



# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA  
90254

## Special Meeting Agenda - Final

### City Council

*Mayor*

*Mary Campbell*

*Mayor Pro Tem*

*Justin Massey*

*Councilmembers*

*Hany S. Fangary*

*Michael Detoy*

*Stacey Armato*

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Wednesday, December 4, 2019

6:00 PM

Council Chambers

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(Closed Session to be held following the Open Session)

**6:00 P.M. – SPECIAL MEETING AGENDA**

All council meetings are open to the public. PLEASE ATTEND.

The Council receives a packet with detailed information and recommendations on nearly every agenda item. City Council agenda packets are available for your review on the City's website located at [www.hermosabch.org](http://www.hermosabch.org). Complete agenda packets are also available for public inspection in the City Clerk's office.

During the meeting, a packet is also available in the Council Chambers foyer or you can access the packet at our website, [www.hermosabch.org](http://www.hermosabch.org), on your laptop, tablet or smartphone through the wireless signal available in the City Council chambers - Network ID: CHB-Guest, Password: chbguest

To comply with the Americans with Disabilities Act of 1990, Assistive Listening Devices (ALD) will be available for check out at the meeting. If you require special assistance to participate in this meeting, you must call or submit your request in writing to the Office of the City Clerk at (310) 318-0203 at least 48 hours prior to the meeting.

**Oral and Written Communication**

Persons who wish to have written materials included in the agenda packet at the time the agenda is published on the City's website must submit the written materials to the City Manager's office by email ([anny@hermosabch.org](mailto:anny@hermosabch.org)) or in person by noon of the Tuesday, one week before the meeting date.

Written materials pertaining to matters listed on the posted agenda received after the agenda has been posted will be added as supplemental materials under the relevant agenda item on the City's website at the same time as they are distributed to the City Council by email. Supplemental materials may be submitted via eComment (instructions below) or emailed to [anny@hermosabch.org](mailto:anny@hermosabch.org). Supplemental materials must be received before 4:00 p.m. on the date of the meeting to ensure Council and staff have the ability to review materials prior to the meeting. Supplemental materials submitted after 4:00 p.m. on the date of the meeting or submitted during the meeting will be posted online the next day.

**Submit Supplemental eComments in three easy steps:**

Note: Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information (i.e. phone numbers, addresses, etc) that you do not want to be published.

1. Go to the Agendas/Minutes/Video webpage and find the meeting you'd like to submit comments on. Click on the eComment button for your selected meeting.
2. Find the agenda item for which you would like to provide a comment. You can select a specific agenda item/project or provide general comments under the Oral/Written Communications item.
3. Sign in to your SpeakUp Hermosa Account or as a guest, enter your comment in the field provided, provide your name, and if applicable, attach files before submitting your comment.

**Public Participation Speaker Cards**

If you wish to speak during Public Participation, please fill out a speaker card at the meeting. The purpose of the speaker card is to streamline and better organize our public comment process to ensure names of speakers are correctly recorded in the minutes and where appropriate, to provide contact information for staff follow-up.

**NOTICE OF SPECIAL MEETING AND AGENDA**

PLEASE TAKE NOTICE that the Mayor of the City of Hermosa Beach has called a Special Meeting of the City Council to take place on Wednesday, December 4, 2019 at 6:00 p.m. to consider and take action on only those matters set forth on the agenda below.

**CALL TO ORDER****PLEDGE OF ALLEGIANCE****ROLL CALL****ANNOUNCEMENTS****APPROVAL OF AGENDA****1. STUDY SESSION****[REPORT](#)  
**[19-0788](#)******a) SEMS Executive Training Course (ICS 402), 1.5 hours**

(Area G Disaster Management Coordinator Jeff Robinson)

- SEMS Components, Levels, Functions & Features
- Senior officials and executives' roles in the incident command system structure
- Senior officials and executives' policy role during a disaster

**[REPORT](#)  
**[19-0789](#)******b) Overview of Hermosa Beach Emergency Management, 45 minutes**

(Emergency Management Coordinator Brandy Villanueva)

- Emergency Operation Plan Update
- Status of Local Hazardous Mitigation Plan
- Alert South Bay: Hermosa Beach
- Updated Hermosa Beach Tsunami Maps
- Sea Level Rise Virtual Reality Project
- Other Project(s)

**PUBLIC PARTICIPATION****2. CONSIDERATION OF NOVEMBER 27, 2019 BROWN ACT DEMAND TO "CURE AND CORRECT" SUBMITTED BY ANTHONY HIGGINS PERTAINING TO MAYOR PRO TEM APPOINTMENT OF NOVEMBER 21, 2019**

[REPORT](#)  
[19-0794](#)

In response to the November 27, 2019 "Cure and Correct" Demand Letter from Anthony Higgins pertaining to the November 21, 2019 Mayor Pro Tem selection:

- a) Consider whether or not to respond to the demand by:
- i. Rescinding the action taken on November 21, 2019 to select a Mayor Pro Tem;
  - ii. Accepting public comment;
  - iii. Accepting nominations for Mayor Pro Tem; and
  - iv. Voting on selection of Mayor Pro Tem.

***ADJOURN TO CLOSED SESSION***



**CLOSED SESSION AGENDA**

(LOCATION: Meetings convene in the Council Chambers and move to the Second Floor Conference Room after Public Comment)

***CALL TO ORDER IN COUNCIL CHAMBERS******ROLL CALL******PUBLIC COMMENT******RECESS TO CLOSED SESSION IN SECOND FLOOR CONFERENCE ROOM***

1.     [19-0790](#)           **CONFERENCE WITH LABOR NEGOTIATOR**  
                          **Government Code Section 54957.6**  
  
                          **City Negotiator:**     City Manager  
  
                          **Employee**  
  
                          **Organizations:**     Hermosa Beach Police Officers' Association  
  Police Management Bargaining Group  
  Hermosa Beach Management Association  
  Unrepresented Employees
  
2.     19-0791           **CONFERENCE WITH LEGAL COUNSEL: Initiation of Litigation**  
                          **Government Code Section 54956.9(d)(4)**  
                          The City finds, based on advice from legal counsel, that discussion in open  
                          session will prejudice the position of the City in the litigation.  
  
                          Number of Potential Cases: 1

***ADJOURNMENT***

**FUTURE MEETINGS AND CITY HOLIDAYS**

## CITY COUNCIL MEETINGS:

December 10, 2019 - Tuesday - No Meeting (Re-scheduled to Dec. 17)

December 17, 2019 - Tuesday - Adjourned Regular Meeting:

6:00 PM - Closed Session and 7:00 PM - City Council Meeting

December 24, 2019 - Tuesday - No Meeting (Dark)

## BOARDS, COMMISSIONS AND COMMITTEE MEETINGS:

December 3, 2019 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

December 9, 2019 - Tuesday - 7:00 PM - Planning Commission Meeting

## CITY OFFICES CLOSED FRIDAY-SUNDAY AND ON THE FOLLOWING DAYS:

November 28, 2019 - Thursday, Thanksgiving Day

December 25, 2019 - Wednesday - Christmas Day

January 1, 2020 - Wednesday - New Year's Day (2020)



## Staff Report

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### Staff Report

REPORT 19-0788

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### Honorable Mayor and Members of the Hermosa Beach City Council Special Meeting of December 4, 2019

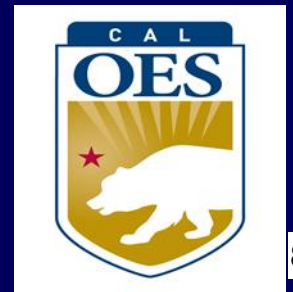
#### a) SEMS Executive Training Course (ICS 402), 1.5 hours

(Area G Disaster Management Coordinator Jeff Robinson)

- SEMS Components, Levels, Functions & Features
- Senior officials and executives' roles in the incident command system structure
- Senior officials and executives' policy role during a disaster



# Standardized Emergency Management System (SEMS) Executive Course (ICS402)



# Welcome

□ **Course Manager**



# Participant Introductions

- ☐ **Name**
- ☐ **Organization**



# **Administrative Information**

- ☐ **Evaluation**
- ☐ **Sign-in sheet**
- ☐ **Distractions**
- ☐ **Participant Slide copy**
- ☐ **Credentialing**



# Objectives

- ❑ Understand SEMS Components, Levels, Functions, and Regulations
- ❑ Executive's Role at the Policy Level
- ❑ Executive's Role in the Incident Command System (ICS)





# Standardized Emergency Management System (SEMS)

- ❑ History
- ❑ Purpose



# Emergency Operations - Five Levels of Response



State

Region

Operational Area

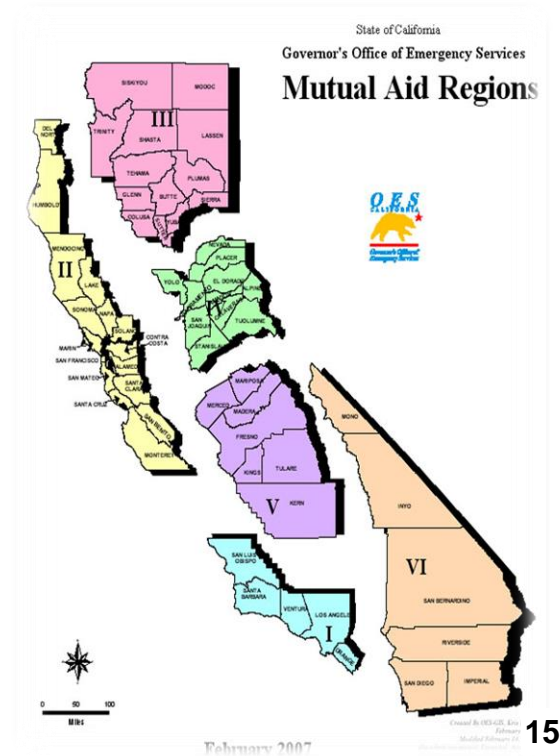
Local Government

Field

**Note: Pure ICS used in the field & ICS principles used in the EOC levels**

# Four Major Components

- ❑ Incident Command System (ICS)
- ❑ Multi Agency Coordination
- ❑ Mutual Aid
- ❑ Operational Area Concept



# The Incident Command System (ICS)

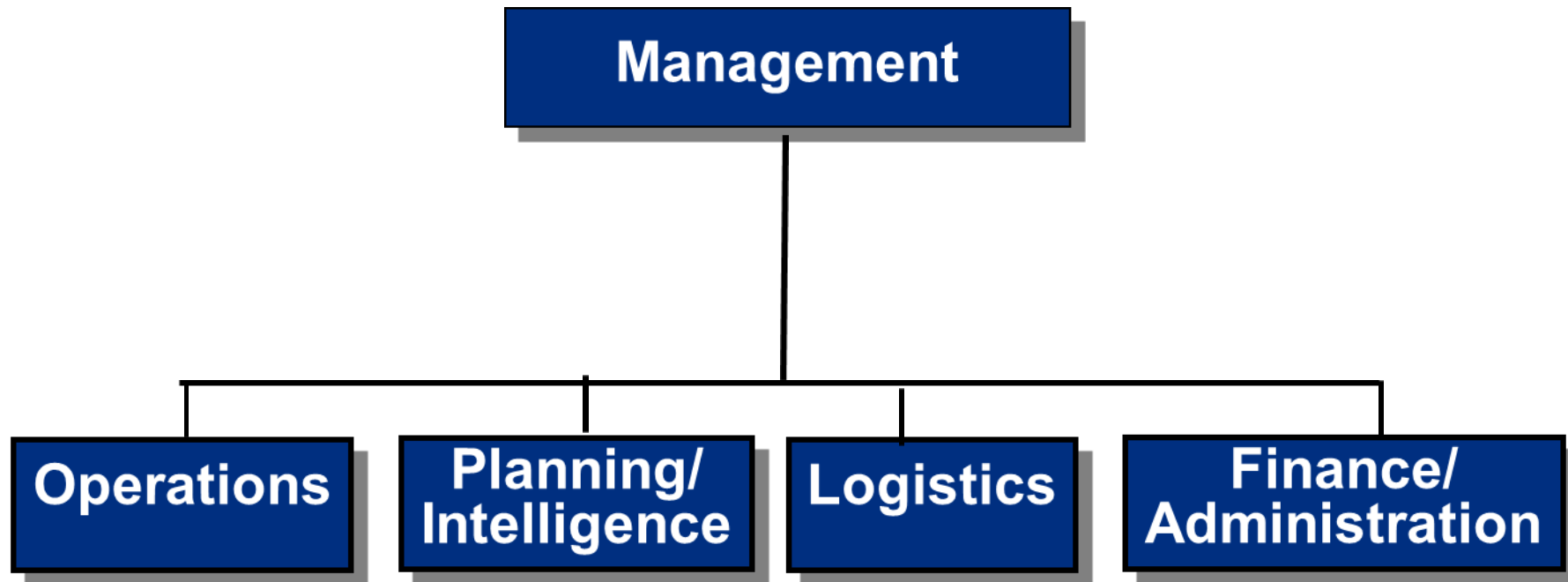
- ❑ Developed after a devastating 1970s wildfire in California
- ❑ Ineffective Response
- ❑ Firefighting RESources of California Organized for Potential Emergencies – FIRESCOPE
- ❑ What is ICS
- ❑ ICS Structure
- ❑ Span of Control



# SEMS Functions and Features

- ❑ **Five Functions**

- ❑ **System Features**



# Titles and Roles for SEMS

<b>PRIMARY SEMS FUNCTION</b>	<b>FIELD RESPONSE LEVEL</b>	<b>EOCS AT OTHER SEMS LEVELS</b>
<b>Command/ Management</b>	Command is responsible for the directing, ordering, and/or controlling of resources	Management is responsible for overall emergency policy and coordination
<b>Operations</b>	The coordinated tactical response of all field operations in accordance with the Incident Action Plan	The coordination of all jurisdictional operations in support of the response to the emergency in accordance with the EOC Action Plan
<b>Planning/ Intelligence</b>	The collection, evaluation, documentation, and use of information related to the incident	Collect, evaluate, and disseminate information and maintain documentation relative to all jurisdiction activities
<b>Logistics</b>	Provide facilities, services, personnel, equipment, and materials in support of the incident	Provide facilities, services, personnel, equipment, and materials in support of all jurisdiction activities as required
<b>Finance/ Administration</b>	Financial and cost analysis and administrative aspects not handled by the other functions.	Broad fiscal and recovery responsibility and overall fiscal accountability

# COMMAND/ MANAGEMENT:



## COMMAND

(Field Site-DOC)

OVERALL  
RESPONSIBILITY  
FOR ALL INCIDENT  
ACTIVITY ON SITE



## MANAGEMENT

(LocalEOC)

ESTABLISHES AND  
IMPLEMENTS POLICY.  
MANAGES ALL  
JURISDICTIONAL  
ACTIVITIES

# OPERATIONS:



**FIELD  
OPERATIONS**  
(Field Site-DOC)

**DIRECTS THE  
TACTICAL RESPONSE  
OF ALL INCIDENT  
OPERATIONS ON SITE**



**EOC  
OPERATIONS**  
(Local EOC)

**COORDINATES  
ALL  
OPERATIONS IN  
SUPPORT OF THE RESPONSE**



# PLANNING / INTELLIGENCE:



## PLANNING/ INTELLIGENCE

(Field Site-DOC)

COLLECTS, PROCESSES AND  
DOCUMENTS INFORMATION AT  
THAT SITE FOR USE ON THE  
INCIDENT



## PLANNING / INTELLIGENCE

(Local EOC)

COLLECTS, ANALYZES,  
PROCESSES, AND  
DOCUMENTS  
INFORMATION FOR  
USE IN JURISDICTION -  
WIDE PLANNING.

# LOGISTICS:



## LOGISTICS

(Field Site-DOC)

PROVIDES SERVICES,  
PERSONNEL AND  
EQUIPMENT IN  
SUPPORT OF THE  
INCIDENTS ON SITE



## LOGISTICS

(Local EOC)

PROVIDES SERVICES,  
PERSONNEL,  
EQUIPMENT, AND  
FACILITIES IN SUPPORT  
OF ALL City  
OPERATIONS

# FINANCE ADMINISTRATION:



**FINANCE/  
ADMIN.**  
(Field Site-DOC)

**PROVIDES  
FINANCIAL ACCOUNTING AND  
COST CONTROL AT INCIDENT SITE**



**FINANCE/  
ADMIN.**  
(Local EOC)

**OVERALL  
RESPONSIBILITY FOR  
FISCAL ACCOUNTING,  
COMPENSATION & CLAIMS,  
AND FOR CITY'S  
Cost Recovery**

# SEMS

- ❑ Operational Area Concept
- ❑ Master Mutual Aid Agreement
- ❑ Mutual Aid Assistance Systems



# Executive's Role and SEMS

- ❑ Planning
- ❑ Training
- ❑ Policy Direction



# Emergency Response Agencies Under SEMS

- ❑ Interagency Coordination
- ❑ Lead Agency
- ❑ Response Options
- ❑ Leadership in the Field



# Executive's Role and SEMS

- ❑ Emergency Operations Center (EOC)
- ❑ Legal Authority
- ❑ The Proclamation Process











## Staff Report

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### Staff Report

REPORT 19-0789

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### Honorable Mayor and Members of the Hermosa Beach City Council Special Meeting of December 4, 2019

#### **b) Overview of Hermosa Beach Emergency Management, 45 minutes** (Emergency Management Coordinator Brandy Villanueva)

- Emergency Operation Plan Update
- Status of Local Hazardous Mitigation Plan
- Alert South Bay: Hermosa Beach
- Updated Hermosa Beach Tsunami Maps
- Sea Level Rise Virtual Reality Project
- Other Project(s)



# Overview of Hermosa Beach Emergency Management

CITY COUNCIL  
STUDY SESSION

12.04.19

A background image of a sunset over a beach. The sky is a mix of orange, yellow, and blue. In the foreground, there is a silhouette of a person holding a surfboard and a lifeguard stand.

# Hello.

## Topics for the Study Session

- SEMS 402 Executive Training for Elected Officials
- Review of Hermosa Beach Emergency Management

# Agenda.

- 01 ■ SEMS 402 Training
- 02 ■ Emergency Operations Plan Update
- 03 ■ Local Hazard Mitigation Plan Status
- 04 ■ South Bay Alerts Transition
- 05 ■ Tsunami Maps Updates
- 06 ■ Sea Level Rise Virtual Reality Project





# SEMS 402 TRAINING

Jeff Robinson, Area G Disaster Management Area Coordinator

01





# EMERGENCY OPERATIONS PLAN

Emergency Management Coordinator, Brandy Villanueva

02



# EMERGENCY OPERATIONS PLAN UPDATE

- December 17, 2019 City Council meeting – Contract Approval request
- Goal of the project is to develop a new state/federally compliant plan
- Project deliverables: Basic Plan, Functional Annexes and Hazard Specific Annexes
- Participants: staff, Emergency Preparedness Advisory Board, public engagement meeting
- Timeline: 8 to 10 months





# SOUTH BAY ALERTS HERMOSA BEACH

Emergency Management Coordinator, Brandy Villanueva

03



# SOUTH BAY ALERTS

## State Legislation

- AB 1646
- SB 821
- SB830

Each jurisdiction:

Local internal notifications

Local external notifications

Regional external notifications

## Regional Approach

- All 14 Area G cities
- Common notification platform
- Standard Templates
- Multiple options: landline, cell phone, text, email
- Integrated Public Alert and Warning (IPAWS)

Timeline:

Launch in Jan. 2020

Coordinated education materials



# LOCAL HAZARD MITIGATION PLAN

Emergency Management Coordinator, Brandy Villanueva

04



# STATUS OF LOCAL HAZARD MITIGATION PLAN

- Approved plan is on the website
- Continually review the proposed mitigation strategies to request grant funding for various projects.
- Timeline: Approved in 2018, Formal Review and Update will be conducted in 2022 for approval in 2023 prior to expiration of current plan





# TSUNAMI MAP UPDATES

Emergency Management Coordinator, Brandy Villanueva

05



# TSUNAMI MAP UPDATES



City of Hermosa Beach tsunami maps and playbook were updated in 2015.

California Geologic Survey is updating tsunami maps along the coast of California

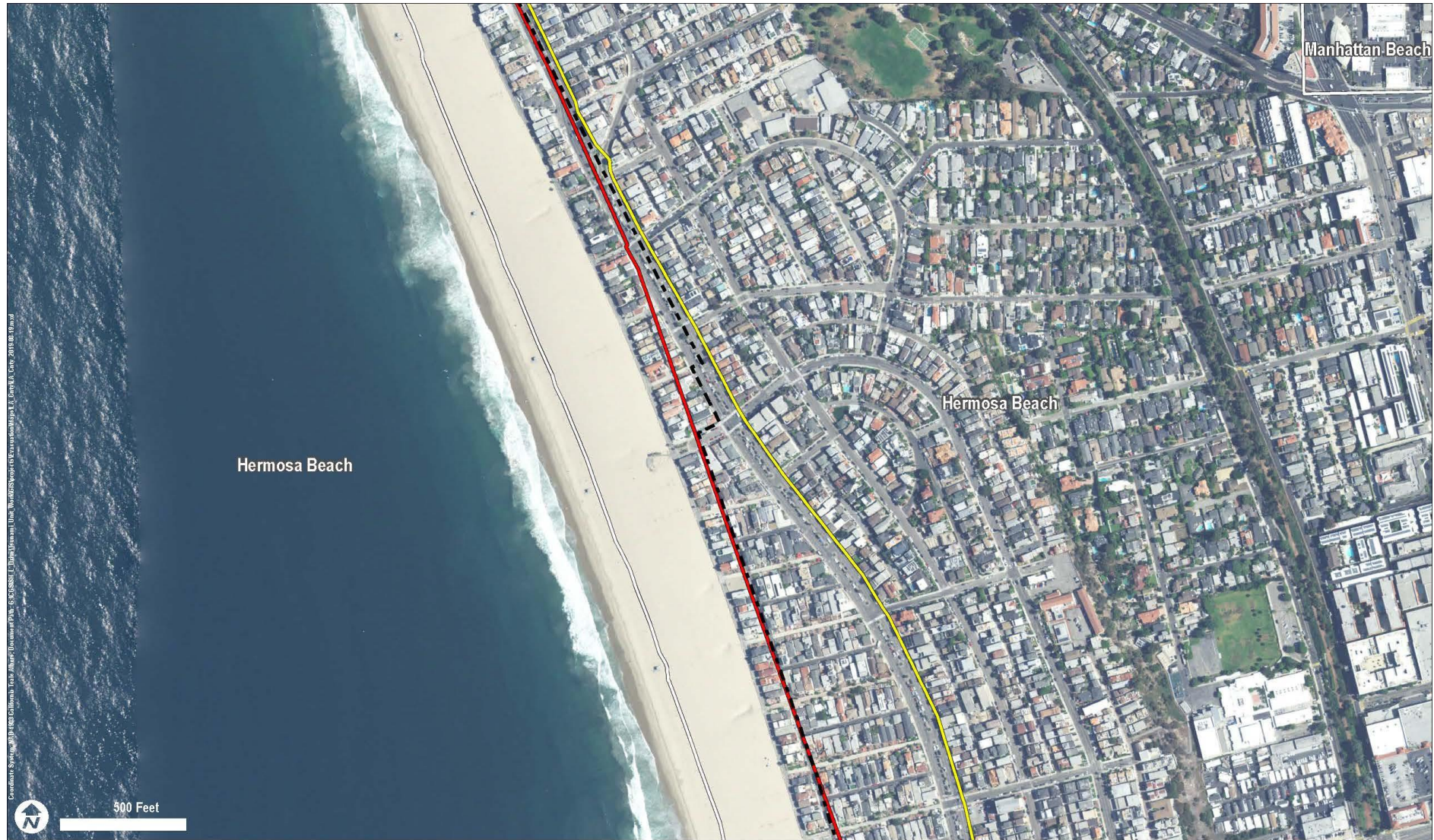
Cal OES will be updating the tsunami playbook in 2020. Tsunami playbooks provide evacuation recommendations based on the predicted tsunami inundation.

Hermosa Beach inundation map has been reviewed and the maximum evacuation will be to Hermosa Ave. throughout the entire city

Emergency managers from Redondo Beach, Hermosa Beach, Manhattan Beach and Torrance met to discuss the maps and potential impacts the maps will have on local evacuation.



# TSUNAMI MAP



California  
Department of  
Conservation  
California Geological Survey

## CGS Draft Tsunami Inundation Area - 53

LA County Previous Maximum Phase Evacuation Zone [20190820]  
Los Angeles County 2019 Evacuation Zone [20190820]  
Los Angeles County 2019 Inundation Zone [20190820]





# SEA LEVEL RISE VIRTUAL REALITY

Environmental Analyst, Leeanne Singleton

o6



# LOOK AHEAD HERMOSA BEACH



This effort is part of the City's pursuit of a certified Local Coastal Program from the California Coastal Commission which has increased focus on coastal hazards and sea level rise and has worked with the scientific community and local jurisdictions throughout the state to develop sea level rise policy guidance.



A photograph of a beach at dusk. In the foreground, there's a concrete walkway. Beyond it, the sand is visible. Several palm trees stand tall against the twilight sky. In the distance, a pier extends into the ocean, with some lights visible. The sky is a mix of deep blue and orange from the setting sun.

# LOOK AHEAD HERMOSA BEACH

- Three locations: Hermosa Beach Pier, Pier Plaza, and Noble Park
- Seeks input from the community on their opinions related to the different mitigation or adaptation strategies the City could pursue to address rising sea levels and increased coastal hazards.



## OTHER PROJECTS IN 2020

Emergency Management Coordinator, Brandy Villanueva

07

# 2020 PROJECTS

## Beach Evacuation Emergency Light System (BEELS)

- Beach Evacuation system for hearing-impaired.
- Los Angeles County Beaches and Harbor project  
EOC Position Reassessment
- Reassessment of EOC positions
- Develop Shift A and Shift B  
EOC Type III Credentialing
  - Foundation Courses: 3 course
  - Basic Coursework: 8 courses
  - Position Specific: 1 to 8 courses depending on position
- City Council: 4 course - IS 100, IS 700. G606, IS 402

## Emergency Preparedness Advisory Board (EPAB)

- First meeting in September 2019
- Input provided on tsunami kiosks and South Bay Alerts

## HB CERT

- Los Angeles County CERT Council
- Resource Typing, Credentialing, Mutual Aid deployments

## Floor Monitor Program

- Reassessment of staff
- Additional Training



# 2020 PROJECTS

## Grants

- Sept. 2018: 6 grants submitted to Cal OES
- April 2019: Cal OES recommend four grants to FEMA for review
- Oct./Nov. 2019: FEMA has conducted a preliminary review of three grants
- Nov. 2019: Public Safety Power Shut Off grant was submitted to Cal OES

## AED Program

- Monthly Inspections conducted
- Locations: City Hall 1<sup>st</sup> Floor, PD 1<sup>st</sup> and 2<sup>nd</sup> Floor, Base 3, Public Works Yard, Community Resources 1<sup>st</sup> and 2<sup>ns</sup> Floor and EOC
- At least 1 CPR/AED training per quarter



# SUMMARY

- SEMS 402
- Emergency Operations Plan
- Local Hazard Mitigation Plan
- South Bay Alerts
- Tsunami Map Updates
- Sea Level Rise Virtual Reality
- Other Projects

# THANK YOU!

Brandy Villanueva,  
Emergency Services  
Coordinator

310-318-0340

[bvillanueva@hermosabeach.gov](mailto:bvillanueva@hermosabeach.gov)



# City of Hermosa Beach

## Information Item

**DATE:** November 26, 2019  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Leeanne Singleton, Environmental Analyst  
**SUBJECT:** Update on Look Ahead Hermosa Beach—A Virtual Reality Engagement on Sea Level Rise Potential Impacts and Actions

### Introduction

In June 2019, the Hermosa Beach City Council authorized a contract with Climate Access, a non-profit organization and the U.S. Geological Survey to assist in the development of a sea level rise virtual reality experience that shows what key Hermosa Beach locations may look like in the future with rising sea levels and engages the community in a discussion about potential climate mitigation and adaptation solutions.

This effort is part of the City's pursuit of a certified Local Coastal Program from the California Coastal Commission which has increased focus on coastal hazards and sea level rise and has worked with the scientific community and local jurisdictions throughout the state to develop sea level rise policy guidance (**Attachment 1**).

The initiative, named "Look Ahead Hermosa Beach," pairs scientific modeling and virtual reality technology together to demonstrate the potential impacts of sea level rise at three key locations: the Hermosa Beach Pier, Pier Plaza, and Noble Park and seeks input from the community on their opinions related to the different mitigation or adaptation strategies the City could pursue to address rising sea levels and increased coastal hazards.

### Site Brief and Engagement Plan

Staff from the City, Climate Access, and USGS have worked together to develop a site brief (**Attachment 2**) and engagement plan (**Attachment 3**) to outline how the virtual reality experience will combine the scientific scenarios with a range of survey questions to better understand levels of concern, input on various mitigation and adaptation strategies, and interest in participating in climate and emergency preparedness programs. For those that want to find additional information and learn more about different City programs, the app will direct them to these resources.

### Next Steps

Visualizations of the different sea level rise scenarios are underway, with completion of the app expected later this month and a public launch campaign expected in January. A static snapshot of the initial visualizations for Pier Plaza is provided as **Attachment 4**.



# *City of Hermosa Beach*

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## Information Item

### Attachments:

1. California Coastal Commission Sea Level Rise Policy Guidance—  
[https://documents.coastal.ca.gov/assets/slr/guidance/2018/0\\_Full\\_2018AdoptedSLRGuidanceUpdate.pdf](https://documents.coastal.ca.gov/assets/slr/guidance/2018/0_Full_2018AdoptedSLRGuidanceUpdate.pdf)
2. Look Ahead Hermosa Beach—Site Brief
3. Look Ahead Hermosa Beach—Engagement Plan
4. Draft Visualizations for Pier Plaza



## LOOK AHEAD HERMOSA BEACH

Site Brief - October 2019

### SITE #1: Hermosa Beach Pier



**Location details:** Halfway down the Hermosa Beach Pier

**Impacts:** Climate change is driving more frequent seasonal flooding patterns in Hermosa Beach, with the potential for overland inundation from sea-level rise and runoff from increased precipitation and storm intensity. The Pier is within the 100-year flood zone and is an iconic part of the city, providing a unique vantage point to view potential coastal erosion.

**Solutions:** Dune restoration and sand berm extension to protect against sea-level rise and storm surges, as well as expanded bike infrastructure to reduce transit-related emissions.

#### Survey Questions:

*Viz 1A: Present Day*

Have you personally experienced flooding near the Pier? Yes/No/Unsure

*Viz 1B: Future Sea-Level Rise*

How concerned are you about sea-level rise impacting Hermosa Beach? Very/Somewhat/Not at all

Do you think the City of Hermosa Beach should take steps to reduce the risks of flooding from sea-level rise? Yes/No/Unsure

*Viz 1C: Future with Climate Action*

Would you be in favor of the City of Hermosa Beach extending sand berms to provide flood protection? Yes/No/Unsure

Would you approve of City efforts to restore Hermosa Beach dunes to reduce flooding impacts? Yes/No/Unsure

Are you interested in taking advantage of the City's rebate offers for the installation of solar panels on homes and businesses? Yes/No/Unsure

Do you want to see the City install more bike racks to make beach-access easier? Yes/No/Unsure

Do you think the City of Hermosa Beach should flood-proof the lifeguard station or move it out of the flood risk zone? Yes/No/Unsure

## SITE #2: Pier Plaza



**Location details:** Pier Plaza between The Strand and Hermosa Ave.

**Impacts:** Pier Plaza is at risk from flooding during heavy rainfall, especially as the street surface prevents water from filtering into the ground and currently relies on drains along the walkway.

**Solutions:** Instituting low-impact development, such as permeable pavement, rain gardens, and rain barrels to manage stormwater runoff and green the street, as well as increased public transit options in the neighborhood to encourage low-carbon transportation alternatives and reduce emissions.

### Survey Questions:

#### *Viz 2A: Present Day*

How concerned are you about flooding impacting businesses in Hermosa Beach? Very/Somewhat/Not at all

Have you personally experienced flooding at Pier Plaza? Yes/No/Unsure

#### *Viz 2B: Future Sea-Level Rise*

Do you think climate change is an urgent risk? Yes/No/Unsure

Do you support the City of Hermosa Beach preparing for climate impacts such as flooding? Yes/No/Unsure

#### *Viz 2C: Future with Climate Action*

Would you be willing to take public transit to the beach to cut carbon? Yes/No/Unsure

Would you be in favor of the City of Hermosa Beach installing rain gardens to manage stormwater runoff?  
Yes/No/Unsure

Are you interested in seeing the City use permeable pavement that allows stormwater to seep into the ground? Yes/No/Unsure

### SITE #3: Noble Park



**Location details:** Noble Park on The Strand between 14th and 15th St.

**Impacts:** Stormwater drainage and urban street flooding along The Strand is a growing issue for Hermosa Beach due to sea-level rise and more frequent heavy rainfall events. The restroom facilities at Noble Park are subterranean, placing them at risk for future flooding and saltwater corrosion.

**Solutions:** Construction improvements to the restroom facilities to mitigate flooding, controlled stormwater runoff systems, and drought-tolerant native plants that are also able to withstand inundation and lessen the impact of flooding. Additional electric vehicle charging stations in the area and energy efficiency retrofit incentives for business owners would contribute toward carbon emission reductions.

#### Survey Questions:

##### *Viz 3A: Present Day*

In your opinion, climate change: Is already impacting Hermosa Beach/Will impact Hermosa Beach in 10 years/Will impact Hermosa Beach in 50 years/Will not impact Hermosa Beach

How concerned are you about damage to homes from flooding? Very/Somewhat/Not at all

##### *Viz 3B: Future Sea-Level Rise*

Do you think sea-level rise is an urgent risk near Noble Park or The Strand? Yes/No/Unsure

Would you be in favor of the City of Hermosa Beach taking steps to manage flooding and sea-level rise? Yes/No/Unsure

##### *Viz 3C: Future with Climate Action*

Would you be willing to create an emergency preparedness kit and plan? Yes/No/Already have one

Do you want to see the City expand the number of electric vehicle charging stations in Hermosa Beach? Yes/No/Unsure

Would you support the City of Hermosa Beach flood-proofing park facilities, such as raising up underground restrooms? Yes/No/Unsure

Would you support creating or redesigning existing green spaces to help capture floodwater? Yes/No/Unsure

Do you think the City of Hermosa Beach should offer retrofit incentives to assist building owners with energy efficiency improvements? Yes/No/Unsure

**Demographic info:**

1. What is your age? <15/15-34/35-49/50-64/65-73/74+
2. Where do you live? Hermosa Beach/Somewhere else in the South Bay region/Somewhere else in Los Angeles/Somewhere else in the United States/Another country
3. Are you currently in Hermosa Beach? Yes/No

**Actions steps:**

Thank you for taking the virtual reality tour with Look Ahead Hermosa Beach. Visit [www.hermosabch.org/sustainability](http://www.hermosabch.org/sustainability) to learn more about local environmental programs, how you can reduce your carbon footprint, and help Hermosa Beach prepare for sea-level rise. Share your email address to receive updates and invitations to Hermosa Beach climate change events.





Virtual Reality  
Climate Change  
Engagement Project

October 2019



## LOOK AHEAD HERMOSA BEACH

### Virtual Reality Climate Change Engagement Project

October 2019

#### PROJECT OBJECTIVE

Hermosa Beach is facing sea-level rise, flooding, and inundation risks that threaten homes, businesses, and beaches. Community input is needed to shape response strategies, build support for implementing coastal resilience strategies, and increase the personal resilience of community members and business owners to the impacts of climate change.

The *Look Ahead Hermosa Beach* campaign will leverage the power of virtual reality (VR) to reach thousands of community members, raise their awareness of the impacts of climate change, and provide them with a vehicle to help shape coastal resilience strategies and take action. Through *Look Ahead Hermosa Beach*, the public will be able to take 360° virtual tours of three locations along the coast and experience what they will be like with flooding from sea-level rise and coastal storms, as well as visualize what is possible at the sites if climate action is taken. Within the scenarios, community members can answer questions regarding their support for different resilience strategies. This information will help shape the city's climate plans. From the VR experiences, community members can also connect to city programs to help them prepare for climate change as well as take steps to cut emissions. The scenarios will be designed for use with VR headsets as well on computers, tablets, and smartphones for those without access to VR equipment.

#### ENGAGEMENT GOALS

1. Increase awareness among City of Hermosa Beach community members and visitors from inland communities coming to Hermosa Beach to access the coast about climate impacts, specifically sea-level rise and associated flood risks for infrastructure, the natural and built environment, business activities, public health, and community well-being.
2. Gauge support for coastal resilience being considered in Hermosa Beach's planning processes before plans are finalized to ensure strategies reflect community concerns and priorities.
3. Provide pathways to programs that support community members, business owners, and visitors to take steps to increase their resilience to the impacts of climate change and take steps to cut emissions.

## ENGAGEMENT TARGET

### ***Audience***

The project aims to reach at least 1,000 individuals (City of Hermosa Beach staff, residents, business owners, and inland visitors) between September and December 2019. Hermosa Beach residents are engaged on environmental issues, such as the Los Angeles “straw ban” to limit the effects of single-use plastic waste on marine life. In 2015, residents organized to reject an oil-drilling proposal that has sparked continued engagement on environmental issues. Through interviews with community leaders, it is apparent there is an opportunity to connect these environmental interests with an understanding of local climate impacts and available solutions.

The Hermosa Beach community is comprised of a mix of young residents, families, and a growing senior population. Within Hermosa Beach, the neighborhoods most at risk of damage from climate impacts include those located in the flood zone along the beachfront and neighborhoods to the east. Within these areas, female-headed households earning less than \$75,000 per year are considered to have the highest level of social vulnerability. Additionally, [renters](#) constitute 54% of the Hermosa Beach community, and are more susceptible to climate vulnerability as they are less likely to live in structures that are resilient to natural hazards and tend to have fewer resources to recover following a storm event.

### ***Public opinion***

[Polling shows](#) that a majority (76%) of California's 33rd congressional district, which includes Hermosa Beach, acknowledges that global warming is happening and is caused by human activities (62%). While majorities (67%) express concern about global warming, only 46% say it will affect them personally, which is lower than state-wide and national public opinion, providing an opportunity to raise awareness of how climate change will impact Hermosa Beach.

There is support for action and an interest in seeing corporations (72%), citizens (69%) and local officials (58%) do more to address global warming. 85% support providing tax rebates for energy-efficient vehicles or solar panels and 74% say that environmental protection is more important than economic growth. Even with less than half (44%) saying they discuss global warming at least occasionally and 29% hearing about global warming in the media at least once a week, California's 33 district is more engaged than the state and nation as a whole.

### ***Local media coverage***

Easy Reader News ([easyreadernews.com](http://easyreadernews.com)) has featured stories on climate impacts in Hermosa Beach, with a focus on how Pier Plaza sits below sea level and the risk to businesses on The Strand from flooding as large storms coincide with high tides. Stories highlight how storm surges and sea-level rise have the potential to submerge homes and businesses in the area and how flooding can lead to severe infrastructure damage, featuring scientists explaining climate projections and calls for increased resilience from environmental groups. The “No on O” vote also received a large amount of coverage, including observations that the campaign to reject the oil drilling proposal

activated residents who were not previously engaged on environmental issues. The paper also highlighted controversy over local zoning decisions, particularly whether opportunities to increase housing capacity will help meet climate goals.

The Beach Reporter ([tbrnews.com](http://tbrnews.com)) also closely followed the campaign leading up to the vote to reject oil drilling in Hermosa Beach and featured a story on rising ocean temperatures and the role of climate change in driving heat and extreme weather trends. The paper covered efforts to assess sea-level rise, extreme high tides, storms and coastal erosion due to climate change. Another key story focused on concerns surrounding efforts and projects needed to manage stormwater. The Beach Reporter promoted local events as well, such as a discussion on climate change and changing shorelines hosted by Surfrider Foundation, USC Sea Grant Education Program, and the Hermosa Beach Historical Society and Museum. It also announced that the Hermosa Beach City School District earned a California Green Ribbon Schools Award for its efforts to conserve resources while promoting health and environmental literacy, from issues like climate change to water quality.

National Public Radio member station KCRW ([kcrw.com](http://kcrw.com)) covered how extreme heat is becoming more frequent due to climate change and how there are energy efficiency programs available to upgrade air conditioning units and utility bill assistance in communities across Los Angeles, including Hermosa Beach. Another story mentioned how revenue from the area's trans-pacific cables is spent on the tidelands (stretching from the ocean to The Strand). KPCC covered how the City of Hermosa Beach is preparing for sea-level rise through sand berms and storm drain improvements, as well as education and outreach to residents.

### ***City programs***

The City of Hermosa Beach offers the following programs that can serve as pathways to increasing public engagement on climate change:

- [Discounted composting and worm bins](#) and [community garden](#)
- [Recycling and upcycling to promote zero waste](#)
- [Renewable energy installation rebates](#)
- [Public transit options](#) and [ridesharing zones](#)
- [Electric Vehicle purchase, parking, and charging incentives](#)
- [Municipal employee bikeshare](#)
- [Emergency and natural hazard preparedness](#)

### **ACTIONS PROMOTED THROUGH LOOK AHEAD HERMOSA BEACH**

- Experience and learn about projected climate impacts and solutions scenarios through the immersive virtual reality app.
- Participate in a survey embedded within the VR experience to gauge support for coastal resilience approaches.



- Sign up for the City of Hermosa Beach’s newsletter and follow the City of Hermosa Beach’s social media channels to learn more about the city’s plan to cut carbon and increase resilience.
- Receive notifications to attend City of Hermosa Beach climate-related planning meetings.
- Register for NIXLE to get emergency notifications from the City of Hermosa Beach.
- Register for the California Green Business Network if you’re a local business interested in green business practices or receiving recognition by becoming a Hermosa Beach Certified Green Business.

## OUTREACH STRATEGIES

The project team will drive interest and involvement in *Look Ahead Hermosa Beach* through the following outreach strategies:

- Impact and solution visualizations will be created for **three sites**: 1) Hermosa Beach Pier, 2) Pier Plaza and 3) Noble Park. The sites were chosen in close proximity to one another to motivate individuals to visit and experience the virtual reality scenarios at all three locations, as well as to provide opportunities for local walking tours to incorporate *Look Ahead* into their routes.
- Vinyl **signage** (24” x 36”) will be installed at the Pier to generate awareness of the campaign, provide information about the project’s goals, and encourage individuals to engage with the VR app and follow-up actions. Sticker decals will be considered for installation on the ground at Pier Plaza and Noble Park to show participants where to stand to best view the scenarios.
- *Look Ahead Hermosa Beach*, including opportunities to learn more about the project’s goals and participate in the fully immersive virtual reality experience through the use of available VR headsets, will be promoted at a number of Hermosa Beach **special events**, such as the following:
  - Pier to Pier Run/Walk (Nov 9)
  - Tree Lighting Celebration (Dec 7)
  - Pier Plaza Farmers Market (Wednesdays)
- **Promotional materials** will be made available to business groups such as the Downtown Hermosa Business Association, Hermosa Beach Hospitality Association, Hermosa Beach Green Business Network, and the Chamber of Commerce & Visitors Bureau, as well as local businesses located in close proximity to the site locations.
- **City of Hermosa Beach staff** will be notified of the project’s goals and plans for outreach activities at community events. Trainings for new council members (winter 2019/20) will

include an overview of the project's purpose, a VR demonstration of the three sites, and a review of preliminary findings.

- **Local businesses** located within the VR visualization zones of the three sites (e.g. business owners along Pier Plaza and adjacent to Noble Park) will be notified by the City of the Look Ahead project's goals and activities. Prior to launch, the City will host a "soft launch" meeting with business owners (possibly in conjunction with the Hermosa Chamber Networking Luncheon) to demonstrate the immersive VR experience and answer questions about the project.
- The team will continue to connect with **community-based organizations** representing a range of sectors and perspectives in an effort to involve a diverse population of the community. Local organizations and institutions will have an opportunity to use the virtual reality experience in their own programs and events to increase awareness of sea-level rise and flooding, convey the urgency of the challenge, and impart ways to take action. Possible community partners include Beach Cities Health District (i.e. Blue Zones Project and volunteer base), Hermosa Beach City School District, Surfrider, Heal the Bay, Grades of Green, Hermosa Beach Friends of the Parks, Leadership Hermosa Beach, Hermosa Beach Historical Society and Museum, Emergency Preparedness Advisory Commission (EPAC), THRIVE Hermosa, South Bay 350 Climate Action Group, Hermosa Surf Camp, Ocean Lifeguard Training Academy, and Volunteers and Organizations Improving the Community's Environment (VOICE).

## MEDIA CHANNELS

Media outreach will be coordinated through the City of Hermosa Beach's public information officer to assist with press releases and scheduling interviews. The following media channels will be considered:

- **City website:** The City of Hermosa Beach will create a webpage dedicated to the virtual reality engagement project hosted on the city's website, featuring information on the project, site locations, action steps, and press releases.
- **Social Media:** The City of Hermosa Beach will promote the project and update community members on opportunities to engage with the VR experience at special events through the city's monthly online newsletter (2,800 subscribers), City of Hermosa Beach Instagram account – including Instagram Stories (8,750 followers), City of Hermosa Beach Facebook page (4,350 followers), City of Hermosa Beach Community Resources Department - Parks & Recreation Facebook page (1,461 followers), and Sustainable Hermosa Beach Facebook page (390 followers).

- **Print and Online Media Coverage:** The team will submit features for inclusion in the Easy Reader News and Beach Reporter weekly newspapers (circulation of 10,000 each), as well as the blog SouthBayByJackie.com.
- **Television and Radio:** Local television networks (KCBS, KNBC, KABC, KLCS (PBS), KOCE (PBS SoCal), KMEX (Univision) and public radio stations (KCRW, KPCC and KPFK) will be notified of opportunities, via press releases, to cover the project's launch and presence at events.







**Pier Plaza: With 150 CM of Sea Level Rise (Everyday Scenario)**





**Pier Plaza: With 150 CM of Sea Level Rise + 100 Year Storm**







## Staff Report

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### Staff Report

REPORT 19-0794

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Special Meeting of December 4, 2019**

**In response to the November 27, 2019 "Cure and Correct" Demand Letter from Anthony Higgins pertaining to the November 21, 2019 Mayor Pro Tem selection:**

- a) Consider whether or not to respond to the demand by:**
- i. Rescinding the action taken on November 21, 2019 to select a Mayor Pro Tem;**
  - ii. Accepting public comment;**
  - iii. Accepting nominations for Mayor Pro Tem; and**
  - iv. Voting on selection of Mayor Pro Tem.**

**From:** tony higgins <tony.higgins123@gmail.com>  
**Sent:** Monday, November 25, 2019 12:20 PM  
**To:** Mayor Mary Campbell <mcampbell@hermosabeach.gov>  
**Cc:** City Council <citycouncil@hermosabeach.gov>; Suja Lowenthal <suja@hermosabeach.gov>; Ann Yang <anny@hermosabeach.gov>  
**Subject:** Bypassing Fangary

Mayor Campbell,

If it's true the city passed a motion that effectively bypassed the normal mayor Pro-tem rotation; and did so without giving the public a chance hear any debate on the underlying reasons or offer public comment in advance of the decision, well that's a bad decision that whether it runs afoul of the brown act or not, that decision should be reviewed. .

I'm sure most citizens believe decision to select councilman Massey as mayor pro-tem should be **vacated** until it can be agendized and debated in the open session and the public is given a chance to speak on this.

Anthony Higgins

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Dear Ms Yang.

Please include this as a written communications to the next available open session.

Thank you

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**From:** tony higgins <tony.higgins123@gmail.com>  
**Sent:** Wednesday, November 27, 2019 9:43 AM  
**To:** City Council <citycouncil@hermosabeach.gov>  
**Cc:** Michael Jenkins <Michael.Jenkins@bbklaw.com>; Suja Lowenthal <suja@hermosabeach.gov>; Ann Yang <anny@hermosabeach.gov>; Gary Mammet <gary@mammet.net>; Walter Booty <walterbooty@outlook.com>  
**Subject:** Brown Act Cure & Correct Demand Letter

*Mayor Campbell  
Members  
Hermosa Beach City Council*

**Brown Act Cure & Correct Demand Letter**

*Dear Mayor Campbell ,*

*This letter is to call your attention to what I believe was a substantial violation of a central provision of the Ralph M. Brown Act, one which may jeopardize the finality of the action taken by **the Hermosa Beach City Council***

*The nature of the violation is as follows: In its meeting of November 21, 2019, the Hermosa Beach City Council took action to bypass the normal Mayor Pro-Tem rotation recommended by the City Clerk without discussing the justification for bypassing the normal rotation in advance in open session and without giving the public a chance to provide informed input. **While I fully support Mayor Campbell and truly believe she will make a good Mayor I cannot accept that the public could not have been notified in advance of the plan to bypass the normal Mayor Pro-Tem rotation recommended by the city clerk in the below referenced agenda, I cannot accept that a public discussion was not held on the actions that justified this bypass, however painful that discussion might be, and I cannot accept the public was not given an opportunity to make informed comments on this matter.***

***This violates the very spirit of the Brown Act if not the letter of the law and raises the appearance of a back door deal.***

***[http://hermosabeach.legistar1.com/hermosabeach/meetings/2019/11/12/55\\_A\\_City\\_Council\\_19-11-21\\_Adjourned\\_Meeting\\_Agenda.pdf](http://hermosabeach.legistar1.com/hermosabeach/meetings/2019/11/12/55_A_City_Council_19-11-21_Adjourned_Meeting_Agenda.pdf)***

*The action taken was not in compliance with the Brown Act because it occurred as the culmination of a discussion in closed session of a matter which the Act does not permit to be discussed in closed session, there was no adequate notice to the public on the posted*

agenda for the meeting that the matter acted upon would be discussed, and there was no finding of fact made by the **Hermosa Beach City Council** that urgent action was necessary on a matter unforeseen at the time the agenda was posted.

*Pursuant to that provision (Government Code Section 54960.1), I demand that the Hermosa Beach City Council cure and correct the illegally taken action as follows: vacate the appointment of Councilman Massey as Mayor pro-tem and provide the public the opportunity to comment on which it was deprived, e.g. the formal and explicit withdrawal from any commitment made, coupled with a disclosure at a subsequent meeting of why individual members of the legislative body took the positions — by vote or otherwise — that they did, accompanied by the full opportunity for informed comment by members of the public at the same meeting, notice of which is properly included on the posted agenda. Informed comment might in certain circumstances include the provision of any and all documents in the possession of the local agency related to the action taken, with copies available to the public on request at the offices of the agency and also at the meeting at which reconsideration of the matter is to occur.)*

*As provided by Section 54960.1, you have 30 days from the receipt of this demand to either cure or correct the challenged action or inform me of your decision not to do so. If you fail to cure or correct as demanded, such inaction may leave me no recourse but to seek a judicial invalidation of the challenged action pursuant to Section 54960.1, in which case I would also ask the court to order you to pay my seek court costs and reasonable attorney fees in this matter, pursuant to Section 54960.5.*

*Respectfully yours,*

*Anthony Higgins*

*End*

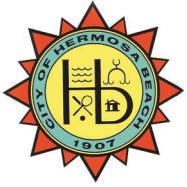
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*Dear Ms Yang*

*Please include this as a written communication to the next city council meeting*

*Thank you*





# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254

## Staff Report

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### Staff Report

REPORT 19-0796

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Special Meeting of December 4, 2019**

**BROWN ACT DEMAND FILED BY TONY HIGGINS  
PERTAINING TO SELECTION OF MAYOR PRO TEMPORE  
(City Attorney Mike Jenkins)**

### **Recommended Action:**

Staff recommends that the City Council consider whether to revisit the November 21, 2019 vote selecting the Mayor Pro Tem.

### **Background:**

The City is subject to the Brown Act, which provides that meetings of the City Council must be open and public. All items of business taken up by the City Council generally must be included on a posted agenda. To assure compliance, the Brown Act allows interested persons to challenge the City's compliance by making a "demand" relating to an action alleged not to be taken in compliance with the Act.

Anthony Higgins delivered such a "Brown Act Cure & Correct" Demand Letter to the City on November 27, 2019, alleging violations of the Brown Act in connection with the Council's selection of a Mayor Pro Tem at its November 21, 2019 meeting.

The Brown Act provides that any person may challenge an action taken by the City Council by filing a written demand to cure or correct the action alleged to have been taken in violation of the Brown Act. This written demand must be filed within a certain time period. Mr. Higgins' letter satisfies these requirements.

The Brown Act dictates that the City Council determine within 30 days of receipt of demand whether it will cure or correct the challenged action. Note that the Brown Act is designed to discourage litigation by providing that the City may take action to address the concern raised, regardless whether an actual violation occurred and without admitting any violation. Essentially, the Act provides an opportunity for a "do-over" to avert litigation; the Council may reconsider an action and effectuate a "cure" without conceding that a violation of the Act occurred. If the City Council does not act within 30 days, it is deemed to have determined not to take any corrective action. Hence, the Council has 30

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## Staff Report

REPORT 19-0796

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days within which to determine whether to take corrective action. (Government Code Section 54960.1(b)).

A copy of the demand letter is attached (**Attachment 1**). It asserts two violations of the Brown Act:

- 1) That the Council bypassed the normal rotation without discussion or advance notice.
- 2) That the selection of the Mayor Pro Tem “occurred as a culmination of a discussion in closed session of a matter which the Act does not permit to be discussed in closed session.”

### **Discussion:**

My analysis of the allegations contained in the demand letter is as follows:

#### *Allegation #1:*

California Government Code section 54954.2 sets forth the agenda requirements for items of business on the agenda of a legislative body:

“(a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words.”

The posted agenda for the November 21, 2019 City Council meeting included the following description:

**APPOINTMENT OF MAYOR AND MAYOR PRO TEMPORE; COUNCIL COMMITTEE REORGANIZATION; AND RESOLUTION DECLARING THE NOVEMBER 5, 2019 GENERAL MUNICIPAL ELECTION FOR THE CITY OF HERMOSA BEACH OFFICIALLY CONCLUDED AS DECLARED BY THE LOS ANGELES BOARD OF SUPERVISORS ON NOVEMBER 19, 2019**

(City Clerk)

**Recommendation:** City Clerk recommends that the City Council make the following appointments, consistent with the current rotation policy for Mayor and Mayor pro tempore and adopt the resolution (to be made available prior to the meeting) declaring the November 5, 2019 General Municipal Election for the City of Hermosa Beach officially concluded as declared by the Los Angeles Board of Supervisors on November 19, 2019.

1. Mayor for a term ending Thursday, November 12, 2020; and
2. Mayor pro tempore for a term ending Thursday, November 12, 2020.

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## Staff Report

REPORT 19-0796

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The agenda description for the item satisfies the requirements of Section 54954.2. The Brown Act does not include any requirement for notice beyond that contained in section 54954.2.

Government Code section 36801 provides that the city council of a general law city shall select one of its members as mayor and another of its members as mayor pro tempore. Any member of the Council is eligible for selection to either position. While the City may informally follow a rotation procedure, no member is entitled to be selected and neither the Council nor staff has advance knowledge of who will be nominated or elected. Hence, as a practical matter, it would not be possible without violating the Act to provide advance notice of a deviation from the rotation practice.

I conclude that the posted agenda's description "APPOINTMENT OF MAYOR AND MAYOR PRO TEMPORE" provided legally adequate notice of the agenda item and that the demand from Mr. Higgins does not state a violation of the Brown Act.

### *Allegation #2:*

The agendas for closed sessions of the City Council are posted as required by the Brown Act. Matters addressed in closed session are limited to those on the posted agenda or occasionally added to the posted agenda pursuant to Government Code section 54954.2(b)(2). As Mr. Higgins correctly observes, the subject of selection of Mayor Pro Tem is not a proper subject for closed session and was never discussed by the Council in closed session.

Hence, I conclude that the second allegation raised in the demand letter does not state a violation of the Brown Act.

### *Conclusion:*

Based on the foregoing, I conclude that the demand from Mr. Higgins is without merit, that no violation of the Brown Act occurred at the November 21, 2019 City Council meeting, and that no cure is required.

Nevertheless, Council may choose to reconsider the November 21 action. Such action in response to the demand for a cure of alleged Brown Act violations may alleviate the concerns raised in Mr. Higgins' letter and will avert the need to litigate these issues. Should Council choose to rescind the November 21 vote and take a new vote on the selection of Mayor pro Tem, that action would constitute a "cure and correct" within the meaning of Government Code section 54960.1. Further, such an action would not be deemed a concession that a violation occurred as per subparagraph (f) of Section 54960.1:

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## Staff Report

REPORT 19-0796

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(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

Further, subsection (e) of Section 54960.1 provides:

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

### **Attachments:**

1. Anthony Higgins "Brown Act Cure & Correct" Demand Letter dated November 27, 2019

**Respectfully Submitted by:** Mike Jenkins, City Attorney

**Noted:** Suja Lowenthal, City Manager

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**From:** tony higgins <tony.higgins123@gmail.com>  
**Sent:** Wednesday, November 27, 2019 9:43 AM  
**To:** City Council <citycouncil@hermosabeach.gov>  
**Cc:** Michael Jenkins <Michael.Jenkins@bbklaw.com>; Suja Lowenthal <suja@hermosabeach.gov>; Ann Yang <anny@hermosabeach.gov>; Gary Mammet <gary@mammet.net>; Walter Booty <walterbooty@outlook.com>  
**Subject:** Brown Act Cure & Correct Demand Letter

*Mayor Campbell  
Members  
Hermosa Beach City Council*

**Brown Act Cure & Correct Demand Letter**

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*The action taken was not in compliance with the Brown Act because it occurred as the culmination of a discussion in closed session of a matter which the Act does not permit to be discussed in closed session, there was no adequate notice to the public on the posted*



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*Respectfully yours,*

*Anthony Higgins*

*End*

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*Dear Ms Yang*

*Please include this as a written communication to the next city council meeting*

*Thank you*

***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.

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.

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.

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.



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 21<sup>st</sup> 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.

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.

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

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File #: REPORT 17-0730, Version: 1

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**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

**From:** noreply@granicusideas.com <noreply@granicusideas.com>

**Sent:** Monday, December 2, 2019 8:54 PM

**To:** Ann Yang <anny@hermosabeach.gov>; City Council <citycouncil@hermosabeach.gov>; Suja Lowenthal <suja@hermosabeach.gov>

**Subject:** New eComment for City Council Special Meeting (Open Session - 6:00 PM and Closed Session to follow tentatively at 8:30 PM)

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## New eComment for City Council Special Meeting (Open Session - 6:00 PM and Closed Session to follow tentatively at 8:30 PM)

Miyo Prassas submitted a new eComment.

Meeting: City Council Special Meeting (Open Session - 6:00 PM and Closed Session to follow tentatively at 8:30 PM)

Item 2: In response to the November 27, 2019 "Cure and Correct" Demand Letter from Anthony Higgins pertaining to the November 21, 2019 Mayor Pro Tem selection: a) Consider whether or not to respond to the demand by: i. Rescinding the action taken on November 21, 2019 to select a Mayor Pro Tem; ii. Accepting public comment; iii. Accepting nominations for Mayor Pro Tem; and iv. Voting on selection of Mayor Pro Tem.

eComment: Hermosa Beach City Council people Mary Campbell, Stacy Armato and Justin Massey are disrespecting the voters of Hermosa Beach when they try to marginalize another city council member who does not share their opinions. The people of Hermosa Beach have elected and re-elected Hany Fangary to provide an important moderating voice to Hermosa Beach governance. Hany Fangary represents a large percentage of the Hermosa Beach electorate who value his leadership. The political game that Mary Campbell, Stacy Armato and Justin Masses are playing at is to try to insure that everyone on the City Council acts in lock-step and becomes a rubber stamp for the "approved" course of action. Democracy and governance works best when there are dissenting opinions and compromise. If we want lock-step governance and decision making we can move to a totalitarian country.

**From:** AMY LORENTZEN <amy.lorentzen@icloud.com>  
**Sent:** Monday, December 2, 2019 9:25 PM  
**To:** City Council <citycouncil@hermosabeach.gov>  
**Cc:** Ann Yang <anny@hermosabeach.gov>  
**Subject:** By passing Fangary

I was going to have my voice heard in person on Wednesday night meeting, but as a single mom the timing and length of this meeting is not ideal, so I am writing to express my concern over the actions of the council to skip the order of the Mayor Pro Tem of [Hany Fangary](#) for [Justin Massey](#). It at very least is out of order and inappropriate and at worst a complete sabotage, misuse of power and a power grab.

This needs to be address and discussed publicly with the people of this town that you have been elected to represent. I am very dishearten by everything I have heard and read over the course of the past week and a half concerning this unprecedented event and want full transparency as to why this happened, and what is going to be done to fix it.

Amy Lorentzen



**From:** noreply@granicusideas.com <noreply@granicusideas.com>

**Sent:** Tuesday, December 3, 2019 3:29 PM

**To:** Ann Yang <anny@hermosabeach.gov>; City Council <citycouncil@hermosabeach.gov>; Suja Lowenthal <suja@hermosabeach.gov>

**Subject:** New eComment for City Council Special Meeting (Open Session - 6:00 PM and Closed Session to follow tentatively at 8:30 PM)

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## New eComment for City Council Special Meeting (Open Session - 6:00 PM and Closed Session to follow tentatively at 8:30 PM)

Debbie Sanowski submitted a new eComment.

Meeting: City Council Special Meeting (Open Session - 6:00 PM and Closed Session to follow tentatively at 8:30 PM)

Item 2: In response to the November 27, 2019 "Cure and Correct" Demand Letter from Anthony Higgins pertaining to the November 21, 2019 Mayor Pro Tem selection: a) Consider whether or not to respond to the demand by: i. Rescinding the action taken on November 21, 2019 to select a Mayor Pro Tem; ii. Accepting public comment; iii. Accepting nominations for Mayor Pro Tem; and iv. Voting on selection of Mayor Pro Tem.

eComment: To: Hermosa Beach City Council I strongly object to the unprecedented action of Mary Campbell passing over Hany Fangary for his rotation as Mayor Pro Tem at the November 21, 2019 meeting. Not only was this action a break from a 40 year practice of how Hermosa rotates the positions of Mayor and Mayor pro tem, it was not properly noticed to the public or Mr. Fangary, no discussion took place, and the vote was rushed through by the new Mayor based on her personal opinion of how things should be. Simply stated, this was an unwarranted backstabbing of Mr. Fangary, and an unsubstantiated attack on his character and professionalism that not only wrong, it could subject this City to needless future litigation.

On Nov, 21st, Mary Campbell made the motion to skip Hany and install Justin Massey as Mayor pro tem. The motion was quickly seconded by Stacey Armato, Mary immediately called for a vote without discussion. Hany and the audience were stunned and the motion passed. This is not how Hermosa Beach should conduct business, it is not reasonable, it is not decent, and it may not be wholly legal.

Mr. Fangary was to be installed as Mayor pro tem at the Nov. 21st meeting as along with Mary Campbell as Mayor. As evidenced in Howard Longacre's Exhibits submitted above, the City

Clerk had officially published Mr. Fangary's rotation into this position two years ago, way back in December 2017 finding :

"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"

Additionally, the Agenda for the Nov. 21st meeting states that:

"City Clerk recommends that the City Council make the following appointments, consistent with the current rotation policy for Mayor and Mayor pro tempore " (emphasis added)

Based on 40 years of precedent, the Dec. 2017 City Clerk documentation, and the current agenda, Hany Fangary was to become Mayor pro tem. That is what Mr. Fangary expected and that is what every voter, everyone who watched or attended that meeting expected. To stray from this published practice and precedent would require some very good reasoning and evidence, but absolutely nothing was provided.

Ms. Campbell's later stated reasoning was that Mr. Fangary did not interact with the most recent City Manager, (in her position since August of 2018) in a productive manner is not for Ms. Campbell to decide, nor is she entitled to craft a punishment that she sees fit. Remember Mr. Fangary is an elected official, equal to Ms. Campbell. And even if true ( assuming arguendo), Mr. Fangary is entitled to defend his good name and professional actions.

Personal disagreements and even animosity amongst City Council members, or those members and City Managers is not a new thing here. Mr. Fangary does not vote lock step with his fellow Council members, and to many of us voters that is a good thing, not something to be punished for. Additionally, rotations should not be changed to benefit the current members such as Ms. Campbell and Mr. Massey in this instance. Rather as in other situations, any such voted change should only occur for future Councils.

The Nov. 21st action needs to be unwound. It was improperly noticed and executed. It is not for Mary to decide that Hany cannot do his job. A breach of 40 years of precedent needs to be handled properly, and any proposed change should be properly noticed to the Council and citizens and apply to future Councils only. I urge Justin to step aside, so that Hany can assume his duties as Mayor pro tem. Hany is a professional who was elected to a second term by the City voters and we expect that he will handle his duties appropriately.

Regards, Debbie Sanowski 3rd. street

City Council & Staff,

I was here just a few weeks ago expressing my concern about the transparency between city council and staff with residents, specifically in regards to the Hermosa Beach Forum. It is greatly disappointing that I have received no acknowledgement of my comments, and city council and staff has refused to advise that admins to open up the group and that currently city council & staff have refused to remove themselves from said group. It has come to my attention recently that our newly appointed Mayor has removed herself from the forum. However, I believe that is a direct result of her recent actions of disrupting our Mayoral rotation rather than my request for transparency.

Well here we are again discussing another clear of example of a major lack of transparency in our city. It is unacceptable to me that a very newly elected council member and now Mayor, who received her position based on the rotation our city has been adhering to for the last 50 years, has disrupted this rotation. There is a reason that Hermosa has a history of not electing a Mayor, but rather rotating evenly between council members to ensure fair and transparent decisions.

As I mentioned in my public comment previously, our city, especially our city council should SUPPORT and ENCOURAGE friendly debate and differing views, not only within our city but especially within our city government. For newly appointed Mayor Campbell to simply skip our Mayoral rotation with no rhyme or reason is worrisome. Mayor Campbell came out with an official statement after the fact, indicating that the reason for disrupting our Mayoral schedule is due to Councilmember Fangary having disagreements or hesitations as to the performance of our city manager. For our new Mayor to appoint Councilmember Massey, whom she normally walks home with from council meetings, shows her bias to only encourage and lift up those who agree with her. This recommendation and following vote is no doubt an action that was contrived prior to the meeting and should be subject to a Brown Act Investigation. Her actions, in my opinion, completely defeat the purpose of democracy in our beautiful city.

My recommendation is that Mayor Campbell apologize for the complete lack of respect she has shown publicly to our current longest tenured Councilmember Fangary, and that Mr. Massey also step down from his newly appointed Mayor Pro Tem position, as he and Mayor Campbell know, this is not the correct or right way to conduct business in this city. I would hope that our council, after having to call a special meeting to discuss this issue, do right thing and uphold the rotation that has been in place in our city's history.

Thank you.

Megg Sulzinger  
600 Monterey Blvd. #3  
Hermosa, Beach CA 90254

## FANGARY LAW GROUP

ATTORNEYS AT LAW

US BANK TOWER

633 W. FIFTH STREET

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LOS ANGELES, CALIFORNIA 90071  
(213) 623-3822 • (213) 289-2824 (FAX)

December 3, 2019

**VIA EMAIL:**

[mcampbell@hermosabch.org](mailto:mcampbell@hermosabch.org)

Mayor Mary Campbell  
City of Hermosa Beach  
1315 Valley Drive  
Hermosa Beach, CA 90254

[Michael.Jenkins@bbklaw.com](mailto:Michael.Jenkins@bbklaw.com)

Michael Jenkins  
Best, Best & Kreiger  
1230 Rosecrans Avenue, Suite 110  
Manhattan Beach, CA 90266

Re: **City of Hermosa Beach's Brown Act Violations**

This firm represents Dina Fangary and this letter is to call your attention to substantial violations of a central provision of the Ralph M. Brown Act, one which may jeopardize the finality of the action taken by the City of Hermosa Beach ("**City**") City Council ("**City Council**") on November 21, 2019.

This letter also confirms that the City concluded that the issues previously raised by Councilmember Hany Fangary during the November 12, 2019 City Council meeting relating to the City's alleged violations of Section 54957.6 of the Brown Act are without merit, and that no cure is warranted.

At its November 21, 2019 meeting, the City Council passed a motion to appoint the City's Mayor Pro Tem, violating the Brown Act by: 1) Failing to provide adequate prior notice of the proposed action, in violation of Section 54954.2; 2) Doing so in violation of the City's traditional mayor rotation that has been ongoing for approximately 40 years without providing any notice to the public and/or to the City Council councilmembers; 3) Failing to provide a staff report that adequately describes the issue to be decided at the meeting, and the options for the City Council to consider, in violation of Section 4.1 of Ordinance No. 15-6988; 4) Failing to allow the public to provide public input regarding this significant issue prior to passing the motion to appoint the Mayor Pro Tem, in violation of California Government Code Section 54954.3(a); 5) Violating the City's own Ordinance No. 15-6988 by holding a City Council meeting at a time not designated or allowed by Ordinance No. 15-6988; and 6) Conducting the meeting in violation of the City's policies and procedures that have been ongoing for more than the past 40 years by failing to abide by the requirements of the Robert's Rules of Order, as



required by the City's own policies and procedures, including Section 8 of Ordinance No. 15-6988.

**1. Failing to provide adequate notice of the proposed action**

During the City Council's December 7, 2017 City Council meeting, City Clerk Elaine Doerfling provided the City Council with a staff report including her recommended action, consistent with the City Council rotation policy for Mayor and Mayor Pro Tem, for the upcoming mayoral transition ceremonies, and provided a Mayoral Terms Of Office Worksheet, which identified the sequence of mayoral transitions for all councilmembers currently serving on the Council at the time. See **Exhibit A**. The December 7, 2017 Mayoral Terms Of Office Worksheet lists Councilmember Fangary as the Mayor Pro Tem during the time Mayor Campbell is scheduled to serve as Mayor.

Mayor Campbell, and Councilmembers Armato and Massey, were in attendance at the December 7, 2017 City Council meeting when the Mayoral Terms Of Office Worksheet was published, and did not object to any of the mayoral transitions listed on the worksheet. Accordingly, Councilmember Fangary, and the public who were provided with notice of the worksheet as part of the December 7, 2017 City Council meeting, reasonably expected that the City would abide by the mayoral transition included in the worksheet, and approved by the Council at the December 7, 2017 City Council meeting.

Prior to November 21, 2019, the City of Hermosa Beach ("**City**") has previously announced its November 21, 2019 City Council meeting as follow:

**MAYOR TRANSITION CEREMONY**

The meeting was described as shown above in the City's "Tentative Future Agenda" announcements during at least two prior City Council meetings that took place on November 12, 2019 and November 18, 2019. See **Exhibit B**. The City, and Mayor Campbell, also published on social media prior to the November 21, 2019 meeting an invitation to the MAYORAL TRANSITION CEREMONY, which provided that:

"Guests are invited to a reception following the ceremony at the Hermosa Beach Museum" See **Exhibit B**.

As such, the City, and Mayor Campbell, represented to the public, and to other councilmembers, that all that will take place on November 21, 2019 is a ceremony, or a party, to celebrate the mayoral transition. None of the notices provided by the City were intended to provide any notice to the public, or to the councilmembers, that any substantive actions or decisions will take place at the November 21, 2019 ceremony, other than the mayoral transition ceremony, consistent with the City's rotation policy.

Other than announcing the November 21, 2019 meeting as "Mayor Transition Ceremony", the City has not provided any notice to the public that any other actions, motions, or decisions will take place at said Mayor Transition Ceremony. As such, the public had no

expectation that the City Council intended to take any actions at the November 21, 2019 meeting that is inconsistent with the City's tradition and policy for the past 40 years.

In addition, the November 21, 2019 City Council meeting agenda provided the following as the City Clerk's recommendation:

City Clerk recommends that the City Council make the following appointments, consistent with the current rotation policy for Mayor and Mayor pro tempore . . . (emphasis added).

See **Exhibit C**. As such, both the City's three prior notifications included in Exhibit B that the November 21, 2019 meeting is merely a "Mayor Transition Ceremony" and the City Clerk's own recommendation included in the City Council's November 21, 2019 City Council meeting agenda provided that the appointments to be made at that meeting are to be "consistent with the current rotation policy for Mayor and Mayor pro tempore". Therefore, the City took no action in any previous announcements of the November 21, 2019 City Council meeting, or in the agenda of the November 21, 2019 City Council meeting, to provide any notice to the public that an action or decision, other than the expected ceremony, will be made at the meeting regarding appointment of the Mayor Pro Tem.

**2. The City Violated its well established tradition of 40 years without providing any notice to the public**

Prior to November 21, 2019, the City's policy and tradition for the past 40 years has been to have the ceremonial title of Mayor and Mayor Pro Tem assigned to councilmembers based on the following sequence: the councilmember having the highest number of votes at the earlier election would be appointed as mayor, followed by the councilmembers with the lower number of votes. That tradition has been ongoing since at least the early 1970s, and it has never not been followed during at least the past 40 years until the November 21, 2019.

At least three former Hermosa Beach mayors believe that this policy and tradition of more than 40 years is documented in a resolution the City passed in the 1970s. However, efforts to locate that resolution since the November 21, 2019 meeting have not yet been successful, and despite making at least four (4) requests to the City Manager and City staff for a copy of said resolution in the past few days, I have not yet been provided with a copy of the resolution, or confirmation that such a resolution does not exist.

**3. The City failed to provide a staff report to adequately inform the public of the issues to be decided at the November 21, 2019 meeting**

As explained above, the agenda for the November 21, 2019 City Council meeting provided that "City Clerk recommends that the City Council make the following appointments, consistent with the current rotation policy for Mayor and Mayor pro tempore . . ." (emphasis added). Other than that statement, the agenda did not include a staff report providing the public with any information about said current rotation policy for Mayor and Mayor pro tempore, or any options for the Council to deviate from said current rotation policy. As such, neither the



public, nor the presiding councilmembers, had any reason to believe that the City Council has the right to deviate from the current rotation policy, and if so, who may be eligible to be appointed to Mayor and Mayor Pro Tem if the Council deviated from its current rotation policy.

**4. The City failed to allow the public to provide public input regarding this significant issue inconsistent with the city's 40 years tradition**

In addition to the City's failure to provide any notice to the public that the November 21, 2019 meeting will include any substantive actions other than the mayoral rotation ceremony, failing to provide a staff report to notify the public and the councilmembers of any relevant information regarding the appointment of the Mayor Pro Tem, the City also failed to allow the public to provide any public input regarding the motion made by the Mayor intended to alter the City's 40 years' policy and tradition.

After the Mayor made the motion to appoint Councilmember Massey as Mayor Pro Tem, which was immediately seconded by Councilmember Armato, there was no discussion of the motion whatsoever, and no explanation provided to the public whatsoever for the Mayor's planned deviation from the City's policy and tradition of 40 years. In addition, neither before the motion was made, nor while the motion was pending, did the Mayor allow the public to provide public input regarding said motion, and regarding the City's violation of its 40-year policy, in violation of Section 54954.3(a) of the Brown Act.

Section 54954.3(a) of the Brown Act provides that:

- (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2.

The City violated Section 54954.3(a) of the Brown Act by failing to provide the public with an opportunity to directly address the City Council regarding Mayor Campbell's election to deviate from the City's policy of 40 years, and the sequence for mayoral transition that has already been approved by the City Council during its December 7, 2017 City Council meeting. Such deviation from well established policy and tradition of 40 years, and reversal of actions already approved by the City Council at a prior meeting, are clearly items of interest to the public, and the public should have been afforded an opportunity, consistent with the requirements of Section 54954.3(a) of the Brown Act, to directly address the City Council regarding this issue during the November 21, 2019 City Council meeting. Mayor Campbell did not provide the public with any opportunity to address the Council regarding this issue prior to the Council ruling on Mayor Campbell's motion.

It is worth noting that during one of the City Council meetings, I believe it was the July 18, 2109 Brown Act training session, City Attorney Michael Jenkins provided the following direction to the City's Councilmembers and Commissioners regarding the Brown Act:

The third pillar of the Brown Act . . . is that the Public plays a role in the meetings of legislative bodies, and that you must provide on your agendas an opportunity for the public to have meaningful participation in your meetings. What is meaningful participation? I think that the one major rule about meaningful participate is that the people have to be given an opportunity to comment on an agenda item before action is taken for the obvious reason that public participation loses its value if you've already taken the action. (Emphasis added).

Accordingly, the City Attorney, in giving direction to Councilmembers and Commissioners, put so much emphasis about the need for the people to be given an opportunity to comment on an agenda item before action is taken for the obvious reason that public participation loses its value if the City Council already taken the action. Yet, in response to the assertion that the City violated the Brown Act by not allowing people an opportunity to comment on the November 21, 2019 agenda item, he somehow concluded that the City Council's actions did not violate the Brown Act. I guess that third pillar of the Brown Act is not really a pillar after all.

#### **5. The City Violated the City's own Ordinance No. 15-6988**

The City violated its own Ordinance No. 15-6988 by holding a City Council meeting at a time not designated or allowed by Ordinance No. 15-6988. See **Exhibit D**. Section 2.1 of Ordinance No. 15-6988 provides that the City Council shall conduct its regular meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month. The November 21, 2019 meeting was not scheduled as a "regular" City Council meeting as it was merely intended to be a ceremony, or essentially a party, to celebrate the mayoral transition.

Accordingly, neither the public, nor the councilmembers, had any expectation that a motion would be made at such ceremonial meeting, and Mayor Campbell's action to make the motion she did at that meeting was intended to surprise the public, and other councilmembers, allow her to alter the City's policy of 40 years without providing any adequate notice as required by the Brown Act.

Section 4.1 of Ordinance No. 15-6988 provides that:

All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description shall contain sufficient detail so that a person otherwise unaware could determine the general nature or subject matter of the item by reading the agenda.

The agenda for the November 21, 2019 Mayoral Transition Ceremony merely stated that "City Clerk recommends that the City Council make the following appointments, consistent with the current rotation policy for Mayor and Mayor pro tempore . . . ." As such, a person otherwise unaware could not determine from the description provided in the agenda that



there are other options for the Council to consider. A person otherwise unaware could not determine from the description provided in the agenda that the Council altering, modifying or repealing the current rotation policy for Mayor and Mayor pro tempore was an option for Council to consider and act up at the November 21, 2019 meeting. Further, the agenda item did not include with it a staff report providing any relevant information regarding the current rotation policy for Mayor and Mayor pro tempore, or the process or procedure required in the event the Council elected to alter, modify or repeal the current rotation policy for Mayor and Mayor pro tempore.

#### **6. The City's Violation of Robert's Rules of Order**

Conducting the meeting in violation of the City's policies and procedures that have been ongoing for more than the past 40 years by failing to abide by the requirements of the Robert's Rules of Order, as required by the City's own policies and procedures, and Section 8 of Ordinance No. 15-6988.

At the November 21, 2019 meeting, immediately after being appointed Mayor, Mayor Campbell stated the following: "It is my duty to now nominate the next mayor pro-tem . . ." Mayor Campbell had no such duty, neither through the City's own Municipal Code, California state law, or Robert's Rules of Order. In fact, her duty was the exact opposite. As the chairperson of the meeting, her duty pursuant to the Robert's Rules of Order was to entrain a motion from the other members of the Council for appointment of the Mayor Pro Tem. That is exactly how her own appointment as Mayor Pro Tem was handled by then Mayor Jeff Duclos on November 29, 2018. At that meeting, then Mayor Duclos announced that he is ready to entertain a motion for appointment of the mayor, and then Councilmember Campbell made the motion, which was seconded by Councilmember Fangary. Then Mayor Duclos then announced that he is ready to entertain a motion for appointment of the mayor pro tem, which was made by then Mayor Armato, and seconded by Councilmember Massey. The minutes of the November 29, 2018 meeting are attached hereto as **Exhibit E**.

Neither the outgoing mayor, nor the mayor appointed at the mayoral transition meeting, had any duty to appoint anyone for any role, as Mayor Campbell falsely represented to the public and to the other councilmembers, including Councilmember Detoy who was just sworn in 3 days earlier, and has not previously participated in any mayoral transition ceremony.

Traditionally, during the mayoral transition ceremony, City staff provides all councilmembers with a "script" for the mayoral appointment ceremony. Copies of the scripts for the mayoral transition ceremony for the past four (4) ceremonies are included in **Exhibit F**. Each script specifically identifies the name of the councilmember that is to be nominated as mayor and mayor pro tem. In other words, it is simply a process to go through, not a selection, or a choice, or a substantive motion. It is merely a ceremony.

It is frankly astonishing that two councilmembers, Armato and Campbell, can have the power, without a decision of the majority of the Council, to alter the routine scripts of the mayoral transition ceremony. Just simply astonishing that two members of the Council can

December 3, 2019

Page 7


make such decisions that impact the entire Council, without discussion at a public meeting. Unless, of course, Councilmember Massey was in agreement of the change prior to the November 21, 2019 meeting. If that is the case, that obviously would constitute a violation of the Brown Act.

In conclusion, the action the City Council took at its November 21, 2019 by appointing Councilmember Massey as Mayor Pro Tem was a violation of the Brown Act for the reasons provided herein. The City Attorney already concluded in his staff report published on December 2, 2109 that "no violations of the Brown Act occurred at the November 21, 2019 City Council meeting, and that no cure is required." As such, our client Dina Fangary will pursue legal action to address the City's violations of the Brown Act listed above.

Please feel free to contact me if you have any questions, or if you believe any of the information or statements included in this letter are not accurate.

Sincerely,

FANGARY LAW GROUP



By:

Hany S. Fangary

cc: Michelle Gilmer, Deputy District Attorney  
Los Angeles County District Attorney Office  
Public Integrity Division

## EXHIBIT A

# City of Hermosa Beach

*City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254*



## Adjourned Meeting Agenda

**Thursday, December 7, 2017**

**6:00 PM**

**Appointment of Mayor and Mayor Pro Tempore  
and Council Committee Reorganization**

### Council Chambers

#### City Council

*Mayor*

*Justin Massey*

*Mayor Pro Tem*

*Jeff Duclos*

*Councilmembers*

*Stacey Armato*

*Mary Campbell*

*Hany S. Fangary*

*City Clerk  
Elaine Doerfling*

*City Treasurer  
Karen Nowicki*

*City Attorney  
Mike Jenkins*

#### Executive Team

Sergio Gonzalez, City Manager

Viki Copeland, Finance Director  
Glen Kau, Public Works Director  
Sharon Papa, Police Chief  
Pete Bonano, Fire Chief

Nico De Anda-Scaia, Assistant to the City Manager  
Ken Robertson, Community Development Director  
Vanessa Godinez, Human Resources Manager  
Kelly Orta, Community Resources Manager



**6:00 P.M. - ADJOURNED REGULAR MEETING AGENDA**

All council meetings are open to the public. PLEASE ATTEND.

The Council receives a packet with detailed information and recommendations on nearly every agenda item.

City Council agenda packets are available for your review on the City's website located at [www.hermosabch.org](http://www.hermosabch.org).

Complete agenda packets are also available for public inspection in the Police Department, Hermosa Beach Public Library and the Office of the City Clerk.

During the meeting, a packet is also available in the Council Chambers foyer or you can access the packet at our website, [www.hermosabch.org](http://www.hermosabch.org), on your laptop, tablet or smartphone through the wireless signal available in the City Council chambers:

Network ID: CHB-Guest

Password: chbguest

Written materials pertaining to matters listed on the agenda of a regular City Council meeting must be submitted by noon of the Tuesday, one week before the meeting in order to be included in the agenda packet (tentative future agendas can be found as Item 8 in every regular agenda packet). However, written materials received after that deadline will nonetheless be posted under the relevant agenda item on the City's website at the same time as they are distributed to the City Council by email and provided to the City Council and the public at the meeting.

Written materials may be sent to the City Manager's office at [anny@hermosabch.org](mailto:anny@hermosabch.org). The City Manager's office makes every effort to add supplemental items to the online agenda up to the time of the meeting but in some cases, supplemental items submitted after 2:00 p.m. on the meeting date may not be added to the online agenda until the day after the meeting.

Persons who wish to address an issue of general nature (not pertaining to matters listed on the agenda) to the City Council for the official record may submit written material to the Council in lieu of or in addition to speaking under the Public Participation section of the meeting. Such written correspondence must be delivered to the City Clerk's office ([cityclerk@hermosabch.org](mailto:cityclerk@hermosabch.org)) or the City Manager's office ([anny@hermosabch.org](mailto:anny@hermosabch.org)) by noon of the Tuesday, one week before the regular Council meeting in order to be included in the agenda packet.

Emails to the City Council may be sent to [citycouncil@hermosabch.org](mailto:citycouncil@hermosabch.org)

To comply with the Americans with Disabilities Act of 1990, Assistive Listening Devices (ALD) will be available for check out at the meeting. If you require special assistance to participate in this meeting, you must call or submit your request in writing to the Office of the City Clerk at (310) 318-0203 at least 48 hours prior to the meeting.

