

RESOLUTION NO. RES-2024-177

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE FOURTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER F002672 WITH GEARY, SHEA, O'DONNELL, GRATTAN & MITCHELL P.C. INCREASING COMPENSATION BY \$190,000 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$540,000 FOR CONTINUED LEGAL REPRESENTATION; DELEGATE AUTHORITY TO THE CITY ATTORNEY TO EXECUTE THE AGREEMENT; AND INCREASE IN APPROPRIATIONS OF \$290,000 FROM THE GENERAL FUND FOR CONTINUED LEGAL SERVICES

WHEREAS, effective August 17, 2023, City entered into Professional Services Agreement Number F002672 with Geary, Shea, O'Donnell, Grattan & Mitchell, P.C. ("Agreement") in the amount of \$100,000 for legal representation in *Vannucci, et al. v. County of Sonoma, City of Santa Rosa, et al.*, United States District Court for the Northern District of California, Case Number 18-CV-01955-VC; and

WHEREAS, on December 6, 2023, City entered into a First Amendment to the Agreement for the purpose of providing legal representation in *Cressy, et al. v. California Department of Transportation, City of Santa Rosa, et al.*, United States District Court for the Northern District of California, Case Number C23-05201-WHO, a case that was dismissed on January 22, 2024; and

WHEREAS, on February 13, 2024, by Resolution RES-2024-025, Council approved a Second Amendment to the Agreement adding compensation need for continued representation in *Vannucci* while the case was stayed pending the United States Supreme Court's ruling in *Grants Pass v. Johnson, et al.*; and

WHEREAS, at the time Council approved the Second Amendment to the Agreement, the City Attorney informed the Council that she would return to Council after the Supreme Court rules in *Grants Pass* with a request for approval to add additional compensation to the Agreement for representation of the City in *Vannucci* through trial; and

WHEREAS, on August 20, 2024, a Third Amendment to the Agreement was executed adding compensation for a portion of the compensation needed for continued legal representation in *Vannucci*; and

WHEREAS, the services and terms of the Agreement have been reviewed, and the City Attorney's Office recommends increasing the compensation amount under the Agreement to allow for continued representation in *Vannucci* through trial.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa approves the Fourth Amendment to the Professional Services Agreement Number ~~F002270~~ F002672 with Geary, Shea, O'Donnell, Grattan & Mitchell, P.C. increasing compensation by \$190,000, for a total contract amount not to exceed \$540,000, attached to this resolution as Exhibit A and made a part of herein, for continued legal representation as described above.

BE IT FURTHER RESOLVED that the Council delegates authority to the City Attorney to execute the agreement.

BE IT FURTHER RESOLVED that Council appropriates \$290,000 from the general fund unassigned reserves to the City Attorney's Office budget for professional services to allow for continued legal representation in the *Vannucci* matter through trial.

IN COUNCIL DULY PASSED this 19th day of November, 2024.

AYES: (6) Mayor N. Rogers, Vice Mayor Stapp, Council Members Alvarez, Fleming, Okrepkie, C. Rogers

NOES: (0)

ABSENT: (1) Council Member MacDonald

ABSTAIN/RECUSE: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A - Fourth Amendment to the Professional Services Agreement Number F002672 with Geary, Shea, O'Donnell, Grattan & Mitchell, P.C.