



# RESOLUTION No. 24-046

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

### RESOLUTION APPROVING AMENDMENT NO. 5 TO PERSONAL SERVICES CONTRACT BETWEEN THE COUNTY OF NEVADA AND MEYERS NAVE, INCREASING THE CONTRACT PRICE BY \$25,000 FOR A MAXIMUM CONTRACT PRICE OF \$400,000 AND AUTHORIZING THE CHAIR OF THE BOARD TO EXECUTE THE AMENDMENT (4/5 AFFIRMATIVE VOTE REQUIRED)

WHEREAS, effective November 20, 2020, the County executed a Personal Services Contract with Meyers Nave, Riback, Silver & Wilson, for legal services in connection with the lawsuit entitled *Tuck's Restaurant and Bar, et al. vs. Gavin Newsom, et al.*; USDC Eastern District, Case No. 20-cv-02256-KJM-CKD; and

WHEREAS, the maximum amount of the Contract was set at \$50,000, with a contract termination date of June 30, 2021; and

WHEREAS, by Resolution 21-086, the parties amended the Contract to increase the contract amount by \$100,000, for a maximum contract price of \$150,000 and extend the termination date to June 30, 2022; and

WHEREAS, by Resolution 22-278, the Contract was extended to June 30, 2023; and

WHEREAS, on January 24, 2023, by Resolution 23-053, the Contract price was increased by \$225,000 for a maximum Contract price of \$375,000, and the term of the Contract was extended to June 30, 2024; and

WHEREAS, by Resolution 23-424, the Scope of Services, of the Legal Services Contract, increased the hourly rate of Counsel; and

WHEREAS, the parties now desire to amend the Contract to increase the Contract amount by \$25,000, for a maximum Contract amount of \$400,000; and

WHEREAS, the cost of this contract will be paid from General Liability Fund; Ord Code 4356920022751000 and account number 521520; and

WHEREAS, the case is ongoing, and an extension of the contract term is necessary to provide for continued litigation services under this contract; and

WHEREAS, the parties now desire to extend the term of the contract to June 30, 2025; and

WHEREAS, the County desires that Meyers Nave 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.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 5 to Personal Services Contract [BM321086] by and between the County of Nevada and Meyers Nave (previously Meyers Nave, Riback, Silver & Wilson) increasing the Contract amount by \$25,000 for a maximum Contract amount of \$400,000, and extending the contract term to June 30, 2025, 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 (4/5 affirmative vote required).

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 23rd day of January, 2024, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JEFFREY THORSBY  
Clerk of the Board of Supervisors

By: \_\_\_\_\_



Hardy Bullock, Chair

**EXHIBIT A**

**AMENDMENT NO. 5 TO PERSONAL SERVICES  
CONTRACT [BM321086] WITH MEYERS NAVE**

THIS AMENDMENT No. 5 is made and is effective as of January 1, 2024, by and between Meyers Nave (“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 November 20, 2020 (“Contract”).

WHEREAS, the parties entered into a Contract [BM321086] to provide the legal services reasonably required to represent and advise HEIDI HALL, in her capacity as a Member of the Board of Supervisors of Nevada County, California; ED SCOFIELD, in his capacity as a Member of the Board of Supervisors of Nevada County, California; DAN MILLER, in his capacity as a Member of the Board of Supervisors of Nevada County, California; SUSAN HOEK, in her capacity as a Member of the Board of Supervisors of Nevada County, California; RICHARD ANDERSON, in his capacity as a Member of the Board of Supervisors of Nevada County, California; RICHARD O. JOHNSON, in his capacity as Public Health officer for Nevada County, California; AMY IRANI, Director, Environmental Health Services and KATHARINE ELLIOTT, County Counsel (hereafter collectively “You” or “the Individual County Defendants”) in connection with the lawsuit entitled *Tuck’s Restaurant and Bar, et al. v. Gavin Newsom, et al.*, USDC Eastern District, Case No. 20-CV-02256-KJM-CKD; and

WHEREAS, the parties now desire to amend the Contract to increase the Contract amount by \$25,000, for a maximum Contract amount of \$400,000; and

WHEREAS, the parties now desire to extend the term of the contract to June 30, 2025; and

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


1. Increase the Contract amount by \$25,000, for a maximum Contract amount of \$400,000.
2. Extend the term of the Contract to June 30, 2025.
3. That in all other respects, the prior Contract of the parties shall remain in full force and effect except as amended herein.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 5 to Personal Services Contract between the County of Nevada and Meyers Nave, effective as of the date first written above.


COUNTY OF NEVADA

By:   
Hon. Hardy Bullock  
Chair, Board of Supervisors

ATTEST:

By:   
Jeffrey Thorsby  
Chief of Staff/Clerk of the Board

CONTRACTOR:

By:   
deborah.j.fox (Feb 7, 2024 10:00 PST)  
Deborah J. Fox  
Principal, Meyers Nave

APPROVED AS TO FORM:

By:   
Kit Elliott (Mar 28, 2024 08:13 PDT)  
Katharine L. Elliott  
County Counsel