**CALL TO ORDER****PLEDGE OF ALLEGIANCE****ROLL CALL****PRESENTATIONS****a) REPORT  
17-0730****APPOINTMENT OF MAYOR AND MAYOR PRO TEMPORE AND  
COUNCIL COMMITTEE REORGANIZATION - DECEMBER 2017**

(City Clerk Elaine Doerfling)

**Recommendation:** 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.

**Attachments:**     [Committee.List-1](#)  
                              [CommitteeInformation](#)  
                              [SBCCOG Reso](#)  
                              [Mayoral Terms of Office](#)

**PUBLIC PARTICIPATION:**

*Although the City Council values your comments, the Brown Act generally prohibits the Council from taking action on any matter not listed on the posted agenda as a business item.*

**ANNOUNCEMENTS****ADJOURNMENT**



## 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



## EXHIBIT B



November 21, 2019 at 6:00pm  
Hermosa Beach City Hall

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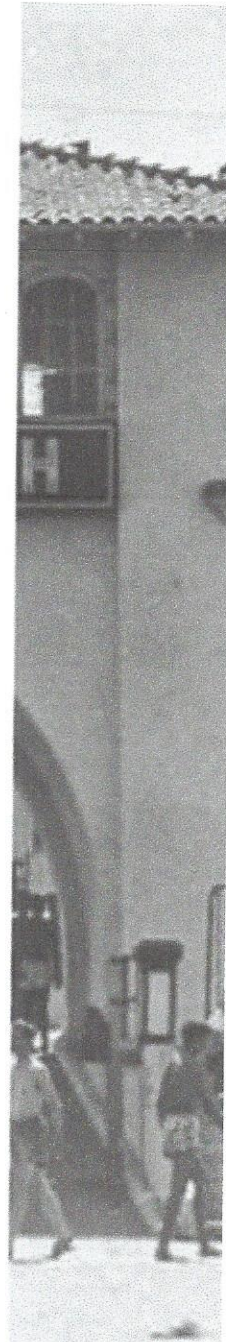
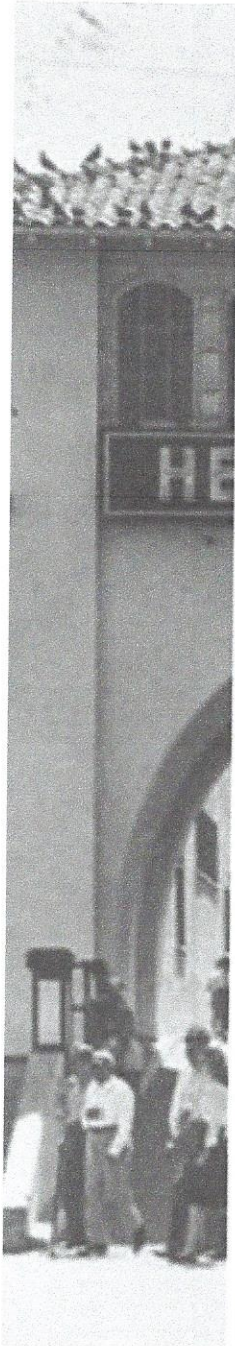
**THE CITY OF  
HERMOSA BEACH  
CITY COUNCIL**

**INVITES YOU TO  
JOIN US FOR THE**

**MAYORAL  
TRANSITION  
CEREMONY**

---

Guests are invited to a reception  
following the ceremony at the  
**Hermosa Beach Museum**  
710 Pier Avenue  
Please RSVP to Ann Yang at  
[anny@hermosabeach.gov](mailto:anny@hermosabeach.gov)



**TENTATIVE FUTURE AGENDA ITEMS**

**THURSDAY, NOVEMBER 21, 2019 @ 6:00 PM**

**MAYOR TRANSITION CEREMONY  
AND COUNCIL COMMITTEE REORGANIZATION – NOVEMBER 2019**

**WEDNESDAY, DECEMBER 4, 2019 @ 6:00 PM**

**STUDY SESSION: EMERGENCY MANAGEMENT TRAINING**

State of California Office of Emergency Services approved ICS 402 SEMS executive training

- a) Overview and understanding of the Standardized Emergency Management System (SEMS)
- b) Review of the roles of the four command and coordination entities (Incident Command System, Emergency Operations Center, Multi-Agency Coordination Group, and Joint Information System) within SEMS/NIMS
- c) Review of senior officials and executives roles and responsibilities during a disaster



**TENTATIVE FUTURE AGENDA ITEMS**

MONDAY, NOVEMBER 18, 2019 @ 6:00 PM (Meeting re-scheduled from November 26, 2019 due to Thanksgiving)		INITIAL DATE
CLOSED SESSION: LABOR NEGOTIATIONS		
MONDAY, NOVEMBER 18, 2019 @ 7:00 PM		
PRESENTATIONS		
CANVASS OF VOTES AND INSTALLATION OF OFFICERS		
CONSENT CALENDAR		
City Council Minutes	City Clerk	Ongoing
Check Registers	Finance Director	Ongoing
Revenue Report, Expenditure Report and CIP Report by Project	Finance Director	Ongoing
City Treasurer's Report and Cash Balance Report	City Treasurer	Ongoing
Cancellation of Certain Checks	City Treasurer	Ongoing
Public Works Project Status Report	Public Works Director	Ongoing
South Bay Workforce Investment Board Quarterly Summary	City Manager	Quarterly
Planning Commission Tentative Future Agenda Items	Community Development Director	Ongoing
A resolution authorizing application for, and receipt of, SB 2 Planning Grants Program Funds.	Community Development Director	Staff Request Nov. 7, 2019
Request to renew the Dial-A-Taxi Service Agreement	Police Chief	Staff Request Oct. 29, 2019
Reject all bids for the purchase of catenary lights	Public Works Director	Staff Request Nov. 6, 2019
CONSENT ORDINANCES		
Second Reading – Single Use Plastics Ordinance - muni code amendments	City Clerk	Council Direction Nov. 12, 2019
Second Reading - Ordinance adopting the 2019 California Building Standards Code	City Clerk	Council Direction Nov. 12, 2019
PUBLIC HEARINGS – 7:30 PM		
Approval of the 2020 Impact Level III Special Events	Community Resources Manager	Staff Request Nov. 4, 2019
Tentative - Urgency ordinance to prohibit no-fault evictions through December 31, 2019 in Hermosa Beach for residential real property built prior to January 1, 2005. This item relates to the recent passage of AB 1482, the Tenant Protections Act of 2019, by the California State Legislature on October 8, 2019.	Community Development Director	Council Direction Nov. 12, 2019
MUNICIPAL MATTERS		
Approval of Parking Recommendations Study	Environmental Analyst	Staff Request Sept. 6, 2019
Agreement for Reimbursement for Construction Management and Inspection Services Associated with the Skechers Project for Sanitary Sewer – Phase II	Public Works Director	Staff Request Nov. 6, 2019
Amendment to the Contract for CIP 416 Sewer Improvements – Various Locations to Replace Additional Maintenance Access Hole Covers	Public Works Director	Staff Request Nov. 6, 2019
Request for on-street disable parking space on 29 <sup>th</sup> Street adjacent to 254 29 <sup>th</sup> Street	Public Works Director	Staff Request Nov. 6, 2019
MISCELLANEOUS ITEMS AND MEETING ATTENDANCE REPORTS – CITY COUNCIL		
Updates from City Council Ad Hoc Subcommittees and Standing Committee Delegates/Alternates	Councilmembers	Ongoing
OTHER MATTERS – CITY COUNCIL		
Tentative Future Agenda	City Manager	Ongoing

**THURSDAY, NOVEMBER 21, 2019 @ 6:00 PM**

**MAYOR TRANSITION CEREMONY  
AND COUNCIL COMMITTEE REORGANIZATION – NOVEMBER 2019**



## EXHIBIT C

# City of Hermosa Beach

*City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254*



## Adjourned Meeting Agenda

**Thursday, November 21, 2019**

**6:00 PM**

**Appointment of Mayor and Mayor Pro Tempore  
and Council Committee Reorganization**

### **Council Chambers**

#### **City Council**

***Mayor***

***Stacey Armato***

***Mayor Pro Tem***

***Mary Campbell***

***Councilmembers***

***Hany S. Fangary***

***Justin Massey***

***Jeff Duclos***

***City Clerk  
Elaine Doerfling***

***City Treasurer  
Karen Nowicki***

***City Attorney  
Mike Jenkins***

#### **Executive Team**

**Suja Lowenthal, City Manager  
Nico De Anda-Scaia, Assistant to the City Manager**

**Viki Copeland, Finance Director  
Marnell Gibson, Public Works Director  
Milton McKinnon, Acting Police Chief**

**Ken Robertson, Community Development Director  
Vanessa Godinez, Human Resources Manager  
Kelly Orta, Community Resources Manager**

**6:00 P.M. - ADJOURNED REGULAR MEETING AGENDA**

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During the meeting, a packet is also available in the Council Chambers foyer or you can access the packet at our website, [www.hermosabch.org](http://www.hermosabch.org), on your laptop, tablet or smartphone through the wireless signal available in the City Council chambers - Network ID: CHB-Guest, Password: chbguest

To comply with the Americans with Disabilities Act of 1990, Assistive Listening Devices (ALD) will be available for check out at the meeting. If you require special assistance to participate in this meeting, you must call or submit your request in writing to the Office of the City Clerk at (310) 318-0203 at least 48 hours prior to the meeting.

**Oral and Written Communication**

Persons who wish to have written materials included in the agenda packet at the time the agenda is published on the City's website must submit the written materials to the City Manager's office by email ([anny@hermosabch.org](mailto:anny@hermosabch.org)) or in person by noon of the Tuesday, one week before the meeting date.

Written materials pertaining to matters listed on the posted agenda received after the agenda has been posted will be added as supplemental materials under the relevant agenda item on the City's website at the same time as they are distributed to the City Council by email. Supplemental materials may be submitted via eComment (instructions below) or emailed to [anny@hermosabch.org](mailto:anny@hermosabch.org). Supplemental materials must be received before 4:00 p.m. on the date of the meeting to ensure Council and staff have the ability to review materials prior to the meeting. Supplemental materials submitted after 4:00 p.m. on the date of the meeting or submitted during the meeting will be posted online the next day.

**Submit Supplemental eComments in three easy steps:**

Note: Your comments will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information (i.e. phone numbers, addresses, etc) that you do not want to be published.

1. Go to the Agendas/Minutes/Video webpage and find the meeting you'd like to submit comments on. Click on the eComment button for your selected meeting.
2. Find the agenda item for which you would like to provide a comment. You can select a specific agenda item/project or provide general comments under the Oral/Written Communications item.
3. Sign in to your SpeakUp Hermosa Account or as a guest, enter your comment in the field provided, provide your name, and if applicable, attach files before submitting your comment.

**Public Participation Speaker Cards:**

If you wish to speak during Public Participation, please fill out a speaker card at the meeting. The purpose of the speaker card is to streamline and better organize our public comment process to ensure names of speakers are correctly recorded in the minutes and where appropriate, to provide contact information for staff follow-up.



**CALL TO ORDER****PLEDGE OF ALLEGIANCE****ROLL CALL****CLOSED SESSION REPORT****APPROVAL OF AGENDA****PROCLAMATIONS / PRESENTATIONS**

a. [REPORT](#)  
[19-0786](#)

**APPOINTMENT OF MAYOR AND MAYOR PRO TEMPORE;  
COUNCIL COMMITTEE REORGANIZATION; AND RESOLUTION  
DECLARING THE NOVEMBER 5, 2019 GENERAL MUNICIPAL  
ELECTION FOR THE CITY OF HERMOSA BEACH OFFICIALLY  
CONCLUDED AS DECLARED BY THE LOS ANGELES BOARD  
OF SUPERVISORS ON NOVEMBER 19, 2019**

(City Clerk)

**Recommendation:** City Clerk recommends that the City Council make the following appointments, consistent with the current rotation policy for Mayor and Mayor pro tempore and adopt the resolution (to be made available prior to the meeting) declaring the November 5, 2019 General Municipal Election for the City of Hermosa Beach officially concluded as declared by the Los Angeles Board of Supervisors on November 19, 2019.

1. Mayor for a term ending Thursday, November 12, 2020; and
2. Mayor pro tempore for a term ending Thursday, November 12, 2020.

In conformance with State law, after appointing a new Mayor and Mayor pro tempore, the City Council must make the following committee appointments:

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 50271}.

2. Mayor to the South Bay Cities Sanitation District Board of Directors and Mayor pro tempore (or 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.



Attachments:     [1. City Council Committee.List 102219.pdf](#)  
                              [2. Committee Information](#)

**PUBLIC PARTICIPATION:** Although the City Council values your comments, the Brown Act generally prohibits the Council from taking action on any matter not listed on the posted agenda as a business item.

**ANNOUNCEMENTS**

**ADJOURNMENT**

**FUTURE MEETINGS AND CITY HOLIDAYS****CITY COUNCIL MEETINGS:**

November 26, 2019 - Tuesday - No Meeting (Re-scheduled to Nov. 18)

December 4, 2019 - Wednesday - Adjourned Regular Meeting:

6:00 PM - Study Session

December 10, 2019 - Tuesday - No Meeting (Re-scheduled to Dec. 17)

December 17, 2019 - Tuesday - Adjourned Regular Meeting:

6:00 PM - Closed Session and 7:00 PM - City Council Meeting

December 24, 2019 - Tuesday - No Meeting (Dark)

**BOARDS, COMMISSIONS AND COMMITTEE MEETINGS:**

December 3, 2019 - Tuesday - 7:00 PM - Parks and Recreation Advisory Commission Meeting

December 9, 2019 - Tuesday - 7:00 PM - Planning Commission Meeting

**CITY OFFICES CLOSED FRIDAY-SUNDAY AND ON THE FOLLOWING DAYS:**

November 28, 2019 - Thursday, Thanksgiving Day

December 25, 2019 - Wednesday - Christmas Day

January 1, 2020 - Wednesday - New Year's Day (2020)

## EXHIBIT D

## RESOLUTION NO. 15-6988

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ESTABLISHING RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS

THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

The following rules of order and decorum for the conduct of City Council meetings are hereby adopted:

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1                   **SECTION 1. SCOPE.**

2           1.1     This Resolution shall establish the procedures for the conduct of all meetings of  
3 the City Council of the City of Hermosa Beach. The purpose of this Resolution is to provide that  
4 the City Council's meeting procedures will be consistent with the Brown Act (Government Code  
5 Section 54950 *et seq.*) and establish procedures that will be convenient for the public and  
6 contribute to the orderly conduct of the City's business. The procedures herein are in addition  
7 to, and not in place of, applicable ordinances and statutes, and in the event of conflict  
8 between this Resolution and applicable ordinances or statutes, the latter shall govern.

9                   **SECTION 2. MEETINGS.**

10          2.1     Regular Meetings. Pursuant to the authority set forth in Municipal Code section  
11 2.04.010, the City Council shall conduct its Regular meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each  
12 month. The Regular meetings of the City Council shall commence at 6:00 p.m. Only Closed  
13 Sessions (and public comment associated therewith) and Study Sessions may be held between 6:00  
14 p.m. and 7:00 p.m. (and no other public agenda items) unless a Regular meeting is adjourned to or  
15 a Special meeting called for that time. No Closed Session or Study Session will be held during  
16 that hour unless the posted agenda of that evening's Regular meeting indicates that such session  
17 will take place; in the absence of such notification in the agenda, the Regular meeting shall  
18 commence at the hour of 7:00 p.m. Regular meetings shall be conducted in the location set forth  
19 in Municipal Code section 2.04.020. Closed Sessions shall be conducted in the location identified  
20 in the agenda.

