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NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: June 15, 2021

TO: Board of Supervisors

FROM: County Counsel

SUBJECT: Resolution approving Amendment No. 9 to Personal Services Contract between the County of Nevada and Porter Scott, A Professional Corporation, increasing the maximum Contract amount by \$135,000 for a maximum Contract amount of \$650,000, extending the term of the Contract to June 30, 2022, and authorizing the Chair of the Board to execute the Amendment

RECOMMENDATION: Adopt the attached Resolution.

FUNDING: Legal services provided under this Contract are paid on an as needed basis. The cost of this Amendment will be paid from the General Liability Internal Service Fund Fiscal Years 2021/22.

BACKGROUND: On August 24, 2013, litigation was filed against the Nevada County Sheriff's Department in the case entitled Evans, et al, vs. Nevada County Sheriff's Department, et al., (U.S. District Court, E.D. Cal.), Case No. 2:13-cv-01775-TLN-DAD. The Board authorized County Counsel to hire outside counsel for this litigation in the fall of 2013. As of January 1, 2014, the County entered into a Personal Services Contract with the law firm of Porter Scott to provide legal advice and litigation services in connection with this case.

On April 18, 2018, following an extraordinarily lengthy trial, the jury issued a defense verdict in favor of the County. The Plaintiffs filed a motion for a new trial which was granted, and the matter was returned to Nevada County Superior Court for retrial.

On June 12, 2018, pursuant to Resolution No. 18-230, the parties amended the Contract to increase the maximum amount by \$150,000, for a maximum Contract price of \$515,000, and extend the termination date to June 30, 2021.

Additional time and monies are necessary to continue the defense of this case. The proposed Amendment increases the Contract maximum amount by \$135,000, for a maximum Contract amount of \$650,000 and extends the term of the Contract to June 30, 2022.

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

Item Initiated by: Kelly McKinley

Approved by: Katharine L. Elliott

Submittal Date: May 17, 2021

Revision Date: