

City Manager's office and City Clerk: Please include and announce this communication as Supplemental testimony to Item-2 of the 6-PM, December 4, 2019 Special Hermosa Beach City Council meeting's agenda. Thank You.

December 2, 2019

To: Hermosa Beach City Council (Mary Campbell-Collins, Hany Fangary, Justin Massey, Michael Detoy, Stacey Armato), acting City Clerk, City Attorney, and City Manager.

From: Howard Longacre, Hermosa Beach Resident.

Attachments: 1) City Clerk Staff report for December 7, 2017 Mayor Rotation.
2) Indication of who would be Mayor and Mayor Pro Tem through 2030.

Re: Correction of appointment of Mayor Pro Tem as made by the Council November 21, 2019.

Councilmembers and others:

The testimony and comments made herein by me are given freely, and they are entirely my views and opinions on all that I've stated.

I was observing your televised 6-PM Council meeting of 21 November, 2019 and was more than incensed by the completely inappropriate action accomplished with respect to the appointment of just-elected Justin Massey to be Mayor Pro Tem, i.e., leapfrogging Councilmember Hany Fangary who rightfully was next in line. That was an outrageous, tawdry, and small-minded blunder by three members, especially, of the City Council.

A little background since most on Council should by now well-understand that the rotation of ceremonial Mayor prior to perhaps 7 years ago was always accomplished as the first part of a full regular meeting. Note: The title of Mayor and the Mayor Pro Tem are really just ceremonial in this California General Law city of Hermosa Beach and have essentially always been.

Hermosa Beach does not elect either position. It's a role that primarily every elected councilmember gets to hold at least once in each term they are elected. A de facto entitlement traditionally, as it is in many if not most California General Law cities.

Even when this rotation occurred in the past, at the start of a regular meeting, it was never done in any kind of punitive or controversial manner as clearly it was this time. It was always a foregone conclusion as to what would take place with the ceremonial Mayor and Mayor Pro Tem rotation, i.e., speeches, accolades, and general BS. And then at the end of the essentially ceremonial meeting there would be the obligatory party somewhere.

Supplemental from H. Longacre to Item-2 of the 6-PM, December 4, 2019
Special Hermosa Beach City Council Meeting's Agenda
Re: the 11/21/2019 action by Council appointing the ceremonial Mayor Pro Tem.

Because some or all the guests typically attending the rotation of Mayor meeting desired also to attend the after-meeting-party, the Council started having these tiny ceremonial meetings separately to do just the rotation of mayor and housekeeping chores with respect to the rotation, such that all present who chose to be, could get to the party afterwards and not have to wait for the conclusion of a regular meeting, which while usually having a brief agenda when the Mayor was rotated, could nonetheless go on for hours.

So it was no big deal having the separate ceremonial rotation meeting. However I personally thought the councilmembers were in fact slighting themselves in that many residents in attendance at full regular meetings would likely skip a separate rotation-of-mayor meeting. It almost appeared that these councilmembers preferred just their insider group to be in attendance when they became a big-shot Hermosa Beach Mayor during the ceremonial rotation of Mayor meeting. Whatever...

However, never in some 41 years of following these Hermosa Beach Council meetings closely (since before a couple present councilmembers were even born) have I ever heard any discussion of doing anything different with respect to the ceremonial order of rotation of Mayor and Mayor Pro Tem. It's been a de facto entitlement in this city for every duly elected councilmember to rotate into Mayor Pro Tem and then Mayor at least once in their elected term, not something that was at the whim of fellow councilmembers.

Interesting to note though is that back during the **December 7, 2017 rotation of Mayor ceremonial meeting**, then City Clerk Elaine Doerfling's staff report for that meeting's agenda explicitly laid out those who would be Mayor some 13-years into the future, i.e., all the way through to the year 2030. An amazing and well done tabulation.

You can view then City Clerk Elaine Doerfling's staff report, and its attachment listing those to be Mayor and Mayor Pro Tem through to 2030 at the following links, or directly as attached after these comments.

Note that Mary Campbell (having been just elected 2-years ago), Stacey Armato, and Justin Massey were all in attendance, as was Hany Fangary. Since then I've not seen a single discussion item challenging the City Clerk's data or in regard to changing any of that with respect to rotation of the dais, Mayor, and Mayor Pro Tem.

