

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR
STUDY SESSION MEETING
MAY 2, 2011**

The Adjourned Regular Study Session Meeting of the City Council of the City of Manhattan Beach, California, was held on the 2nd day of May, 2011, at the hour of 5:01 p.m., in the Police/Fire Conference Room, at 400/420 15th Street, in said City.

PLEDGE TO THE FLAG

Community Development Director Richard Thompson led the pledge of allegiance.

ROLL CALL

Present: Powell, Lesser, Howorth, Tell and Mayor Montgomery.
(Tell arrived at 5:04)
(Lesser arrived at 5:07)

Absent: None.

Clerk: Tamura.

AUDIENCE PARTICIPATION

Ed Caprielian, No Address Provided, proposed that the Council appoint a City Attorney Task Force and hold a public forum to bring together a group of citizens to give guidance to the Council on selection of a City Attorney. He spoke of the increased support that Council would receive from the community by allowing them to “buy in” and the increased sense of community, participation and voter turnout. He reported that he teaches government community relations; offered to facilitate the forum; and handed out various materials that give examples and may be helpful in the budgeting process.

Viet Ngo, No Address Provided, spoke of corruption regarding former City Manager Dolan and former City Attorney Wadden; strongly recommended that the Municipal Code be amended; and voiced his opinion that a City Attorney should not work for more than one city.

Steve Filarsky, No Address Provided, stated that he was adamantly opposed to public participation in the City Attorney Request for Proposal process. He stated that a City Attorney works for the Council, not the public; that because the City Attorney in Manhattan Beach is not elected, the City Council is solely responsible; and that involvement by the public could lead to a carnival or circus atmosphere. He pointed out that the argument that an in-house City Attorney could save money is false because an analysis showed that after adding an in-house City Attorney’s pension, outside contractor’s costs and outside litigation costs, it doesn’t bear true. He also cautioned that an in-house City Attorney contract tied into a labor group’s Memorandum of Understanding (MU) is a conflict of interest and encouraged the Council to return to an outside firm.

GENERAL BUSINESS

05/02/11 – 1. Analysis of City Attorney Position

Interim City Attorney Leland Dolley voiced his opinion that the 3 most important factors in hiring a City Attorney are: character, ethics and knowledge of the law. He discussed how Manhattan Beach has appointed City Attorneys in the past; compared his current 2-3 day work schedule to that of the former City Attorney (who was in the office every day); and the importance of loyalty and confidentiality. He briefly discussed conflicts of interest and the

Brown Act and the need for a public discussion that everybody will understand. He commented that he did not try to take a position regarding an in-house versus outside contract City Attorney but would be pleased to discuss it or answer any questions.

After a lengthy discussion, Council concurred to hear this issue at the May 17, 2011 City Council meeting where, most likely, a decision will be made to go with either an in-house or contract City Attorney; and to appoint 2 City Councilmembers to a Subcommittee, with input from the community, to create the Request for Proposal for a new City Attorney.

ADJOURNMENT

At 6:25 p.m. the meeting was duly adjourned to the 5:30 p.m., Adjourned Regular Meeting followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, May 3, 2011, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Liza Tamura
Recording Secretary

Richard Montgomery
Mayor

ATTEST:

Liza Tamura
City Clerk