

RESOLUTION NO. RES-2020-027

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH BARON & BUDD, P.C. AND DIXON DIAB & CHAMBERS, LLP, TO PROVIDE LEGAL REPRESENTATION ON BEHALF OF THE CITY OF SANTA ROSA IN LITIGATION AGAINST PG&E ARISING FROM THE KINCADE FIRE OF OCTOBER 2019

WHEREAS, the City suffered significant property and economic as a result of the Kincade fire of October 2019;

WHEREAS, evidence indicates that equipment and infrastructure owned and/or operated by Pacific Gas & Electric Co. and the PG&E Corporation (jointly, "PG&E") was the cause and origin of the fire; and

WHEREAS, several local agencies affected by the Kincade fire are preparing to file suit against PG&E to recover damages incurred and, in light of the significant property and economic damages suffered by the City and the strong evidence of PG&E's potential responsibility, it is recommended that the City join in that litigation; and

WHEREAS, Baron & Budd, P.C. and Dixon Diab & Chambers, LLP, have and continue to represent the City in litigation arising out of the October 2017 wildfires, and both firms have extensive experience in representing public entities in large scale tort litigation; and

WHEREAS, the Professional Services Agreement provides for compensation on a contingency fee basis at the negotiated rate of eighteen percent (18%) of the net recovery obtained for the City in the action, the law firms will front all litigation costs, including expert witness fees; those costs will be recouped by the law firms only if a successful recovery is obtained and if no recovery is obtained, no costs or fees will be owed.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa approves a Professional Services Agreement with Baron & Budd, P.C. and Dixon Diab & Chambers, LLP, for legal representation on behalf of the City of Santa Rosa in litigation against PG&E arising from the Kincade Fire of October 2019, subject to approval as to form by the City Attorney.

IN COUNCIL DULY PASSED this 25th day of February, 2020.

AYES: (4) Vice Mayor Fleming, Council Members Dowd, Olivares, Rogers  
NOES: (1) Council Member Tibbetts  
ABSENT: (2) Mayor Schwedhelm, Council Member Sawyer  
ABSTAIN: (0)

ATTEST: \_\_\_\_\_  
City Clerk

APPROVED: \_\_\_\_\_  
Vice Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney