

RESOLUTION NO. RES-2024-016

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA (1) APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH BURKE, WILLIAMS & SORENSEN, LLP FOR REPRESENTATION IN THE MATTER OF *BAY CITIES PAVING & GRADING, INC. V. CITY OF SANTA ROSA* IN AN AMOUNT NOT TO EXCEED \$725,000, WITH A RETROACTIVE EFFECTIVE DATE OF OCTOBER 25, 2023; AND (2) AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE FISCAL YEAR 2023-24 GENERAL FUND OPERATING BUDGET FROM UNASSIGNED GENERAL FUND RESERVES

WHEREAS, effective October 25, 2023, Burke, Williams, & Sorensen, LLP began providing representation to the City in *Bay Cities Paving & Grading, Inc. v. City of Santa Rosa*, Sonoma County Superior Court Case No. SCV-265333, substituting in as counsel of record in place of the City’s previous outside counsel, Meyers Nave, a Professional Corporation; and

WHEREAS, a Professional Services Agreement with Burke Williams in the amount of \$725,000 is being presented to Council for approval for representation of the City in the lawsuit through trial, currently scheduled for March 2024.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa approves a Professional Services Agreement with Burke, Williams, & Sorensen, LLP, in the amount of \$725,000, in substantially the same form as Exhibit A to the resolution, subject to approval as to form by the City Attorney, for services beginning October 25, 2023 in connection with representation of the City of Santa Rosa in *Bay Cities Paving & Grading, Inc. v. City of Santa Rosa*.

BE IT FURTHER RESOLVED that the Council authorizes the Chief Financial Officer to amend the fiscal year 2023-24 General Fund operating budget, increasing expenditure appropriations for general ledger key 030000 (City Attorney) by \$725,000 from unassigned General Fund reserves.

IN COUNCIL DULY PASSED this 30th day of January, 2024.

AYES: (7) Mayor N. Rogers, Vice Mayor Stapp, Council Members Alvarez, Fleming, MacDonald, Okrepkie, C. Rogers

NOES: (0)

ABSENT: (0)

ABSTAIN/RECUSE: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A – Professional Services Agreement with Burke, Williams, & Sorensen, LLP