



21-086

RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION APPROVING AMENDMENT NO. 1 TO PERSONAL SERVICES CONTRACT PESO4162 BETWEEN THE COUNTY OF NEVADA AND MEYERS NAVE, RIBACK, SILVER & WILSON FOR THE PROVISION OF LEGAL SERVICES; INCREASING THE MAXIMUM CONTRACT PRICE BY \$100,000 to \$150,000; EXTENDING THE TERM OF THE CONTRACT TO JUNE 30, 2022; INCREASING THE GENERAL LIABILITY BUDGET BY \$100,000; 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 \$100,000; and

WHEREAS, additional funding is necessary to pay for ongoing litigation costs, including motions and discovery; and

WHEREAS, the parties desire to amend the Personal Services Agreement to increase the contract amount by \$100,000, for a maximum contract price of \$150,000; and

WHEREAS, the contract will be paid through the General Liability Fund 4356-92002-275-1000 / 521520; and

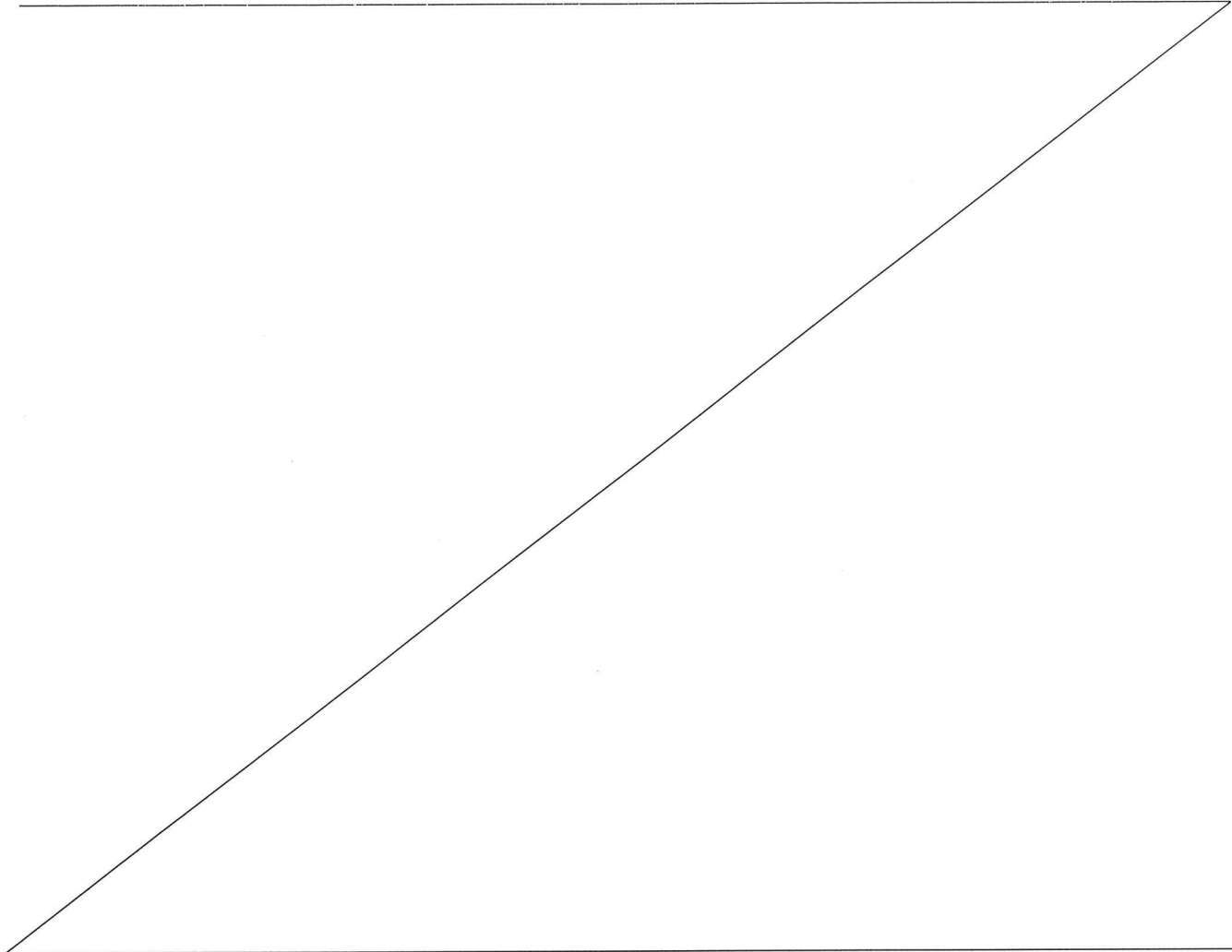
WHEREAS, the case is ongoing and an extension of the contract term is necessary to provide for continued litigation services under this Contract; and

WHEREAS, the parties now desire to extend the term of the contract to June 30, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada that Amendment No. 1 to Personal Services Contract PESO4162 by and between the County of Nevada and Meyers Nave, Riback, Silver & Wilson, increasing the contract amount by \$100,000 and establishing a new Maximim Contract Price of \$150,000, extending the Contract Term to June 30, 2022, 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 and authorizes the Auditor Controller to encumber the contract amount.

BE IT FURTHER RESOLVED that the Auditor Controller is directed to amend the Fiscal Year 2020/21 General Liability budget as follows:

Increase:	
4356-92002-275-1000-521520	\$100,000
4356-92002-275-1000-460200	\$100,000



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 March, 2021, by the following vote of said Board:

- Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Hardy Bullock.
- Noes: None.
- Absent: None.
- Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Dan Miller, Chair

3/23/2021 cc: CoCo*
AC*(hold)

4/16/2021 cc: CoCo*
AC* (Release)

EXHIBIT A

**AMENDMENT NO. 1 TO PERSONAL SERVICES CONTRACT
WITH MEYERS NAVE, RIBACK, SILVER & WILSON
(PESO4162)**

THIS AMENDMENT No. 1 is made and is effective as of March 23, 2021, by and between Meyers Nave, Riback, Silver & Wilson (“Contractor”), and the County of Nevada (“County”). This Amendment No. 1 amends the Personal Services Contract between the parties for legal services, effective as of November 20, 2020 (“Agreement”).

WHEREAS, the parties entered into an agreement 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 maximum amount of the contract was set at \$50,000; and,

WHEREAS, additional funding is necessary to pay for ongoing litigation costs, including motions and discovery; and,

WHEREAS, the parties desire to amend the Personal Services Agreement to increase the contract amount by \$100,000, for a Maximum Contract Price of \$150,000; 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 to June 30, 2022.

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

1. The contract is increased by \$100,000 and establishing a new Maximum Contract Price of \$150,000;
2. The term of the Contract has been extended to June 30, 2022;


3. 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. 1 to Personal Services Contract between the County of Nevada and Meyers Nave, Riback, Silver & Wilson, effective as of the date first written above.


COUNTY OF NEVADA

By: 
Dan Miller (Mar 24, 2021 12:51 PDT)
Hon. Dan Miller
Chair, Board of Supervisors


ATTEST:

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

CONTRACTOR:

By: 
Deborah J. Fox (Mar 24, 2021 07:47 PDT)
Deborah J. Fox
Principal, Meyers Nave, Riback, Silver & Wilson

APPROVED AS TO FORM:

By: 
K.L. Elliott (Mar 24, 2021 13:14 PDT)
Katharine L. Elliott
County Counsel