

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: TERESA STRICKER, CITY ATTORNEY
SUBJECT: SECOND AMENDMENT TO PROFESSIONAL SERVICES
AGREEMENT NUMBER F002829 WITH BURKE, WILLIAMS &
SORENSEN, LLP FOR CONTINUED LEGAL REPRESENTATION

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the City Attorney that the Council, by resolution: 1) approve the Second Amendment to Professional Services Agreement Number F002829 with Burke, Williams & Sorensen, LLP increasing compensation by \$475,000, for a total contract amount not to exceed \$575,000, for continued legal representation through trial in the matter of *Bohanan v. City of Santa Rosa, et al.*, Sonoma County Superior Court Case No. 24CV02519; and 2) delegate authority to the City Attorney to execute the amendment.

EXECUTIVE SUMMARY

The City entered into Professional Services Agreement Number F002829 with Burke, Williams & Sorensen, LLP (BWS) effective May 7, 2024, for representation in the matter of *Lucas Bohanan v. City of Santa Rosa, et al.*, Sonoma County Superior Court Case No. 24CV02519 (*Bohanan* matter), in an amount not to exceed \$50,000. A First Amendment was entered into on January 8, 2025, to increase compensation by \$50k for an amount not to exceed \$100,000.

BACKGROUND

A Complaint was filed with the Sonoma County Superior Court on April 22, 2024 by Plaintiff Lucas Bohanan and served on the City of Santa Rosa in May 2024, alleging disability discrimination, failure to accommodation and retaliation.

Effective May 7, 2024, the City entered into the Agreement with BWS for legal representation in the *Bohanan* matter. A trial is scheduled for May 30, 2025.

A First Amendment to the Agreement was entered into on January 8, 2025, adding \$50,000 in compensation for a total amount not to exceed \$100,000.

PRIOR CITY COUNCIL REVIEW

None.

ANALYSIS

The City Attorney recommends that the Council approve a Second Amendment to the Agreement with BWS to add an additional \$475,000 in compensation, for a total compensation amount not to exceed \$575,000. That funding level is anticipated to be sufficient for all representation of the City in the *Bohanan* matter through trial.

FISCAL IMPACT

This action has no direct impact to the budget or reserves of the General Fund as it is paid from the Risk Fund. The Risk Fund uses established reserves and annual funding from all City departments to pay claims and expenses.

ENVIRONMENTAL IMPACT

The action is not a project subject to the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15378(b)(4) because it is a fiscal activity, which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Resolution / Exhibit A (Second Amendment to PSA F002829)

PRESENTER

Teresa Stricker, City Attorney