



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 1/17/2023

ITEM NO: 5

DATE: January 17, 2023
TO: Mayor and Town Council
FROM: Gabrielle Whelan, Town Attorney
SUBJECT: Legal Costs for Colantuono, Highsmith & Whatley, PC:
a. Authorize Payment of Up to An Additional \$50,000 for a Total Payment Not to Exceed \$150,000 for Fiscal Year 2022/23; and
b. Authorize Expenditure Budget Adjustment in an Amount of \$100,000 From Available General Fund Capital/Special Projects Reserve

RECOMMENDATION:

Legal Costs for Colantuono, Highsmith & Whatley, PC:

- a. Authorize Payment of Up to An Additional \$50,000 for a Total Payment Not to Exceed \$150,000 for Fiscal Year 2022-23; and
- b. Authorize Expenditure Budget Adjustment in an Amount of \$100,000 From Available General Fund Capital/Special Projects Reserve.

BACKGROUND:

On March 12, 2021, the Town Attorney retained the law firm of Colantuono, Highsmith & Whatley, PC, to represent the Town of Los Gatos in litigation against Santa Clara County regarding needed repairs to Shannon Road. Because staff anticipated that the litigation would cost under \$100,000, the agreement did not go to the Town Council for approval at that time. Subsequently the Town amended its complaint against the County, which required additional legal services.

PREPARED BY: Bridgette Falconio
Administrative Technician

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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SUBJECT: Legal Costs for Shannon Road Litigation and Legal Services Budget Adjustment

DATE: January 17, 2023

DISCUSSION:

Staff anticipates requiring an additional \$50,000 for legal costs prior to resolution of the matter and is requesting Town Council authorization to make additional payments to the Colantuono law firm of up to that amount. With this action a budget adjustment of \$100,000 is needed for the Legal Services Account from the Available General Fund Capital/Special Projects Reserve.

RECOMMENDATION:

Authorize the Town to pay up to an additional \$50,000 to Colantuono, Highsmith & Whatley, PC, for legal costs prior to resolution of the matter against Santa Clara County regarding repairs to Shannon Road for a total payment not to exceed \$150,000 for fiscal year 2022/23.

COORDINATION:

The Finance Department, Town Attorney's Office and Town Manager's Office coordinated this report.

FISCAL IMPACT:

The litigation is being funded from the Attorney Legal Services Account. A budget adjustment of \$100,000 is needed for the Legal Services Account to authorize this additional payment to Colantuono, Highsmith & Whatley, PC.

ENVIRONMENTAL ASSESSMENT:

This payment for litigation expenses is not a project defined under CEQA, and no further action is required.