In other California General Law cities where such has come up, it has been met with contention and even in some cases being placed on the ballot for the electorate to decide. It's all so petty and childish to even consider changing such a mundane thing to gain some two-bit advantage over one's fellow colleague(s).

Noteworthy nonetheless, at the meeting of November 21, it really was not the proper time to change the policy if such was desired. Further even at this December 4 "Special" meeting, a study session, it is ethically improper per established Council policy to change the policy of how Mayors or Mayor Pro Tems are to be chosen or taking any actions.

If a change in policy is desired (absurd, small-minded, and stupid as that might be) it should be future-agendized as a Public Hearing, in a “Regular” meeting, with 10 days advertised notice of such a significant policy change. If Council then changes the policy, and sets it into some official form, the public should rightfully have at least 30 days to challenge the change in some meaningful manor.

Thus for the present, given that the policy is well set in tradition, history, or even some lost resolution, the fact is, it’s well set just from prior actions. And further in the December 7, 2017 meeting it was well-documented, and further I didn’t hear anything but a few words of concurrence with the then City Clerk Elaine Doerfling’s staff report and attachments at that time.

Following are the links; however I have also attached the two items directly to the end of this PDF supplemental.

Staff Report:

<https://hermosabeach.legistar.com/LegislationDetail.aspx?ID=3285383&GUID=15D9F767-6773-4E63-AD09-B17D59D55725>

‘Mayors’ and ‘Mayor Pro Tems’ to be:

<https://hermosabeach.legistar.com/View.ashx?M=F&ID=5674169&GUID=303080E3-830B-4F4D-98AB-E45FF6C53796>

It would be best that those councilmembers responsible recognize their unfortunate, mean-spirited, selfish, self-serving blunder during that November 21, 2019 meeting (the ceremonial dais-rotation meeting) that in recent years has been held separately to allow for a quick meeting and exiting to a celebratory party.

(By now Councilman Massey should have indicated publicly that he does not believe his vote or appointment for himself to become Mayor Pro Tem was appropriate and that Councilman Fangary should have the ceremonial title and position on the dais. Has he done this yet, and if not why not?)

Anything less will allow this matter to fester, likely result in a serious lawsuit by Mr. Fangary against the city for elected city officials defying his rightful position and title on the council dais, additional deformation of his character by elected city officials, likely cause lasting divisions among the council, and do significant damage to the operation of the city’s government and public’s trust in its council; all while being completely unnecessary and willfully more than arrogant and stupidly-foolish.

Again note: Any desire to change the policy for rotation of Mayor and Mayor Pro Tem in the future should be fully and properly agendized and 10-day noticed as a future agenda matter, with any such changes being approved, then applicable in the future and more-properly after the next council-election. All of those presently on Council should fully anticipate having their timely slot as Mayor Pro Tem and Mayor.

With respect to issues of so-called “collaboration”, the people of Hermosa Beach elect councilmembers to think independently and represent their constituents, not to necessarily “collaborate” or conspire with other councilmembers, or the City Manager.

I’ve heard this discussion of syrupy-collaboration many times in the past and at every occasion the so-called “collaboration” never was good for neither residents nor businesses, but was only good for those conspiring or so-called “collaborating”.

Hiding such collaboration in closed sessions, or through improper hidden serial meetings, away from the public is the real problem, not someone raising issues in a public meeting re: the City Manager or fellow councilmember. Hermosa Beach has a Council/City Manager form of government. The public doesn’t elect the City Manager. It elects the Councilmembers and it is for the public to reprimand a Councilmember if such is the case, not the other Councilmembers. Those with thin skins who are either City Managers or City Councilmembers best find another interest. Democracy is a dirty business, not for goody-goody-two-shoes.

Goody-goody-two-shoe-councilmembers would best return to their high school councils.

Over the decades I personally have noted few if any councilmembers who at one time or another didn’t have disputes with their colleagues, or especially the city manager, and made such disputes crystal clear during public meetings. The City Manager is supposed to work with all the councilmembers, not just the ones he/she favors, and most-certainly is not supposed to carry out a policy that the city council as a whole does not desire to be accomplished. Some City Managers can become quite adept at manipulating a City Council or individual members of same. If there’s a problem in city today it’s probably more likely as caused by the City Manager.

Council, correct your November 21 blunder of the inappropriate appointment of Mayor Pro Tem and get back on track and put this behind you. And what were you thinking?

Note again that this “Special” December 4 meeting was listed as a study session on your prior agendas, however it was not adjourned to - from the November 21st meeting, and notwithstanding that the Mayor thusly called it a “Special” meeting for it to be posted on Thanksgiving eve, is nonetheless not the proper meeting to take any formal actions other than to give direction to the City Manager for future meetings.

Hopefully the Mayor isn’t now using this study session to jam in a rehashing of the Mayor Pro Tem thing to simply take the same action with discussion. That would be just as shoddy as the original action. The direction should be to appoint Councilmember Fangary to the Mayor Pro Tem position; nothing less.

The original action can be corrected at the December 17 meeting within the 30 days of the Nov 21 meeting’s action as far as the “Cure and Correct” demand is concerned.

Too much sloppy stuff has been taking place in recent years with these ad hoc Special meetings as called by recent ceremonial mayors. General Law primarily intended such "Special" meetings to be called by the chosen ceremonial Mayor for emergency situations not for study sessions. The wheels of government grind best when they grind slowly so it's been said.

End of Supplemental.

Please see two attachments that follow immediately.



Staff Report

File #: REPORT 17-0730, Version: 1

**Honorable Mayor and Members of the Hermosa Beach City Council
Adjourned Regular Meeting of December 7, 2017**

**APPOINTMENT OF MAYOR AND MAYOR PRO TEMPORE AND
COUNCIL COMMITTEE REORGANIZATION - DECEMBER 2017**

(City Clerk Elaine Doerfling)

Recommended Action:

Consistent with the City Council rotation policy for Mayor and Mayor pro tempore, it is recommended that the following appointments be made:

1. Mayor for a term ending Thursday, September 20, 2018.
2. Mayor pro tempore for a term ending Thursday, September 20, 2018.

In conformance with State law, after appointing a new Mayor and Mayor pro tempore, the following committee appointments must be made this evening:

1. Mayor to the Los Angeles County - City Selection Committee

Authority in Government Code Section 50270. The committee shall consist of the mayor of each city within the county. When the mayor is unable to attend a meeting, the mayor shall designate another member of the city council to attend and vote at the meeting as the mayor's representative {Gov't Code Section 50271}.

2. Mayor to the South Bay Cities Sanitation District Board of Directors and Mayor pro tempore (or other Councilmember) to serve as alternate director.

Authority in Health and Safety Code Section 4730. The presiding officer of the governing body of each city within the district is a member of the Board of Directors, and another councilmember shall be appointed as an alternate director to act as a member of the district board in place of the presiding officer during such person's absence, inability, or refusal to act.

The Council committee list will be revised to reflect all mayoral changes made this evening, including the Public Communications subcommittee, which automatically consists of the Mayor and Mayor pro tempore.

The remaining committee assignments (consistent with the Council policy to maintain permanent

representatives whenever possible) may be either handled this evening or postponed to a future meeting, if needed, keeping in mind that all positions held by former Councilmember Petty will remain vacant until filled.

Also please note that any delegate/alternate change to the South Bay Cities Council of Governments (SBCCOG) requires the adoption of a resolution (see attached).

Attached is the list of current committee assignments, which has been amended to reflect any additions to the list of subcommittees.

Background:

Following the 2015 resignation of a councilmember who served less than two months as mayor, I adjusted the mayoral schedule to bring terms back in sync by 2018. However, last year, in compliance with State law enacted to increase voter turnout, the Council:

- 1) changed the City's election date from November of odd-numbered years to November of even-numbered years to coincide with statewide general elections beginning November 2022 (ordinance adopted 12/13/16); and
- 2) extended the terms of office for those elected in 2017 and 2019 to five years, to accommodate the election date change.

At the meeting of November 28, 2017, during Council's consideration of the "2018 City Council Meeting Schedule," it was suggested the future mayoral terms be extended from 9-1/2 months to a year to accommodate the five-year terms of Councilmembers elected in 2017 and 2019. A re-adjustment to the mayor schedule is required due to the extension of Council terms, so the suggestion to extend mayoral terms is well-timed.

After numerous calculations to adjust mayoral terms in a manner that applies equally to the five Councilmembers elected to five-year terms and meets all criteria (i.e., Thursday meeting dates plus no conflict with elections, holidays, August/December vacation breaks), the mayoral schedule has been re-adjusted to:

- 1) extend the mayoral term (tonight's appointment) two weeks, from September 6 to September 20, 2018; and
- 2) extend the mayoral term for each of the five councilmembers elected to five-year terms to one year and three weeks.

Mayoral terms will revert back to 9-1/2 months (292 days) in August of 2023 (after the last councilmember elected to a five-year term has served as mayor) to provide each councilmember the opportunity to serve as mayor during their four-year term of office.

Attachments:

1. Council Committee List
2. Committee Information
3. Draft SBCCOG resolution
4. Mayoral term worksheet

Submitted by: Elaine Doerfling, City Clerk

Concur: Sergio Gonzalez, City Manager

MAYORAL TERMS OF OFFICE (WORKSHEET)

Objective: To increase mayoral terms from 9-1/2 months to approximately one year to accommodate the five-year terms for Councilmembers elected in 2017 and 2019 (as suggested at the 11/28/17 meeting), keeping Thursday as the preferred meeting day. (Mayor pro tem is abbreviated to MPT.)

Nov. 7, 2017 Election – three seats for five-year terms (Armato, Campbell, Fangary won)

Thurs. 12/07/17 – Thurs. 09/20/18 = Mayor Duclos (MPT Armato) = 288 days

Thurs. 09/20/18 – Thurs. 10/10/19 = Mayor Armato (MPT Campbell) = 385 days

Nov. 5, 2019 Election – two seats for five-year terms (Massey & Duclos seats are up)

Thurs. 10/10/19 – Thurs. 10/29/20 = Mayor Campbell (MPT Fangary) = 385 days

Thurs. 10/29/20 – Thurs. 11/18/21 = Mayor Fangary (MPT is 2019 #1 winner) = 386 days

Thurs. 11/18/21 – Thurs. 12/08/22 = Mayor is 2019 #1 winner (MPT is 2019 #2 winner) = 386 days

Nov. 8, 2022 Election – three seats/four-year terms (Armato, Campbell, Fangary seats are up)

Thurs. 12/08/22 – Thurs. 01/11/24 = Mayor is 2019 2nd place (MPT is 2022 #1 winner) = 383 days

The above mayor (second place vote getter of 2019) is the last Councilmember elected to a five-year term. The four-year terms will resume with the November 2022 election. Each mayoral term from this point forward will be about 292 days (9-1/2 months), allowing each of the five Councilmembers a term as mayor during the four-year period, designated as follows:

Thurs. 01/11/24 – Thurs. 10/29/24 = Mayor is 2022 #1 winner (MPT is 2022 #2 winner) = 292 days

Thurs. 10/29/24 – Thurs. 08/28/25 = Mayor is 2022 #2 winner (MPT is 2022 #3 winner) = 293 days

Nov. 5, 2024 Election – two seats/four-year terms (seats of 2019 election winners are up)

Thurs. 08/28/25 – Thurs. 06/11/26 = Mayor is 2022 #3 winner (MPT is 2024 #1 winner) = 288 days

Thurs. 06/11/26 – Thurs. 04/01/27 = Mayor is 2024 #1 winner (MPT is 2024 #2 winner) = 294 days

Nov. 3, 2026 Election – three seats/four-year terms (seats of 2022 election winners are up)

Thurs. 04/01/27 – Thurs. 01/20/28 = Mayor is 2024 #2 winner (MPT is 2026 #1 winner) = 294 days

Thurs. 01/20/28 – Thurs. 11/09/28 = Mayor is 2026 #1 winner (MPT is 2026 #2 winner) = 294 days

Nov. 7, 2028 Election – two seats/four-year terms (seats of 2024 election winners are up)

Thurs. 11/09/28 – Thurs. 08/30/29 = Mayor is 2026 #2 winner (MPT is 2026 #3 winner) = 293 days

Thurs. 08/30/29 – Thurs. 06/20/30 = Mayor is 2026 #3 winner (MPT is 2028 #1 winner) = 293 days

Nov. 5, 2030 Election – three seats/four-year terms (seats of 2026 election winners are up)

Thurs. 06/20/30 – Thurs. 04/04/31 = Mayor is 2028 #1 winner (MPT is 2028 #2 winner) = 289 days