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

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**MEETING DATE:** August 8, 2023

**TO:** Board of Supervisors

**FROM:** County Counsel

**SUBJECT:** Resolution approving Amendment No. 4 to Personal Services Contract between the County of Nevada and Meyers Nave, amending the Scope of Services to increase counsel's hourly rate, and authorizing the Chair Of the Board to execute the Amendment

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**RECOMMENDATION:** Adopt the attached Resolution.

**FUNDING:** Legal services provided under this Contract are paid on an as needed basis. The cost of this Contract is being paid from the Risk Management's Fiscal Years 2023/2024 General Liability Fund. Litigation costs in excess of \$100,000, and eligible for coverage, will be submitted to PRISM and reimbursed subject to PRISM's approval.

**BACKGROUND:**

On November 11, 2020, litigation was filed against Nevada County, individual members of the Board of Supervisors ("Board"), Public Health Officer Amy Irani, and County Counsel Katharine Elliott, in 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. The Board authorized County Counsel to hire outside counsel for this litigation. On November 20, 2020, the County entered into a Personal Services Contract with the law firm of Meyers Nave, Riback, Silver & Wilson to provide legal advice and litigation services in connection with this case.

Due to the ongoing defense of this case, which involves complex challenges to the constitutionality of regulations as well fact-intensive questions of retaliatory enforcement, by way of Resolution 21-086, on March 23, 2021, the parties amended the Contract to increase the maximum Contract price to \$150,000 (an increase of \$100,000) to cover the additional legal expenses related to the litigation. Further, by Resolution 22-278, the parties extended the contract to June 30, 2023.

On January 24, 2023, by Resolution 23-053, the Contract was Amended to increase the maximum Contract amount \$225,000 for a maximum Contract amount of \$375,000 and extending the contract term to June 30, 2024.

It should be noted the Contractor changed its name from Meyers, Nave Riback, Silver & Wilson to Meyers Nave. Amendment No. 4 shall reflect the name change of the Contractor.

Meyers Nave has recently increased its hourly rate. They have not increased their rates since 2020. Parties have agreed to amend the scope of services to reflect the firm's new rates.

Meyers Nave is well qualified to represent the County in this matter and has handled the litigation well thus far. I recommend that the Board approve the proposed Amendment as submitted.

**Item Initiated by:** Kelly McKinley

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

**Submittal Date:** 7/24/23