

**THIRD AMENDMENT TO
LEGAL SERVICES AGREEMENT
CITY OF CHULA VISTA
AND
COLANTUONO, HIGHSMITH & WHATLEY, PC**

This Third Amendment to Legal Services Agreement (“Third Amendment”) is entered into this effective day of March 28, 2023 (“Effective Date”), by and between the City of Chula Vista (“City”) and Colantuono, Highsmith & Whatley, PC (“Attorney”) (City and Attorney together, “Parties”).

RECITAL

WHEREAS, Attorney has provided legal services on behalf of the City related to advising the City on local authority regarding gaming operations pursuant to a Legal Services Agreement between City and Attorney effective June 9, 2022 (“Legal Services Agreement”); and

WHEREAS, the Legal Services Agreement, in Section 3.1, provides that the Legal Services Agreement shall not exceed \$10,000.00 without the express written authorization of the City; and

WHEREAS, City and Attorney entered into a First Amendment to Legal Services Agreement on October 24, 2022 amending Section 3.1 of the Legal Services Agreement to change the not to exceed amount from ten thousand dollars (\$10,000.00) to forty thousand dollars (\$40,000.00); and

WHEREAS, City and Attorney entered into a Second Amendment to Legal Services Agreement on January 3, 2023 amending Section 3.1 of the Legal Services Agreement to change the not to exceed amount from forty thousand dollars (\$40,000.00) to fifty thousand dollars (\$50,000); and

WHEREAS, the services by Attorney are to include continued assistance in advising the City on local authority regarding gaming operations, which will result in additional costs exceeding \$50,000.00.

AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Section 3.1 of the Legal Services Agreement is amended to change the not to exceed amount from fifty thousand dollars (\$50,000.00) to sixty-five thousand dollars (\$65,000.00).
2. Costs that exceeded \$50,000.00 that were incurred under the Legal Services Agreement but prior to this Third Amendment are to be covered and compensated by this Third Amendment.
3. Except as expressly provided herein, all other terms and conditions of the Legal Services Agreement shall remain in full force and effect.

(signature page to follow)

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CITY OF CHULA VISTA AND COLANTUONO, HIGHSMITH & WHATLEY, PC**

SIGNATURE PAGE

IN WITNESS WHEREOF, by executing this Third Amendment where indicated below, City and Attorney agree that they have read and understood all terms and conditions of this Third Amendment, that they fully agree and consent to be bound by same, and that they are freely entering into this Third Amendment as of Effective Date.

CITY OF CHULA VISTA

By: _____

Jill D.S. Maland
Lounsbery Ferguson Altona & Peak LLP
Acting City Attorney

ATTORNEY

By: _____

Michael G. Colantuono, President