March 28, 2023

ITEM TITLE

Agreement: Third Amendment to Legal Services Agreement with Colantuono, Highsmith & Whatley, PC to Provide Legal Services Related to Local Gaming Authority Issues

Report Number: 23-0081

Location: No specific geographic location

Department: City Attorney

Environmental Notice: The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act ("CEQA") State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

Recommended Action

Adopt a resolution approving the third amendment to the Legal Services Agreement with Colantuono Highsmith & Whatley, PC to provide legal services related to local gaming authority issues for a not to exceed amount of $65,000.

SUMMARY

The City of Chula Vista exercises local authority over gaming operations in its jurisdiction, which requires legal review and consultation from time to time. This amendment to a Legal Services Agreement will allow the City to continue to utilize the legal services of Colantuono, Highsmith & Whatley, PC for ongoing local gaming authority matters.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed activity for compliance with CEQA and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

Not applicable.

DISCUSSION

The City of Chula Vista currently exercises local authority over gaming operations within its jurisdiction and contracts with outside legal counsel from time to time for legal review, consultation, and expertise in this area. In accordance with the City's charter, the City Attorney oversees contracts for legal and related professional services. Chula Vista Municipal Code section 2.56.110(F) requires City Council approval of most legal services contracts in excess of $50,000.

The City Attorney's office initially entered into a Legal Services Agreement ("LSA") with the law firm of Colantuono, Highsmith & Whatley, PC for legal services related to local authority over gaming operations in June 2022 in a not to exceed amount of $10,000. The LSA was amended in October 2022 and January 2023 to increase the not to exceed amount to a total of $50,000. Due to an ongoing need for legal services in regard to local authority over gaming operations, the City Attorney's office seeks to amend the LSA again to increase the not to exceed amount to from $50,000 to $65,000. As this proposed third amendment to the LSA would result in a legal services contract in excess of $50,000, staff requests City Council approval of such amendment.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.). Staff is not independently aware and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

There is no current year fiscal impact as the funds used to pay this contract will be offset by salary savings in the City Attorney Department budget.

ONGOING FISCAL IMPACT

There is no ongoing fiscal impact as a result of this action.

ATTACHMENTS

1. Legal Services Agreement with Colantuono Highsmith & Whatley
2. 1st Amendment to Legal Services Agreement with Colantuono Highsmith & Whatley
3. 2nd Amendment to Legal Services Agreement with Colantuono Highsmith & Whatley
4. 3rd Amendment to Legal Services Agreement with Colantuono Highsmith & Whatley

Staff Contact: Megan McClurg