



# RESOLUTION No. 18-061

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

### RESOLUTION APPROVING AMENDMENT NO. 7 TO PERSONAL SERVICES CONTRACT NO. BFS15295 BETWEEN THE COUNTY OF NEVADA AND PORTER SCOTT, A PROFESSIONAL CORPORATION, INCREASING THE MAXIMUM CONTRACT PRICE BY \$75,000, AND AUTHORIZING THE CHAIR OF THE BOARD OF SUPERVISORS TO EXECUTE THE AMENDMENT

WHEREAS, effective January 1, 2014, the County executed a Personal Services Contract with Porter Scott, A Professional Corporation, for legal services in connection with the lawsuit entitled *Evans, et al vs. Nevada County Sheriff's Department, et al.* (U.S. Dist. Court, E.D. Cal.), Case No. 2:13-cv-01775-TLN-DAD and the related state court action; and

WHEREAS, by Resolution 14-338, the parties amended the Contract to increase the Maximum Contract Price to \$65,000; and

WHEREAS, by Resolution 15-295, the parties amended the Contract to increase the Maximum Contract Price to \$140,000 and extend the term of the Contract to June 30, 2016; and

WHEREAS, by Resolution 16-323, the Contract was amended to extend the term of the Contract to June 30, 2017; and

WHEREAS, by Resolution 16-534, the contract was amended to increase the Maximum Contract Amount to \$240,000; and

WHEREAS, by Resolution 17-359, the Contract was amended to extend the term of the Contract to June 30, 2018; and

WHEREAS, on September 26, 2017, the Contract was amended pursuant to Resolution 17-493 to increase the Maximum Contract Amount to \$290,000; 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 contract amount by \$75,000, for a maximum contract price of \$365,000.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 7 to the Personal Services Contract by and between the County of Nevada and Porter Scott, A Professional Corporation, increasing the contract amount by \$75,000, for a maximum contract price of \$365,000, 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 13th day of February, 2018, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson

Noes: None.


Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Edward Scofield, Chair

2/13/2018 cc: CoCo\*  
AC\*  
PS, APC

**AMENDMENT NO. 7 TO PERSONAL SERVICES CONTRACT  
WITH PORTER SCOTT, A PROFESSIONAL CORPORATION  
(BFS15295)**

THIS AMENDMENT No. 7 is made and is effective as of January 1, 2018, by and between Porter Scott, A Professional Corporation (“Contractor”), and the County of Nevada (“County”). This Amendment No. 7 amends the Personal Services Contract between the parties for legal services, effective as of January 1, 2014 (“Agreement”).

WHEREAS, the parties entered into an agreement to provide County with legal representation of Nevada County and any Nevada County employees and officers that may be named as defendants in connection with claims filed by William and Yvonne Evans and related litigation, in the case of *Evans, et al. v. Nevada County Sheriff's Department, et al.* (U.S. Dist. Court, E.D. Cal.), Case No. 2:13-cv-01775-TLN-DAD and the related state court action, with a Maximum Contract Amount of \$25,000; and,

WHEREAS, on July 8, 2014, the Contract was amended pursuant to Resolution 14-338 to increase the Maximum Contract Amount to \$65,000; and,

WHEREAS, on June 23, 2015, the Contract was amended pursuant to Resolution 15-295 to increase the Maximum Contract Amount to \$140,000, and extend the term of the Contract to June 30, 2016; and,

WHEREAS, on June 28, 2016, the Contract was amended pursuant to Resolution 16-323 to extend the term of the Contract to June 30, 2017; and,

WHEREAS, on November 8, 2016, the Contract was amended pursuant to Resolution 16-534 to increase the Maximum Contract Amount to \$240,000; and,

WHEREAS, on June 27, 2017, the Contract was amended pursuant to Resolution 17-359 to extend the term of the Contract to June 30, 2018; and,

WHEREAS, on September 26, 2017, the Contract was amended pursuant to Resolution 17-493 to increase the Maximum Contract Amount to \$290,000; 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 contract amount by \$75,000, for a maximum contract price of \$365,000.

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

1. That Section 2, Maximum Contract Amount, is hereby increased by \$75,000, from \$290,000 to \$365,000.

2. That in all other respects the prior agreement of the parties shall remain in full force and effect except as amended herein.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 7 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:   
Hon. Edward C. Scofield  
Chair, Board of Supervisors


ATTEST:

By:   
Julie Patterson-Hunter  
Clerk of the Board

CONTRACTOR:

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

APPROVED AS TO FORM:

By:   
Alison A. Barratt-Green  
County Counsel

ckf