



RESOLUTION No. 23-332

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 2 TO PROFESSIONAL SERVICES CONTRACT [PESQ4388] BETWEEN THE COUNTY OF NEVADA AND PORTER SCOTT, A PROFESSIONAL CORPORATION, INCREASING THE MAXIMUM CONTRACT PRICE BY \$100,000, TO A MAXIMUM CONTRACT AMOUNT OF \$150,000, EXTENDING THE TERM OF THE CONTRACT TO JUNE 30, 2024, AND AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO EXECUTE THE AMENDMENT (4/5 AFFIRMATIVE VOTE REQUIRED)

WHEREAS, effective August 26, 2021, the County entered into a Professional Services Contract with Porter Scott, A Professional Corporation, for legal services in connection with the lawsuit entitled *E.P., a minor individual, by and through his Guardian Ad Litem, Barbara Lipton vs. County of Nevada et al.*, Nevada County Superior Court Case No. CU19-083938; and

WHEREAS, the original maximum contract was not to exceed \$50,000 and the term of the contract was until June 30, 2022; and

WHEREAS, on July 1, 2022, the parties extend the term of the contract 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 the 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; and

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 \$100,000, to a Maximum Contract Amount of \$150,000, 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. 2 to the Professional Services Contract by and between the County of Nevada and Porter Scott, A Professional Corporation, increasing the contract amount by \$100,000, to a maximum contract amount of \$150,000, extend the term of the contract from June 30, 2023, to June 30, 2024, 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 contract is contingent upon the adoption of the Fiscal Year 2023/2024 County Budget. The amendment begins July 1, 2023.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 27th 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

6/27/2023 cc: CoCo*
AC*(Hold)

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

**AMENDMENT No. 2 TO PROFESSIONAL SERVICES CONTRACT [PESQ4388]
WITH PORTER SCOTT, A PROFESSIONAL CORPORATION**

THIS AMENDMENT No. 2 is made effective as of July 1, 2023, by and between Porter Scott, A Professional Corporation (“Contractor”), and the County of Nevada (“County”). This Amendment No. 2 amends the Professional Services Contract between the parties for legal services, entered on August 26, 2021 (“Contract”).

WHEREAS, on August 26, 2021, parties entered into a Professional Services Contract [PESQ4388] for legal services in connection with the lawsuit entitled *E.P., a minor individual, by and through his Guardian Ad Litem, Barbara Lipton vs. County of Nevada et al.*, Nevada County Case No. CU19-083938; and

WHEREAS, on June 8, 2022, parties agreed to Amend the Contract to extend the term of the Contract to June 30, 2023; and

WHEREAS, the Parties now desire to extend the term of the Contract from June 30, 2023, to June 30, 2024.

WHEREAS, the parties now desire to increase the maximum amount of the Contract by \$100,000, to a Maximum Contract Amount of \$150,000, to pay for the additional legal services.

NOW, THEREFORE, the Parties hereto agree as follows:

1. This Amendment is contingent upon the adoption of the FY 23/24 County Budget;
2. This Amendment begins on July 1, 2023;
3. Section 2, Payment, is hereby increased from \$50,000 to \$150,000;
4. Section 3, Term, is hereby extended to June 30, 2024; and
5. 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. 2 to Professional Services Contract between the County of Nevada and Porter Scott, A Professional Corporation, effective as of the date first written above.

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| <p>COUNTY OF NEVADA</p> <p>By: <u></u> Edward C. Scofield Chair, Board of Supervisors</p> <p>ATTEST:</p> <p>By: <u></u> Julie Patterson-Hunter Clerk of the Board</p> | <p>CONTRACTOR:</p> <p>By: <u></u> <small>John R. Whitefleet (Jul 5, 2023 09:06 PDT)</small> John R. Whitefleet, Esq. Porter Scott</p> <p>APPROVED AS TO FORM:</p> <p>By: <u></u> <small>Kit Elliott (Jul 5, 2023 16:04 PDT)</small> Katharine L. Elliott County Counsel</p> |
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