

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL

FROM: SUE GALLAGHER, CITY ATTORNEY
GOLBOU GHASSEMIEH, HUMAN RESOURCES DIRECTOR
HUMAN RESOURCES DEPARTMENT

SUBJECT: APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH
RENNE SLOAN HOLTZMAN SAKAI LLP FOR EMPLOYMENT
LITIGATION DEFENSE

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the City Attorney's Office and the Human Resources Department that the Council, by resolution, approve a Professional Services Agreement with Renne Sloan Holtzman Sakai LLP for litigation defense in the matter of *Aboudara, et al. v. City of Santa Rosa*, U.S. District Court Case number CV-17-1661, in an amount not to exceed \$200,000 and increase appropriations in the City Attorney's Office Fiscal Year 2017/2018 budget by \$200,000.

EXECUTIVE SUMMARY

This Agreement pertains to the defense of the City in a matter alleging the violation of the Fair Labor Standards Act (FLSA) by City of Santa Rosa firefighters about which Renne Sloan has expertise and experience.

BACKGROUND

On March 27, 2017, the City of Santa Rosa firefighters filed a lawsuit alleging a violation of FLSA arising from the City's calculation of overtime. Renne Sloan represented the City in this matter prior to litigation. The City was unable to resolve the issues prior to litigation. The City is seeking to retain Renne Sloan to continue representing the City to provide litigation defense in U.S. District Court Case number CV-17-1661.

PRIOR CITY COUNCIL REVIEW

Not applicable

ANALYSIS

The City of Santa Rosa was recently served with a civil complaint filed on March 27, 2017, in U.S. District Court for alleged violations of the FLSA and is seeking outside legal counsel with specialized knowledge in labor and employment law to provide a legal defense. These services are critically necessary given the specialized nature of the litigation and the potential financial impact of the litigation to the City of Santa Rosa. Renne Sloan Holtzman Sakai LLP has a contract with the City to provide legal advice on potential employment litigation matters, has advised the City on potential employment litigation matters as well as labor negotiations and is familiar with the City of Santa Rosa on employment related matters; however, the current contract does not include providing employment litigation defense in this matter. Therefore, the City would like to enter into another Professional Services Agreement with Renne Sloan Holtzman Sakai LLP to provide litigation defense in this matter in a not-to-exceed amount of \$200,000. Funding this contract will require additional appropriations of \$200,000 to the city Attorney's Office Fiscal Year 2017/2018 budget.

FISCAL IMPACT

The fiscal impact of this item represents a one-time expenditure of \$200,000 by the General Fund. The City Attorney's Office is requesting \$200,000 be appropriated from the General Fund unassigned fund balance and the Fiscal Year 2017/2018 budget be amended within the City Attorney's Office to fund this unanticipated expense.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Resolution/Exhibit A (Professional Services Agreement)

CONTACT

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