSONAL SERVICES CONTRACT BM123277 BETWEEN THE COUNTY OF NEVADA AND PORTER SCOTT, A PROFESSIONAL CORPORATION, INCREASING THE MAXIMUM CONTRACT PRICE BY \$40,000, TO A MAXIMUM CONTRACT AMOUNT OF \$140,000, EXTENDING THE TERM OF THE CONTRACT TO JUNE 30, 2025, AND AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO EXECUTE THE AMENDMENT (4/5 AFFIRMATIVE VOTE REQUIRED)

WHEREAS, effective February 4, 2021, the County executed a Personal Services Contract with Porter Scott, A Professional Corporation, for legal services in connection with the lawsuit entitled *Rhona Tindall, Joshua Tindall, et al. vs Nevada County*, Nevada County Superior Court Case No. CU20-085052 and the related state court action; and,

WHEREAS, by Amendment No. 1, on June 8, 2022, the Contract was amended to extend the term of the Contract to June 30, 2023; and

WHEREAS, by Resolution 23-277, parties agreed to increase the maximum amount of the contract by \$50,000, to a Maximum Contract Amount of \$100,000 and extend the term of the contract to June 30, 2024; 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, 2024, to June 30, 2025.

WHEREAS, additional funding is necessary to pay for ongoing litigation costs, including upcoming trial expenses; and,

WHEREAS, the parties now desire to increase the maximum amount of the contract by \$40,000, to a Maximum Contract Amount of \$140,000, to pay for the additional legal services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 3 to the Personal Services Contract by and between the County of Nevada and Porter Scott, A Professional Corporation, increasing the contract amount by \$40,000, to a Maximum Contract Amount of \$140,000, extend the term of the contract from June 30, 2024, to June 30, 2025, 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. This Amendment is contingent upon the adoption of the fiscal year 2024/2 County Budget and will begin on July 1, 2024.

Funding: 4356-92002-275-1000/521520

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 11th day of 2024, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Susan Hoek,
Lisa Swarthout and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

Recuse: None.

ATTEST:

TINE MATHIASSEN
Chief Deputy Clerk of the Board of Supervisors

By: 


Hardy Bullock, Chair

**AMENDMENT No. 3 TO PERSONAL SERVICES CONTRACT [BM123277]
WITH PORTER SCOTT, A PROFESSIONAL CORPORATION**

THIS AMENDMENT No. 3 is made effective as of July 1, 2024, by and between Porter Scott, A Professional Corporation (“Contractor”), and the County of Nevada (“County”). This Amendment No. 3 amends the Personal Services Contract between the parties for legal services, executed on February 4, 2021 (“Contract”).

WHEREAS, on February 4, 2021, parties executed a Personal Services Contract [BM123277] for legal services in connection with the lawsuit entitled Rhona Tindall, Joshua Tindall, et al vs. Nevada County Nevada County Superior Court Case No. CU20-085052 and the related state court action; and

WHEREAS, the parties now desire to increase the maximum amount of the contract by \$40,000, to a Maximum Contract Amount of \$140,000, to pay for the additional legal services.

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, 2024, to June 30, 2025.





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

1. The contract is contingent upon the adoption of the fiscal year 2024/2025 County Budget.
2. Section 2, Payment, is hereby increased from \$100,000 to \$140,000;
3. Section 3, Term, is hereby extended to June 30, 2025; and
4. That in all other respects the prior Contract 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 Porter Scott, A Professional Corporation, effective as of the date first written above.

<p>COUNTY OF NEVADA</p> <p>By: <u></u> Hon. Hardy Bullock Chair, Board of Supervisors</p> <p>ATTEST:</p> <p>By: <u></u> Tine Mathiasen Chief Deputy Clerk of the Board of Supervisors</p>	<p>CONTRACTOR:</p> <p>By: <u></u> Carl L. Fessenden (Jun 21, 2024 08:15 PDT) Carl L. Fessenden, Esq. Porter Scott</p> <p>APPROVED AS TO FORM:</p> <p>By: <u></u> Kit Elliott (Jun 21, 2024 09:07 PDT) Katharine L. Elliott County Counsel</p>
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