



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE:** November 14, 2023
FROM: CITY ATTORNEY'S OFFICE **WARDS:** ALL
SUBJECT: REQUEST TO APPROVE THE RETENTION OF PANEL COUNSEL, IRMA RODRIGUEZ MOISA, A PARTNER WITH ATKINSON, ANDELSON, LOYA, RUUD & ROMO AND APPROVE THE LITIGATION BUDGET OF \$550,500

ISSUE:

Requesting approval to retain Irma Rodriguez Moisa, Panel Counsel and a Partner at Atkinson, Andelson, Loya, Ruud & Romo, to serve as associated counsel to handle the case of *Jessica Tonkovich and Richard de Argon v. City of Riverside*, Riverside Superior Court Case No. CVRI2103441, authorize the City Attorney to execute the Outside Counsel Engagement Letter, and to approve the litigation budget of \$550,500.

RECOMMENDATION:

1. That the City Council: approve a \$550,500 litigation budget to retain as associate counsel Irma Rodriguez Moisa a Partner with Atkinson, Andelson, Loya, Ruud & Romo, who is on the City's list of panel counsel; and
2. Authorize the City Attorney to execute the Outside Counsel Engagement Letter

DISCUSSION:

The City Attorney's Office has a fully staffed in-house litigation division. The litigation division defends the City when the City is a named defendant in a civil action. However, there are times when it is necessary to employ a panel firm to provide legal services if, for example, there is a conflict of interest or when the City Attorney's Office's available resources have been exhausted.

The City Attorney's Office's available resources are currently at maximum capacity; therefore, the City Attorney's Office is seeking approval to employ the service of Atkinson, Andelson, Loya, Ruud & Romo a law firm on the City approved list of panel counsel to handle the case of *Jessica Tonkovich and Richard de Argon v. City of Riverside*.

FISCAL IMPACT:

The litigation budget for this matter is anticipated to be up to \$550,500. The funds to cover all costs are currently budgeted in the Liability Trust Fund account 1310000-421100 for attorney's fees in the amount of \$378,000 and Liability Trust Fund account 1310000-428200 for legal

costs in the amount of \$172,500 (which includes the cost of deposition transcripts, copies, trial graphics, a jury consultant, an economist expert and a psychiatric expert).

STRATEGIC PLAN ALIGNMENT:

This item aligns with the following *Strategic Priority and Goal* from the Envision Riverside 2025 Strategic Plan: high performing government. In addition, it aligns with the following *Cross-Cutting Threads*:

1. **Fiscal Responsibility** – The City Attorney’s Office went through a formal RFP process for outside counsel. Competitive procurement was used to secure qualified law firms at competitive rates for legal services.

Prepared by:	Cecilia Rojas, Deputy City Attorney
Certified as to availability of funds:	Edward Enriquez, Assistant City Manager/Chief Financial Officer
Approved by:	Mike Futrell, City Manager
Approved as to form:	Phaedra A. Norton, City Attorney

Attachment:

1. Proposed Budget for the case of *Jessica Tonkovich and Richard de Argon v City of Riverside*
2. Outside Counsel Engagement Letter