



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: OCTOBER 28, 2025

FROM: CITY ATTORNEY'S OFFICE WARDS: ALL

**SUBJECT: APPROVE A BUDGET IN AN AMOUNT NOT TO EXCEED \$250,000 FOR AN
APPEAL IN THE LAWSUIT ENTITLED *CITY OF RIVERSIDE V. THE REGENTS
OF THE UNIVERSITY OF CALIFORNIA* – SUPPLEMENTAL APPROPRIATION**

ISSUE:

To consider approval of a legal budget for Shute, Mihaly & Weinberger, LLP in an amount not to exceed \$250,000 to represent the City in the appeal of the lawsuit entitled *City of Riverside v. The Regents of the University of California*.

RECOMMENDATION:

That the City Council:

1. Approve budget of \$250,000 for the law firm of Shute, Mihaly & Weinberger, LLP to handle the appeal in *City of Riverside v. The Regents of the University of California*;
2. With at least five affirmative votes, authorize the Chief Financial Officer, or designee, to record a supplemental appropriation in the amount of \$250,000 in the General Fund, City Attorney Outside Legal Fees account from available fund balance; and
3. Direct the Interim City Attorney to sign an Engagement Letter for this appeal outlining the approved budget.

DISCUSSION:

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."

The City Council previously approved the retention of Shute, Mihaly & Weinberger and that firm has an executed Legal Services Agreement with the City of Riverside for the provision of legal services. City Council previously approved a budget for this law firm in an amount not to exceed \$425,000 to litigate the underlying case of *City of Riverside v. Regents of the University of California* case. In that case, the trial court upheld UCR's California Environmental Quality Act ("CEQA") determination, which the City Council has given direction to appeal. The City

Attorney's Office is now seeking \$250,000 for Shute, Mihaly & Weinberger to handle the appeal.

As a matter of background, the City sued UCR under CEQA for failure to analyze and mitigate impacts arising from its Long-Range Development Plan ("LRDP"). An LRDP is a state university's version of a general plan, which directs and accounts for growth. The Environmental Impact Report prepared for UCR's LRDP build-out did not analyze or mitigate many impacts to the City and its residents. However, it is estimated that UCR's planned expansion will cost the City millions of dollars as it will impact utilities, transportation, and fire services. Unfortunately, universities are reluctant to properly analyze and mitigate their impacts without a court ordering them to do so.

Left with no alternative, the City sued the Regents. The results of this action may have long-ranging effect on the City's ability to make the Regents mitigate the impacts caused by their projects. Shute Mihaly & Weinberger has extensive successful experience representing CEQA petitioners and has successfully represented petitioners challenging the Regents' UC Berkeley LRDP. The City Attorney's Office wishes to continue to utilize Shute, Mihaly & Weinberger on the appeal and to help cross-train the City's in-house appellate attorneys on how to handle this type of nuanced appeal.

FISCAL IMPACT:

The total fiscal impact of this action is \$250,000 to cover services up to and including the appeal. Upon Council approval, a supplemental appropriation of \$250,000 will be recorded in the General Fund, City Attorney Outside Legal Services account number 1300000-421100. There are sufficient General Fund reserves to accommodate the supplemental appropriation.

Prepared by: Rebecca McKee-Reimbold, Interim City Attorney
Certified as to
availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer