



# RESOLUTION No. 23-053

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

### RESOLUTION APPROVING AMENDMENT NO. 3 TO PERSONAL SERVICES CONTRACT BETWEEN THE COUNTY OF NEVADA AND MEYERS NAVE, INCREASING THE CONTRACT PRICE BY \$225,000 FOR A MAXIMUM CONTRACT PRICE OF \$375,000, EXTENDING THE TERM OF THE CONTRACT TO JUNE 30, 2024, 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, the parties now desire to amend the contract to increase the contract amount by \$225,000, for a maximum contract amount of \$375,000 to cover the continuing costs of defense; and

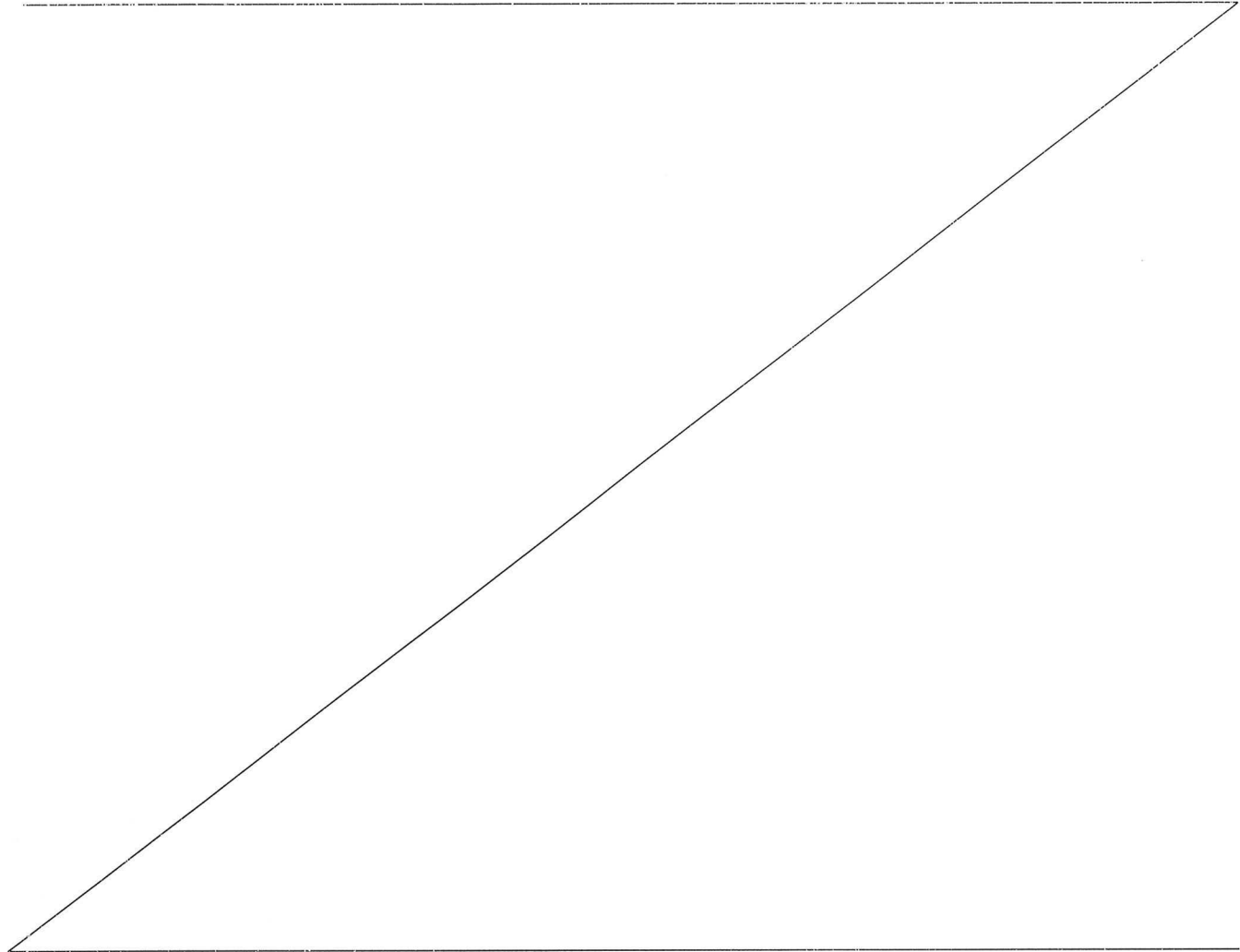
WHEREAS, the cost of this contract will be paid from General Liability Fund; Org Code 4356920022751000 and account number 521520; and

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 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; and

WHEREAS, the parties now desire to extend the term of the contract to June 30, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada, that Amendment No. 3 to Personal Services Contract [BMS21086] by and between the County of Nevada and Meyers Nave (previously Meyers Nave, Riback, Silver & Wilson) increasing the contract amount by \$225,000 for a maximum contract amount of \$375,000, and extending the contract term to June 30, 2024, 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 24<sup>th</sup> day of January, 2023, 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:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Edward C. Scofield, Chair

1/24/2023 cc: CoCo\*  
AC (Hold)\*

3/6/2023 cc: CoCo\*  
AC\*(Release)  
MN\*

**EXHIBIT A**

**AMENDMENT NO. 3 TO PERSONAL SERVICES  
CONTRACT [BMS21086] WITH MEYERS NAVE (PREVIOUSLY KNOWN AS  
MEYERS NAVE, RIBACK, SILVER & WILSON)**

THIS AMENDMENT No. 3 is made and is effective as of January 10, 2023, by and between Meyers Nave (“Contractor”), and the County of Nevada (“County”). This Amendment No. 3 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 [BMS21086] 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 \$225,000, for a maximum Contract amount of \$375,000; 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, 2024.

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

1. Increase the Contract amount by \$225,000, for a maximum Contract amount of \$375,000.
2. Section 5, Termination of Services, is hereby extended to June 30, 2024.
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. 3 to Personal Services Contract between the County of Nevada and Meyers Nave, effective as of the date first written above.

COUNTY OF NEVADA

By: *Ed Scofield*  
Ed Scofield (Feb 24, 2023 11:50 PST)  
Hon. Ed Scofield  
Chair, Board of Supervisors

ATTEST:

By: *Julie Patterson Hunter*  
Julie Patterson Hunter (Feb 24, 2023 13:40 PST)  
Julie Patterson-Hunter  
Clerk of the Board

CONTRACTOR:

By: *deborah.j.fox*  
deborah.j.fox (Feb 17, 2023 11:54 PST)  
Deborah J. Fox  
Principal, Meyers Nave

APPROVED AS TO FORM:

By: *KLElliott*  
KLElliott (Feb 17, 2023 14:13 PST)  
Katharine L. Elliott  
County Counsel