TOWN OF LOS GATOS

COUNCIL AGENDA REPORT

MEETING DATE: 11/17/2026

ITEM NO: 8

DATE: November 17, 2026

TO: Mayor and Town Council

FROM: Gabrielle Whelan, Town Attorney

SUBJECT: **Approve an Agreement with Berliner Cohen, LLP, for Interim Town Attorney Legal Services; Appoint Jolie Houston as Interim Town Attorney; Authorize the Town Manager to Execute the Agreement in Substantially the Form Presented; and Authorize the Town Attorney to Execute a Conflict Waiver**

RECOMMENDATION: Approve an Agreement with Berliner Cohen, LLP for Interim Town Attorney Legal Services; Appoint Jolie Houston as Interim Town Attorney; Authorize the Town Manager to Execute the Agreement in Substantially the Form Presented; and Authorize the Town Attorney to Execute a Conflict Waiver.

FISCAL IMPACT:

The agreement includes a monthly retainer of $21,500 for up to 70 hours of basic services. Services exceeding 70 hours per month and approved litigation or special-project services will be billed at $385 per attorney hour, with paralegal services billed at $150 per hour. Services performed during November 2026 will be billed on an hourly basis. Funding for these services is included in the FY 2026-27 Adopted Budget through salary and benefit savings associated with the vacant Town Attorney position.

STRATEGIC PRIORITY:

This item does not directly address a Strategic Priority; however, entry into a contract for Interim Town Attorney services aligns with the goal of good governance.

PREPARED BY: Gabrielle Whelan
Town Attorney

Reviewed by: Town Manager and Administrative Services Director

BACKGROUND:

The current Town Attorney is retiring effective November 20, 2026. The Town is currently recruiting for a new Town Attorney, which is anticipated to take several months. During that time frame, the Town will contract for Interim Town Attorney services. Interim legal services are necessary to ensure uninterrupted legal counsel to the Town Council, Planning Commission, Town boards and commissions, and Town staff while recruitment for a permanent Town Attorney is ongoing.

The Town solicited Requests for Proposals from law firms specializing in municipal law. The Town Council appointed an ad hoc committee to review the proposals. The ad hoc committee evaluated each proposal based on municipal law experience, land use expertise, availability, depth of staffing resources, and proposed costs, and determined that Berliner Cohen was best suited to provide interim services to the Town.

DISCUSSION:

The firm proposed Jolie Houston, a partner, to serve as Los Gatos's Interim Town Attorney. Ms. Houston has over 30 years of experience and currently serves as City Attorney for the City of Los Altos and Assistant City Attorney for the City of Gilroy. Ms. Houston will be supported by several other lawyers at the firm.

The proposed agreement includes a conflict waiver addressing matters in which Jolie Houston previously represented or currently represents private applicants. This is not uncommon, because the pool of municipal lawyers and land use practitioners is small. Ms. Houston previously represented the applicant for a project at 178 Twin Oaks but no longer represents that applicant. In addition, Ms. Houston currently represents Shannon Road LLC, which has submitted a planning application for a development project on Shannon Road. While serving as Interim Town Attorney, Ms. Houston will not work on the Shannon Road proposal or have access to any Town work product related to that project. If the Town Council approves the contract, staff is seeking authorization to execute a conflict waiver.

The firm has also agreed to waive any charges for travel time.

CONCLUSION:

Staff recommends that the Town Council approve the proposed contract with the law firm of Berliner Cohen for Interim Town Attorney services, appoint Jolie Houston as Interim Town Attorney, authorize its execution by the Town Manager in substantially the form presented, and authorize the Town Attorney to execute a conflict waiver.

COORDINATION:

This report was coordinated with the Town Manager's Office.

ENVIRONMENTAL ASSESSMENT:

Approval of a contract for Interim Town Attorney services is not a project defined under CEQA, and no further action is required.

Attachments:
1. Proposed Contract for Interim Town Attorney Services