



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: SEPTEMBER 5, 2023

FROM: CITY ATTORNEY'S OFFICE WARDS: ALL

SUBJECT: REQUEST TO APPROVE EXPENDITURE OF \$263,520.00 TO RETAIN OUTSIDE COUNSEL WILLIAM PRICE

ISSUE:

Requesting approval of a \$263,520 budget through trial for the City Attorney's Office to retain William Price to serve as lead counsel in the case of *Gaetz et al v. City of Riverside et al.*, United States District Court Case No. 5:23-cv-1368 and to authorize the City Attorney to execute the Outside Counsel Engagement Letter.

RECOMMENDATION:

1. That the City Council approve an expenditure amount not to exceed \$263,520 to retain the legal services of William Price, who is already on the City's panel of approved outside counsel; and
2. Authorize the City Attorney to execute the Outside Counsel Engagement Letter

DISCUSSION:

The City Attorney's Office has developed an in-house litigation team to handle third party litigation. However, there are times when it may be necessary to engage outside counsel to provide legal services, if for example, there is a conflict of interest or there are inadequate office resources. As you may recall, the *Gaetz* case involves complex allegations of civil rights violations. Specifically, Plaintiffs claim that the City and/or Raincross Hospitality violated their First Amendment rights by cancelling their political rally at the Riverside Convention Center back in 2021. The City Attorney's Office tendered defense to Raincross Hospitality pursuant to the terms of their contract, however, they have denied our tender. We disagree with Raincross' position and will seek reimbursement of all outside counsel costs the City incurs on defending this case.

Our in-house trial attorneys have reached maximum work capacity with their current trial schedules. The Litigation Division has not sent a case to outside counsel in the last fiscal year. Due to the complexity of this case, the potential high exposure, and the unavailability of any other in-house experienced attorney to serve as lead counsel, the City Attorney's Office needs to retain outside counsel for this case. However, we would like to pair an in-house attorney with Mr. Price to serve as co-counsel as a valuable training opportunity.

William Price is already on the City's pre-approved panel of outside counsel. He has over 25 years of first-chair trial success with an undefeated record as a defense attorney. Additionally, he has

successfully litigated multiple dangerous condition of public property cases for the State of California and various municipalities. In addition, he also has significant experience in handling appeals. Mr. Price assisted the City Attorney's Office with the recent case, *Serifi v. City of Riverside*, in which the City prevailed. Mr. Price has submitted a total proposed budget through trial of \$263,520.

FISCAL IMPACT: It will cost the City up to \$263,520 to retain Will Price to work with an in-house Deputy City Attorney through trial. The funds to cover all costs are currently budgeted in the Liability Insurance Trust Fund, Outside Legal Services account 1310000-421100 for legal services in the amount of \$224,000 and Legal Fees account 1310000-428200 for legal costs in the amount of \$39,520. The City Attorney's Office intends to seek reimbursement from Raincross of outside counsel costs the City incurs on defending this case.

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. **Community Trust** – Defending the City against this lawsuit is important to maintain community trust so that the residents know that the City did not interfere with these political figures' First Amendment rights.
2. **Fiscal Responsibility** – The City Attorney's Office went through a formal RFP process for outside counsel. Competitive procurement was used to secure lowest cost for legal services.

Prepared by:	Rebecca McKee-Reimbold, Assistant City Attorney
Certified as to availability of funds:	Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by:	Mike Futrell, City Manager
Approved as to form:	Phaedra A. Norton, City Attorney

Attachments:

1. Will Price's proposed budget
2. Outside Counsel Engagement Letter