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

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**MEETING DATE:** March 23, 2021

**TO:** Board of Supervisors

**FROM:** County Counsel

**SUBJECT:** 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)

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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 Amendment will be paid from the Risk Management's Fiscal Years 2020/21 and 2021/22 General Liability Fund. A budget amendment to the General Liability Fund for FY 2020/21 will be required to enter into this Contract. 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, a case was filed against Nevada County, individual members of the Board of Supervisors ("Board"), Public Health Officer, Environmental Health Officer Amy Irani, and County Counsel Katharine Elliott, 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, it is requested that the maximum Contract price be increased to \$150,000 (an increase of \$100,000) to cover the additional legal expenses related to the litigation, thereby necessitating this Amendment.

The firm of Meyers Nave, Riback, Silver & Wilson 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

**Submittal Date:** March 12, 2020

**Revision Date:**