

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: TERESA STRICKER, CITY ATTORNEY
SUBJECT: SEVENTH AMENDMENT TO PROFESSIONAL SERVICES
AGREEMENT NUMBER F002672A WITH GEARY, SHEA,
O'DONNELL, GRATTAN & MITCHELL P.C. FOR CONTINUED
LEGAL REPRESENTATION

AGENDA ACTION: RESOLUTION

RECOMMENDATION

The City Attorney recommends that the Council, by resolution: 1) approve the Seventh Amendment to Professional Services Agreement Number F002672A with Geary, Shea, O'Donnell, Grattan & Mitchell, P.C. increasing compensation by \$40,000, for a total contract amount not to exceed \$680,000, for continued legal representation through settlement and implementation of the settlement in the matter of *Vannucci, et al. v. County of Sonoma, City of Santa Rosa, et al.*, United States District Court for the Northern District of California, Case 18-CV-01955-VC; 2) delegate authority to the City Attorney to execute the agreement; and 3) appropriate \$70,000 from unassigned General Funds to the City Attorney's professional services budget to fund the continued legal services in *Vannucci*. This item is requesting appropriations for one-time funding.

EXECUTIVE SUMMARY

The City entered into Professional Services Agreement Number F002672 (Agreement) with Geary, Shea, O'Donnell, Grattan & Mitchell, P.C. (Geary law firm) effective August 17, 2023 for representation in the matter of *Vannucci, et al. v. County of Sonoma, City of Santa Rosa, et al.*, United States District Court Northern District of California, Case 18-CV-01955-VC, (*Vannucci*) in an amount not to exceed \$100,000. Subsequent amendments have been made over time for continued legal services and to appropriate funds.

GOAL

This item relates to City core services.

BACKGROUND/PRIOR COUNCIL REVIEW

Vannucci, originally served on the City of Santa Rosa in April 2018, concerns a Complaint for Declaratory Relief and Injunctive Relief related to homeless

SEVENTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER
F002672A WITH GEARY, SHEA, O'DONNELL, GRATTAN & MITCHELL P.C. FOR
LEGAL REPRESENTATION
PAGE 2 OF 4

encampments within the City. Three individuals and an advocacy group known as Homeless Action! filed suit against Sonoma County, the County Community Development Commission, and the City, alleging a variety of federal and state claims, including that enforcement of camping ordinances against individuals experiencing homelessness was cruel and unusual punishment in violation of the 8th Amendment of the United States Constitution.

As a result of attorney vacancies in the City Attorney's office and the exceedingly large and growing volume of documents involved in *Vannucci*, the case was transferred to outside legal counsel in August 2023 by the then-Interim City Attorney.

Effective August 17, 2023, the City entered into a Professional Services Agreement (Agreement) for legal representation in *Vannucci* by the Geary law firm and a First Amendment was entered into on December 6, 2023, to add legal representation in the *Cressy* matter, a separate lawsuit brought against CalTrans, Sonoma County and the City by individuals experiencing homelessness, that was ultimately dismissed.

Vannucci was stayed pending the United States Supreme Court's decision in *Grants Pass v. Johnson, et al.*, a case involving an 8th Amendment challenge to the enforcement of a camping ordinance in Grants Pass, Oregon. On February 13, 2024, by Resolution RES-2024-025, Council approved a Second Amendment to the Agreement adding \$150,000 in additional funds for legal services needed through the end of the stay. At that time, the City Attorney informed Council that she would return to Council after the Supreme Court ruled in *Grants Pass* with a request for additional funding needed for representation of the City in *Vannucci* through trial.

On June 28, 2024, the Supreme Court issued a ruling in *Grants Pass* holding that laws regulating camping on public property do not violate the Eight Amendment. Following the Supreme Court's ruling, the stay was lifted in *Vannucci*.

A Third Amendment to the Agreement was entered into on August 20, 2024, adding \$100,000 in compensation to fund part of the legal services needed through trial.

On November 19, 2024, by Resolution RES-2024-177, Council approved the Fourth Amendment to the Agreement, adding compensation of \$190,000 and appropriating funds in the amount of \$290,000 (for the Third and Fourth Amendments) for continued legal services.

On December 18, 2025, Plaintiff's Motion for Summary Judgment was denied. Shortly before the March 2, 2026, the City and current Plaintiffs reached a tentative settlement on February 14, 2026. The Settlement was finalized on February 26, 2026, and requires ongoing implementation efforts for 12 months.

The Agreement was further amended under the City Attorney's authority by a Fifth Amendment (adding \$70,000) and a Sixth Amendment (adding \$30,000), increasing

SEVENTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER
F002672A WITH GEARY, SHEA, O'DONNELL, GRATTAN & MITCHELL P.C. FOR
LEGAL REPRESENTATION
PAGE 3 OF 4

compensation by a total of \$100,000. Further amendments to the Agreement must be approved by Council.

In June 2025, the City Manager approved the transfer of \$70,000 in salary savings, resulting from vacancies in the City Attorney's Office, into the adopted FY 2024-25 budget to fund the Fifth Amendment to the Agreement. This item seeks an appropriation of \$70,000 in total to fund the Sixth Amendment and proposed Seventh Amendment.

ANALYSIS

The City Attorney recommends that the Council approve a Seventh Amendment to the Agreement with the Geary law firm to add an additional \$40,000 in compensation, for a total compensation amount not to exceed \$680,000 under the Agreement as amended. That funding level is anticipated to be sufficient for all legal services needed in *Vannucci* through implementation of the settlement agreement.

Additionally, the City Attorney recommends that the Council appropriate \$70,000 from unassigned General Fund reserves to fund the additional compensation added by the Sixth Amendment and proposed Seventh Amendments to the Agreement.

FISCAL IMPACT

Funding for the \$30,000 in compensation added by the Sixth Amendment to the Agreement and the \$40,000 in compensation to be added by the proposed Seventh Amendment to the Agreement is requested to be appropriated from unassigned General Fund reserves in a total amount of \$70,000.

ENVIRONMENTAL IMPACT

The proposed action has been reviewed in compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15378(b)(4), the recommended action is not a "project" subject to CEQA because it involves fiscal and administrative activities related to approval of a professional services agreement amendment and appropriation of funds, which will not result in a direct or reasonably foreseeable indirect physical change in the environment. Accordingly, no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

SEVENTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER
F002672A WITH GEARY, SHEA, O'DONNELL, GRATTAN & MITCHELL P.C. FOR
LEGAL REPRESENTATION
PAGE 4 OF 4

ATTACHMENTS

- Resolution / Exhibit A (Seventh Amendment to PSA F002672)

PRESENTER

Teresa Stricker, City Attorney