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January 29, 2015

Honorable Board of Supervisors
Eric Rood Administrative Center
950 Maidu Avenue
Nevada City, CA 95959

DATE OF MEETING: February 10, 2015

SUBJECT: Resolution Approving Amendment No. 1 to Personal Services Contract Between the County of Nevada and Porter Scott to increase the Maximum Contract Amount by \$75,000 and extend the Contract Term, and Authorizing the Chair of the Board to Execute the Amendment

RECOMMENDATION: Adopt the attached Resolution

FUNDING: Legal services provided under this Agreement are paid on as needed basis. This Amendment will impact the FY 14/15 Sheriff's Administration budget. There will be cost reductions in other line-items to offset the costs of this amendment, so that no budget amendment is needed. There will be no impact on the General Fund.

BACKGROUND: On May 1, 2014, litigation was filed against the Nevada County Sheriff's Department in the case entitled *Soga vs. County of Nevada, et al.*, (U.S. District Court, E.D. Cal.), Case No. 2:14-cv-01084-KJM-KJN. In anticipation of this potential litigation, the Board authorized County Counsel to hire outside counsel. As of January 1, 2014, the County entered into a Personal Services Contract with the law firm of Porter Scott to provide advice and litigation services in connection with this case and the related EEOC claim.

The original agreement had a Maximum Contract Price of \$25,000. We have reached the limit of the original contract amount. Additional funding is necessary to ensure that sufficient funds are available to cover ongoing litigation costs, including motions and discovery. The proposed Amendment increases the contract amount by \$75,000, for a maximum contract price of \$100,000.

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In addition, the term of the original agreement ends as of June 30, 2015. It is highly unlikely that the litigation will be resolved by that time. The proposed Amendment extends the term of the contract to and including June 30, 2016, which is beyond the current trial date of May 2, 2016.

Porter Scott is well qualified to represent the County in this matter and has done a very good job handling this and other litigation on behalf of the County. I recommend that the Board approve the proposed Amendment as submitted.

Respectfully submitted,



Alison A. Barratt-Green
County Counsel

Attachments: Resolution Approving Amendment No. 1 to Personal Services Contract
Amendment No. 1 to Personal Services Contract