



# RESOLUTION No. 23-424

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

### 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

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, the parties now desire to amend the Scope of Services, Attachment 1, of the legal services contract to increase the hourly rate of Counsel; 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. 4 to Personal Services Contract [BMS21086] by and between the County of Nevada and Meyers Nave (previously Meyers Nave, Riback, Silver & Wilson) amending the Scope of Services, Attachment 1, to the legal services contract increasing Counsel's hourly rate, 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.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 8th day of August, 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

**EXHIBIT A**

**AMENDMENT NO. 4 TO PERSONAL SERVICES  
CONTRACT [BMS21086] WITH MEYERS NAVE (PREVIOUSLY KNOWN AS  
MEYERS NAVE, RIBACK, SILVER & WILSON)**

THIS AMENDMENT No. 4 is made and is effective as of September 1, 2023, by and between Meyers Nave (“Contractor”), and the County of Nevada (“County”). This Amendment No. 4 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 Scope of Services, Attachment 1, of the Legal Services Contract to increase the hourly rate of Counsel; and

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


1. Attachment 1 of the Legal Services Contract shall be amended as follows:

<b>Timekeeper by Title</b>	<b>Proposed New Rates</b>
Sr. Principal	\$560
Principal	\$525
Sr. Of Counsel	\$500
Of Counsel	\$450
Sr. Associate	\$375
Associate	\$355
Paralegal/Law Clerk	\$215
Legal Assistant/ Lit. Tech Support	\$250


2. Said new rates will be effective September 1, 2023.
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. 4 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. Edward C. Scofield  
Chair, Board of Supervisors


ATTEST:

By:   
Julie Patterson-Hunter  
Clerk of the Board

CONTRACTOR:

By:   
deborah.j.fox (Aug 17, 2023 15:50 PDT)  
Deborah J. Fox  
Principal, Meyers Nave

APPROVED AS TO FORM:

By:   
Kit Elliott (Aug 17, 2023 16:25 PDT)  
Katharine L. Elliott  
County Counsel

Signature:   
deborah.j.fox (Aug 17, 2023 15:50 PDT)  
Email: dfox@meyersnave.com  
Title: Principle  
Company: meyers nave

Signature:   
Kit Elliott (Aug 17, 2023 16:25 PDT)  
Email: Kit.Elliott@nevadacountyca.gov  
Title: County Counsel  
Company: County of Nevada

Signature:   
Email: ed.scofield@nevadacountyca.gov  
Title: Board Chair  
Company: County of Nevada

Signature:   
Email: Julie.Patterson-Hunter@nevadacountyca.gov  
Title: Clerk of the Board  
Company: County of Nevada