



CITY OF PALO ALTO OFFICE OF THE CITY ATTORNEY

January 27, 2020

The Honorable City Council
Palo Alto, California

Authorization to Amend the Existing Legal Service Agreement With the Law Firm of Colantuono, Highsmith & Whatley, PC (Contract S17167696) to Increase the Contract Amount by an Additional \$125,000 Bringing the new Not-to-Exceed Amount of the Contract to \$295,000; to Increase the Term by one Year; and to Approve a Budget Amendment in the General Fund

Recommendation

The City Attorney recommends that the City Council:

1. Approve and authorize an increase the legal services agreement with the law firm of Colantuono, Highsmith & Whatley, PC for litigation defense in the case of Green v. City of Palo Alto, et al. Santa Clara Co. Sup. Ct. Case No. 16CV300760 (Contract S17167696) by an additional \$125,000 for a total not to exceed amount of \$295,000 and to extend the term to October 1, 2020.
2. Amend the Fiscal Year 2020 Budget Appropriation Ordinance for the General Fund by: (a) increasing the City Attorney Department appropriation for contractual services by \$125,000; and (b) decreasing the General Fund Budget Stabilization Reserve by \$125,000.

Discussion

In October 2016, the City retained Colantuono, Highsmith & Whatley, PC (Contract S17167696) to represent the City in the case of Miriam Green v. City of Palo Alto, et al., Santa Clara Superior Court Case No. 16CV300760. An additional \$125,000 is needed to fund the City's defense in the litigation.

Resource Impact

The estimated additional cost for the City's contract for legal services with Colantuono, Highsmith & Whatley, PC exceeds the City Attorney's Department budgeted funds for contractual services. The City Attorney and Chief Financial Officer recommend that the appropriation to fund needed legal defense services be offset by a reduction in the General Fund Budget Stabilization Reserve (BSR). The BSR will remain at or above the City Council

approved target level of 18.5%. This appropriation of additional funds requires a super majority if City Council votes, or 2/3 approval per the City's Charter and Municipal Code.

Environmental Review

Amendment of legal services contracts is not a project requiring environmental review under the California Environmental Quality Act (CEQA).

Department Head: Molly Stump, City Attorney

