

**CITY OF CLOVERDALE
CITY COUNCIL**

RESOLUTION NO. 008-2020

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE APPROVING A
PROFESSIONAL SERVICES AGREEMENT WITH BARON & BUDD, P.C., AND
DIXON DIAB & CHAMBERS, LLP FOR SPECIALIZED SERVICES CONCERNING
LITIGATION ARISING FROM THE KINCADE FIRE AND PUBLIC SAFETY POWER SHUTOFFS**

WHEREAS, on Monday, October 21, 2019, the City of Cloverdale (the “City”) was notified by Pacific Gas and Electric (“PG&E”) that power would be shut off in the area on Wednesday the 23, 2019, due to forecasted high winds, which could damage power lines, disrupt power, and potentially spark wildfires. On the night of the 23rd, the Kinkade Fire began near the town of Geyserville and fueled by hurricane force winds, started moving southland; and

WHEREAS, by Friday, October 25, 2019, power was turned off to twenty-nine (29) counties statewide, affecting one million (1,000,000) customers. In Sonoma County, PG&E turned off electric and gas service the evening of Saturday, October 26, 2019, in Cloverdale, Healdsburg, and the Town of Windsor just as a cold snap was moving into the area, leaving people not only in the dark but without heat and the ability to cook; and

WHEREAS, Sonoma County Emergency Management evacuated one hundred ninety thousand (190,000) people in all towns south of the City, the largest evacuation in the State’s history. With all power out, no streetlights, water pumps, cell service, and other key response systems, the cascading effects pushed the County to the limit; and

WHEREAS, while the City was prepared for a limited power outage, the addition of the Kinkade Fire followed by a larger power shutoff by PG&E on Saturday evening prompted the City to fully activate its Emergency Operations Center on Saturday, October 25, 2019. Police, Fire, and City leadership monitored the fire and evacuation orders and worked together on a plan to divide the City into zones and evacuate should it become necessary. Highway 101 was closed from the South Cloverdale interchange to Santa Rosa, leaving motorists stranded north of the area into the City, some with no gas to leave the area, increasing the number of people in need of food and shelter; and

WHEREAS, PG&E established a Community Resource Center / Charging Station at the Citrus Fair Grounds on October 26, 2019, and although not declared a shelter by the County, became the location for a spontaneous feeding operation through the efforts of local community groups like the Lions and Kiwanis Clubs. The power was restored on October 30, 2019; and

WHEREAS, the law firm of Baron & Budd approached Sonoma County jurisdictions to inquire whether there was interest in moving forward with potential action against PG&E related to the Kinkade Fire and Public Safety Power Shutoffs (“PSPS”) events. Baron & Budd is the firm that represented the County and Santa Rosa in their recovery related to the Tubbs Fire. They have resolved over \$1.385 billion in Public Entity wildfire damages in the past thirteen (13) months; and

WHEREAS, Baron & Budd, P.C., and Dixon Diab & Chambers, LLP would assist the City in an attempt to recover for all damages resulting from these events. Although the City did not experience fire damage, the City and its community did experience many damages; and

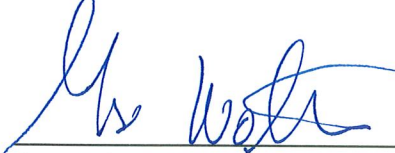
WHEREAS, the Professional Services Agreement would be on a contingency basis, which means that the City only pays if there is a recovery against PG&E. The firm would receive eighteen percent (18%) of the recovery.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve a Professional Services Agreement with Baron & Budd, P.C., and Dixon Diab & Chambers, LLP for Specialized Services concerning litigation arising from the Kincade Fire and PSPS, in a form approved by the City Attorney.

The foregoing Resolution No. 008-2020 was duly introduced and adopted by the City Council of the City of Cloverdale at its regular meeting held on the 22nd day of January 2020, by the following roll call vote:

AYES: (5) Councilmembers Bagby, Brigham and Cruz, Vice Mayor Turner and Mayor Wolter
NOES: (0) None
ABSENT: (0) None
ABSTAIN: (0) None

APPROVED:




Gus Wolter, Mayor

ATTEST:



Irene Camacho-Werby, City Clerk

I, IRENE CAMACHO-WERBY, City Clerk of the City of Cloverdale, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 008-2020 adopted by the City Council of the City of Cloverdale on the 22nd day of January 2020.



Irene Camacho-Werby, City Clerk

