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

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**MEETING DATE:** June 14, 2022  
**TO:** Board of Supervisors  
**FROM:** County Counsel  
**SUBJECT:** Resolution approving Amendment No. 2 to Personal Services Contract between the County of Nevada and Meyers Nave, Riback, Silver & Wilson, extending the term of the Contract to June 30, 2023, 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 Agreement are paid on an as needed basis. The cost of this Contract is being paid from the Risk Management's Fiscal Years 2021/2022 and 2022/23 General Liability Fund. No budget Amendment is needed at this time, and no additional funding is being requested. 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 increase the maximum Contract price to \$150,000 (an increase of \$100,000) to cover the additional legal expenses related to the litigation, thereby necessitating this Amendment. The term of the contract end June 30, 2022.

The matter is ongoing and an extension of the contract term is necessary to provide for continued litigation services. It is recommended the Contract be extended to June 30, 2023.

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, County Counsel

**Submittal Date:** 5/20/22