



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: JUNE 28, 2022

FROM: CITY ATTORNEY'S OFFICE WARDS: ALL

SUBJECT: AUTHORIZE AN EXTENSION OF THE LEGAL SERVICES AGREEMENT TO JUNE 30, 2023, WITH THE LAW FIRM OF LEWIS BRISBOIS BISGAARD & SMITH LLP

ISSUE:

Whether to approve an extension to Legal Services Agreement to June 30, 2023, with the law firm of Lewis Brisbois Bisgaard & Smith LLP.

RECOMMENDATION:

That the City Council:

1. Approve extension to Legal Services Agreement to June 30, 2023, with the law firm of Lewis Brisbois Bisgaard & Smith LLP; and
2. Authorize the City Attorney to execute such extension to such Legal Services Agreement for the retention of outside legal services.

BACKGROUND

City Charter section 702, "Eligibility, powers and duties of City Attorney," provides, in part, that "the City Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein."

On February 4, 2015, the Governmental Affairs Committee first reviewed and considered a proposed policy for the retention of outside counsel by the City Attorney's Office. At that time, the Committee requested that the City Attorney's Office revise the policy to include a provision for recommended signature authority for the City Attorney on outside counsel contracts, how long the initial term of the contracts should be, and further refine the process. On April 1, 2015, the Committee met again to review and comment on the policy. The Committee unanimously recommended that the City Council approve the policy, limiting the City Attorney's signature authority to \$25,000 without prior City Council approval.

On June 16, 2015, the City Council adopted the policy and authority of the City Attorney for retention of outside counsel, approved the proposed panel of attorneys, and instructed the City

Attorney to return to the Governmental Affairs Committee in six months to review the policy implementation.

On March 26, 2019, the City Council approved certain First Amendments to Attorney Services Agreements for the panel attorneys, extending the terms of the agreements by an additional three years. Although some of the agreements were properly extended, there were many agreements that were not. On May 17, 2022, the City Attorney's Office presented 9 contract extensions to the Legal Services Agreements with the following law firms to correct the oversight:

1. Best Best & Krieger LLP
2. Buchalter
3. Colantuono, Highsmith & Whatley, PC
4. Gibbs Giden Locher Turner Senet & Wittbrodt LLP
5. Greines, Martin, Stein & Richland LLP
6. Jones Hall
7. Liebert Cassidy Whitmore
8. Meyers, Nave, Riback, Silver & Wilson
9. Stradling Yocca Carlson & Rauth

On May 24, 2022, the City Attorney's Office presented 3 additional extensions to the Legal Services Agreements, with the following law firms:

1. Thompson Coburn LLP
2. Smith Law Offices
3. Burke, Williams & Sorensen, LLP

DISCUSSION:

Pursuant to City Council action on May 17, 2022 and May 24, 2022, the City Attorney currently has the following law firms on the approved Attorney Panel:

All Law Firms To Remain On The Approved Panel			
Law Firm		Specialty	Expiration Date of Existing Agreement
1.	Alston & Bird	Environmental	When complete*
2.	Best Best & Krieger LLP	Municipal law, water law, bankruptcy	June 30, 20, 2023
3.	Buchalter	CPUC advice	June 30, 2023
4.	Burke, Williams & Sorensen, LLP	Litigation (non-tort)	June 30, 2023
5.	Colantuono, Highsmith & Whatley, PC	*Existing litigation only	June 30, 2023
6.	Constantine Cannon LLP	Qui Tam pending lawsuit	When complete*
7.	Cotchett, Pitre & McCarthy	Bond litigation	When complete*
8.	Gibbs Giden Locher Turner Senet & Wittbroudt LLP	Public Works, construction litigation	June 30, 2023
9.	Greines, Martin, Stein & Richland LLP	Appellate	June 30, 2023

10.	Holland & Hart LLP	Power purchase agreements	March 9, 2024
11.	Jones Hall	Municipal Bonds	June 30, 2023
12.	Law Offices of William R. Price	Tort litigation	September 16, 2024
13.	Lewis Brisbois Bisgaard & Smith LLP	Police, civil rights, tort litigation	November 20, 2021
14.	Liebert Cassidy Whitmore	HR, employment, RPD personnel	June 30, 2023
15.	Manning & Kass, Elrod, Ramirez, Trester, LLP	Police Litigation	February 4, 2019
16.	Meyers, Nave, Riback, Silver & Wilson	Municipal Law	June 30, 2023
17.	Miller & Axline	Water Contamination	When complete*
18.	Olson Hagel & Fishburn LLP	Financial Conflict of Interest, Ethics	September 26, 2021
19.	<ul style="list-style-type: none"> ○ SL Environmental Law Group PC ○ Kennedy & Madonna LLP ○ Douglas & London, P.C. ○ Kelley Drye & Warren, LLP ○ Taft Stettinius & Hollister, LLP Levin Papantonio Thomas Mitchell Rafferty & Proctor, P.A. 	Water contamination	When complete*
20.	Slovak Baron Empey Murphey & Pinkney, LLP	Code of Ethics	September 14, 2024
21.	Smith Law Offices	Police, employment and tort litigation	June 30, 2023
22.	Stradling Yocca Carlson & Rauth	Municipal Bonds	June 30, 2023
23.	Thompson Coburn LLP	FERC, NERC, CPUC advice	June 30, 2023

* The termination dates for these law firms are dependent upon the particular legal matter being completed.

To date, executed contract extensions have been received by 13 of the 15 law firms with expired agreements or agreements which were set to expire. Of the 13 extensions received, 12 have been approved by the Council as set forth above. The extension to the Legal Services Agreement with the law firm of Lewis Brisbois Bisgaard & Smith LLP is the final agreement being presented to the Council to correct the previously identified oversight.

The City Attorney's Office has not received contract extensions from the following two law firms:

1. Manning & Kass, Elrod, Ramirez, Trester, LLP
2. Olson Hagel & Fishburn LLP

Therefore, these two law firms will be dropped from the panel.

STRATEGIC PLAN ALIGNMENT: The retention of experienced outside counsel to provide legal advice and supports all priorities of the City of Riverside's Envision Riverside 2025 Strategic Plan, as such advice is provided to all departments of the City, the City Council, Boards and

Commissions.

This item aligns with each of the five Cross-Cutting Threads as follows:

1. **Community Trust** – Riverside is transparent and makes decisions based on sound policy, inclusive community engagement, involvement of City Boards & Commissions, and timely and reliable information. Use of outside counsel that specialize in specific areas of the law supports and aids the making of such decisions.
2. **Equity** – Use of outside counsel that specialize in specific areas of the law benefits the entire community by ensuring that such efforts comply with all aspects of the law.
3. **Fiscal Responsibility** – The City Attorney's Office is expending funds in a careful and judicious manner balanced against the need for specialized legal counsel when the circumstances warrant.
4. **Innovation** – The retention of specialized legal counsel to provide specialized legal advice supports City innovation efforts by ensuring that such efforts comply with all aspects of the law.
5. **Sustainability & Resiliency** – The retention of specialized legal counsel to provide specialized legal advice supports City goals of sustainability and resiliency by ensuring that such efforts comply with all aspects of the law.

FISCAL IMPACT:

There is no fiscal impact associated with the extension of legal service agreements. Any impact will occur when an individual firm/attorney is retained for a particular engagement.

Prepared by:	Phaedra A. Norton, City Attorney
Certified as to	
availability of funds:	Edward Enriquez, Interim Assistant City Manager/Chief Financial Officer/City Treasurer

Attachments:

Second Amendment to extend term of agreement to June 30, 2023