



RESOLUTION No. 17-359

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 5 TO PERSONAL SERVICES CONTRACT NO. BFS15295 BETWEEN THE COUNTY OF NEVADA AND PORTER SCOTT, A PROFESSIONAL CORPORATION, EXTENDING THE TERM OF THE CONTRACT TO JUNE 30, 2018, 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, the case is ongoing and an extension of the contract term is necessary to provide for continued litigation services under this Agreement; and

WHEREAS, the parties now desire to extend the term of the contract from June 30, 2017, to June 30, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 5 to the Personal Services Contract by and between the County of Nevada and Porter Scott, A Professional Corporation, extending the Contract Term to June 30, 2018, 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 27th day of June, 2017, 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: _____




Hank Weston, Chair

6/27/2017 cc: CoCo*
AC*

**AMENDMENT NO. 5 TO PERSONAL SERVICES CONTRACT
WITH PORTER SCOTT, A PROFESSIONAL CORPORATION
(BFS15295)**

THIS AMENDMENT No. 5 is made and is effective as of June 27, 2017, by and between Porter Scott, A Professional Corporation ("Contractor"), and the County of Nevada ("County"). This Amendment No. 5 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, 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 to June 30, 2018.

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

1. That Section 3, Contract Termination Date, is hereby extended to June 30, 2018.
2. That in all other respects the prior agreement 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. 5 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: Hank Weston
Hon. Hank Weston
Chair, Board of Supervisors

ATTEST:

By: Julie Patterson-Hunter
Julie Patterson-Hunter
Clerk of the Board

CONTRACTOR:

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

APPROVED AS TO FORM:

By: Alison A. Barratt-Green
Alison A. Barratt-Green
County Counsel