



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 09/20/2022

ITEM NO: 7

DATE: September 14, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize Payment of Up to An Additional \$25,000 to Colantuono, Highsmith & Whatley, PC for a Total Payment Not to Exceed \$115,000 for Fiscal Year 2021-22.

RECOMMENDATION:

Authorize payment of up to an additional \$25,000 to Colantuono, Highsmith & Whatley, PC for a total payment not to exceed \$115,000 for fiscal year 2021-22.

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. Based on additional information discovered pursuant to a Public Records Act request, the Town wishes to amend its complaint against the County. Amending the complaint will require payments exceeding \$100,000 to the Colantuono law firm.

DISCUSSION:

Staff anticipates that amending the complaint will cost up to an additional \$25,000 and is requesting Town Council authorization to make additional payments to the Colantuono law firm of up to that amount.

PREPARED BY: Bridgette Falconio
Administrative Technician

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

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SUBJECT: Payment for Shannon Road Litigation

DATE: August 25, 2022

RECOMMENDATION:

Authorize the Town to pay up to an additional \$25,000 to Colantuono, Highsmith & Whatley, PC, to file an amended complaint against the Santa Clara County regarding need repairs to Shannon Road for a total payment not to exceed \$115,000 for fiscal year 2021-22.

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. There are sufficient funds available in the Attorney budget 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.