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**NEVADA COUNTY BOARD OF SUPERVISORS**  
**Board Agenda Memo**

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**MEETING DATE:** June 14, 2022

**TO:** Board of Supervisors

**FROM:** Katharine L. Elliott, County Counsel

**SUBJECT:** Resolution approving Amendment No. 1 to the Personal Services Contract between the County of Nevada and Rivera Hewitt Paul, LLP [PESN3978], increasing the maximum Contract price by \$200,000 for a maximum contract price of \$250,000, extending the term of the Contract to June 30, 2024, and authorizing the Chair of the Board of Supervisors to execute the Amendment

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**RECOMMENDATION:** Adopt the attached Resolution. This Amendment is contingent upon the adoption of the FY 22/23 County Budget.

**FUNDING:** The County participates in PRSM's (formerly CSAC-EIA) medical malpractice program for primary coverage with a \$10,000 deductible. Litigation services are covered by this policy and administered by RMS on behalf of PRISM. The services provided under this contract will be paid directly by PRISM on an as needed basis. The deductible was paid by the Sheriff's budget through savings or cost reductions in other line items. There is no impact on the General Fund and no budget amendment required.

**ATTACHMENT:** Resolution with Exhibit A: Amendment No. 1 to Personal Services Contract (Scope of Services and Schedule of Compensation)

**BACKGROUND:** On March 1, 2020, the County retained the services of Rivera Hewitt Paul, LLP for representation of the County of Nevada, Sheriff Shannan Moon, and their employees, representatives, and officers in connection with claims and/or litigation involving multiple defendants regarding a Complaint for Damages filed by Christina Hyde, et al. on behalf of the Estate of Linda Miller. Shortly after retention of Rivera Hewitt Paul, LLP, a complaint was filed on March 16, 2020. This matter is ongoing, and an extension of the Contract term is necessary to provide for continued services under the current Contract.

The current agreement has a maximum contract amount of \$50,000, with a termination date of June 30, 2022. Additional findings and an extension of the contract is necessary to ensure that

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sufficient funds are available to cover legal costs related to unanticipated trial costs, post-trial motion and other legal activities, and any other appeal of the verdict. The proposed Amendment increases the contract amount by \$200,000, for a maximum contract price of \$250,000. The Amendment also extends the term of the Contract from June 30, 2022 to June 30, 2024 to cover the scheduling order timeframe as ordered by the Court.

Rivera Hewitt Paul, LLC is a well-qualified firm with significant experience and expertise in the legal aspects of litigation and is willing and able to represent the County of Nevada in this matter. I recommend that the Board approve the proposed Contract as submitted.

**Item Initiated by:** Kelly McKinley

**Approved by:** Katharine L. Elliott, County Counsel

Submittal Date: 5/18/22