21          2.2     Special Meetings. A Special meeting may be called at any time by the Presiding  
22 Officer or by any three members of the City Council. Written notice of any such meeting must  
23 be given to all members of the City Council and to all newspapers, radio and television  
24 stations, or other public media of general Hermosa Beach coverage who have submitted a  
25 written request to the City Clerk for such notification. Such notice may be given either personally  
26 or by mail, but must be received at least 24 hours before the time set for the Special meeting. The  
27 call and notice shall specify the time and place of the Special meeting and the business to be  
28



1 transacted. Such notice is not necessary for any member who submits a written waiver of  
2 notice to the City Clerk at or before the time set for the meeting or for any member who is actually  
3 present at the special meeting.

4 2.3 Emergency Meetings. An emergency meeting may be called by the Presiding  
5 Officer or by a majority of the City Council where there exists:

6 a. a work stoppage, crippling disaster or other activity which severely  
7 impairs public health, safety or both, as determined by the City Council; or

8 b. such other circumstances specified by State law as authorizing the  
9 conduct of an emergency meeting. Any special emergency meeting shall be called, noticed and  
10 conducted in accordance with procedure set forth in State law.

11 2.4 Closed Sessions. The City Council may hold Closed Sessions during a Regular or  
12 Special meeting, or at any time otherwise authorized by law, to consider or hear any matter which  
13 it is authorized by State law to hear or consider in Closed Session. During Closed Session, the  
14 City Council may exclude any person or persons which it is authorized by State law to exclude  
15 from a Closed Session. The City Manager shall keep a record of action taken and the vote thereon.  
16 The City Attorney shall make such reports as are required by the Brown Act.

17 2.5 Quorum. Three members of the City Council shall constitute a quorum and shall be  
18 sufficient to transact business. If fewer than three Councilmembers appear at a Regular meeting,  
19 any member, or if all members are absent, the City Clerk shall adjourn the meeting to a stated day  
20 and hour. All Council actions require the affirmative votes of a majority of the quorum, with the  
21 exception of those actions required by State law to have a specific minimum number of votes.

22 2.6 Adjourned Meetings. The City Council may adjourn any Regular, Adjourned  
23 Regular, Special or Adjourned Special meeting to a time and place specified in the order  
24 of adjournment. If a quorum is not present, less than a quorum may so adjourn. If all members are  
25 absent from any Regular or Adjourned Regular meeting, the City Clerk may declare the meeting  
26 adjourned to a stated time and place and shall cause a written notice of the adjournment to  
27 be delivered personally to each Councilmember. A copy of the order or notice of adjournment  
28

1 shall be conspicuously posted on or near the door of the place where the Regular, Adjourned  
2 Regular, Special or Adjourned Special meeting was held, within twenty-four (24) hours after the  
3 time of adjournment. When a Regular or Adjourned Regular meeting is adjourned as provided  
4 herein, the resulting Adjourned Regular meeting shall be a Regular meeting for all purposes. When  
5 an order of adjournment of any meeting fails to state the hour at which the Adjourned meeting is  
6 to be held, it shall be held at the hour specified for Regular meetings.

7       2.7 Recording of Meetings. All open and public meetings of the City Council shall be  
8 cablecast and webcast live or videorecorded for airing on the City's government channel and  
9 viewing on the City's website. In that event that technical difficulties beyond the City's control  
10 prevent the cablecasting, webcasting and/or recording of a meeting, the City Council may in its  
11 discretion decide whether or not to proceed with the meeting.

### 12       **SECTION 3. POSTING NOTICE AND AGENDA.**

13       3.1 Posting of Notice and Agenda. For every Regular meeting, the City Clerk or  
14 his/her designee shall post an agenda containing a brief description of all of the items of business  
15 to be discussed at the meeting. For every Special meeting, the City Clerk or designee shall post  
16 a notice of the meeting, specifying the time and place at which the meeting will be held,  
17 and an agenda containing a brief description of all the items of business to be discussed at the  
18 meeting. The notice and agenda for a Special meeting may be combined in a single document.

19       3.2 Location of Posting. The notice and agenda shall be posted in a place to which the  
20 public has unrestricted access during at least normal business hours and where the notice and  
21 agenda are not likely to be removed or obscured by other posted material. Specifically, the  
22 notice and agenda shall be posted at the places indicated below, and/or at such other  
23 locations(s) as the City Clerk may designate: City Hall, the Police Station, and the City library.  
24 The agenda shall also be posted on the City's website.

25       3.3 Posting for Regular Meetings. For any Regular meeting of the City Council, the  
26 notice and agenda shall be posted no later than seventy-two (72) hours prior to the time set for the  
27 meeting.  
28



1        3.4    Posting for Special Meetings. For any Special meeting of the City Council,  
2 the notice and agenda shall be posted no later than twenty-four (24) hours prior to the time set for  
3 the meeting.

4        3.5    Affidavit of Posting. Immediately following the posting of the notice and agenda,  
5 the City Clerk or designee shall complete an Affidavit of Posting, in a form developed by the City  
6 Clerk. The Affidavit of Posting shall indicate the time of the posting, the location(s) of the  
7 posting, and shall be signed under penalty of perjury. The City Clerk shall retain all such  
8 affidavits, together with a copy of each notice and agenda so posted, in his or her files. The  
9 affidavit notice and agenda shall be retained at least two (2) years subsequent to the date of  
10 posting, and pursuant to Government Code Section 34090, shall not be destroyed by the City Clerk  
11 thereafter without the written consent of the City Attorney.

12        **SECTION 4. AGENDA – CONTENTS.**

13        4.1    Description of Matters. All items of business to be discussed at a meeting of the  
14 City Council shall be briefly described on the agenda. The description should contain sufficient  
15 detail so that a person otherwise unaware could determine the general nature or subject  
16 matter of the item by reading the agenda. Closed Session agenda items shall be described with  
17 particularity to the extent feasible without compromising the confidentiality of the Closed Session.

18        4.2    Availability of Agenda. The agenda of each Regular meeting shall be made  
19 available to the public not later than the Friday preceding the Council meeting.

20        4.3    Limitation of Actions by Agenda. No action shall be taken by the City Council  
21 on any item not appearing on a posted agenda, subject only to the exceptions listed below:

22            a.        Upon a majority determination that an “emergency situation,” as defined by  
23 State law, exists.

24            b.        Upon a determination by a two-thirds (2/3) vote of the members present, or  
25 if less than two-thirds of the Members are present, by unanimous vote, that there is a need  
26 to take immediate action and that the need to take action came to the attention of the City  
27 subsequent to the agenda posting. If the City Council makes a determination pursuant to this  
28

1 subsection, the minutes of the meeting at which the determination is made shall reflect what  
2 circumstances gave rise to the need to take action after the agenda was posted.

3 c. Where the item upon which action is to be taken was included on a properly  
4 posted agenda for a prior meeting of the City Council occurring not more than five (5) calendar  
5 days prior to the date of the meeting at which action is to be taken, and at the prior meeting the  
6 item was continued to the meeting at which action is being taken.

7 4.4 Submittal of Written Materials by the Public. Written materials pertaining to  
8 matters listed on the agenda of a Regular City Council meeting must be submitted by noon of the  
9 Tuesday before the meeting in order to be included in the agenda packet. However, written  
10 materials received after that deadline will nonetheless be posted under the relevant agenda item on  
11 the City's website at the same time as they are distributed to the City Council and provided to the  
12 City Council and the public at the meeting. Written correspondence of a general nature addressed  
13 to the City Council will be handled in accordance with section 6.4.

#### 14 **SECTION 5. ORDER OF BUSINESS.**

15 5.1 Commencement of Meeting. In the event that the posted agenda calls for a Closed  
16 Session, the Mayor or the City Attorney shall announce the intention of the City Council to recess  
17 into a Closed Session and shall state the basis therefore. Public comment shall be taken on the  
18 Closed Session agenda.

19 At the time set for each Regular meeting, the Councilmembers, City Manager, City  
20 Attorney and City Clerk shall take their regular places in the Council Chamber. The  
21 Presiding Officer shall call the meeting to order and the business of the Council shall be taken up  
22 for consideration and disposition in the order set forth in Section 5.2 except that with the consent  
23 of a majority of the Council, items may be taken up out of order.

24 5.2 Order of Business. The order of business at meetings of the City Council  
25 shall be as follows, in accordance with the procedures specified below:

##### 26 a. **CALL TO ORDER**

27 The Presiding Officer shall call the meeting to order.



1                   b.     PLEDGE OF ALLEGIANCE

2                   The Presiding Officer shall designate a person to lead the Pledge of Allegiance.

3                   c.     ROLL CALL

4                   The City Clerk shall call the roll of the Councilmembers and the names of those  
5 present shall be entered on the minutes. The order of roll call shall be alphabetical with the Mayor  
6 Pro Tempore called fourth and the Mayor called last.

7                   d.     REPORT OF CLOSED SESSION

8                   The Mayor or the City Attorney shall announce the basis for the Closed Session and  
9 those actions taken as are required to be reported by the Brown Act.

10                  e.     ANNOUNCEMENTS

11                  Councilmembers may make any announcements at this time.

12                  f.     PRESENTATIONS

13                  This time is reserved for the reading and awarding of proclamations and  
14 commendations for members of the community, service organizations and others that have merited  
15 recognition by the Council. In addition, visiting dignitaries may be introduced at this time.

16                  g.     PUBLIC PARTICIPATION

17                  Oral and written comments from members of the public are accepted here as set  
18 forth in Section 6, herein. All comments from members of the public relative to Consent Calendar  
19 items must be heard at this time unless a Councilmember agrees to remove a Consent Calendar  
20 item at the request of a member of the public made at this time.

21                  h.     CONSENT CALENDAR

22                  Items of a routine nature may be approved by the City Council in a single motion  
23 by adoption of the Consent Calendar. The approval of the Consent Calendar shall signify the  
24 approval of each matter or recommendation included therein.

25                  i.     PUBLIC HEARINGS

26                  The Council shall conduct all public hearings as set forth in Section 7.

27                  j.     EXCLUDED CONSENT CALENDAR

1 Items removed from the Consent Calendar for discussion shall be heard at this time.

2 k. MUNICIPAL MATTERS

3 The Council shall take up all matters of new and old business.

4 l. CITY MANAGER'S REPORT

5 This section is set aside for the City Manager to update the Council on important  
6 items initiated by staff or previously requested by the City Council.

7 m. COUNCILMEMBER COMMENTS

8 This portion of the meeting shall be set aside for general comments, reports of  
9 meeting attendance, requests of staff, and/or other issues of concern from members of the City  
10 Council, and brief responses to audience comments. No extensive discussion of these comments is  
11 permitted.

12 n. OTHER MATTERS FROM CITY COUNCIL

13 Direction from the City Council to place items of business on a future agenda shall  
14 be given at this time by a majority of the Council. No discussion, action or public comments shall  
15 be taken at this time.

16 o. ADJOURNMENT

17 **SECTION 6. PUBLIC COMMENT.**

18 6.1 Public Comment. During the Public Participation section of the agenda, any  
19 member of the public may address the City Council on items appearing on the Consent Calendar.  
20 Comments concerning other items on the agenda will be heard at the time the item is considered  
21 during the course of the meeting; however, they may be offered at this time if the member of the  
22 public cannot be in attendance later in the evening.

23 Members of the public may also comment upon any other items of interest that are within  
24 the subject matter jurisdiction of the City Council at this time. Any Councilmember may request  
25 that matters addressed under Public Participation be placed for action on a subsequent agenda;  
26 however, no action shall be taken on items not appropriately placed on the agenda except in  
27 a situation as described in Section 4.3.



6.2 Limitations. The public comment period shall be limited to no more than three (3) minutes for each speaker, unless the Presiding Officer determines that good cause exists to extend the time and doing so will not be arbitrary or unfair. The Presiding Officer also may allow additional time for the spokesperson of a group if doing so will limit the number of persons speaking and avoid repetitious presentations.

6.3 Procedure. Upon addressing the City Council, each speaker may choose to state his or her name and city of residence and then identify the subject or subjects upon which he or she intends to speak. Speakers shall address their comments or questions to the City Council as a whole, and not to any particular Council or staff member or to the audience.

6.4 Written Communications to Council. Persons who wish to address an issue to the City Council for the official record may submit written material to the Council in lieu of or in addition to speaking under the Public Participation section of the meeting. Such written correspondence must be delivered to the City Clerk by noon of the Tuesday one week before the Regular Council meeting in order to be included on the agenda.

## **SECTION 7. PUBLIC HEARINGS.**

Matters which are required to be heard in a noticed public hearing shall be conducted in the following manner:	
--	--

7.1 Time for consideration. Matters noticed as public hearings shall commence no earlier than the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

7.2 Continuance of Hearings. Any public hearing being held or noticed or ordered to be held by the City Council may, by order or notice of continuance, be continued or re-continued to any subsequent meeting in the manner provided for under Section 2.6.

7.3 Conduct of Hearings. When a matter for public hearing comes before the City Council, the Presiding Officer shall open the public hearing and:

a. Call for a report on noticing from the City Clerk.

1           b.     Call for a report on written communications received by the City  
2     pertaining to the item being heard.

3           c.     With respect to quasi-judicial matters, request that each Councilmember  
4     report on any ex parte communications, as defined in Section 7.5.

5           d.     Request that staff present the staff report and any other relevant evidence.  
6     Presentation of the staff report prior to the formal opening of the public hearing shall not prevent  
7     its consideration as evidence. Any such evidence shall be made a part of the record of the public  
8     hearing.

9           e.     The Presiding Officer shall then recognize the proponents or appellants in  
10    the case, who shall be permitted ten (10) minutes to present evidence related to the matter under  
11    consideration.

12          f.     The Presiding Officer shall then recognize members of the public. No  
13    person may speak without first being recognized by the Presiding Officer. Members of the City  
14    Council who wish to ask questions of the speakers or each other during the public hearing may do  
15    so. Members should be mindful that the purpose of the public hearing is to obtain testimony, and  
16    not to debate the merits of the item under consideration. Members should avoid debate and  
17    expressions of personal opinion until after the close of the public testimony portion of the public  
18    hearing. The Presiding Officer shall conduct the hearing in such a manner as to afford due process  
19    to all affected persons. Comments from the public shall be limited to three (3) minutes per  
20    speaker for public hearings, unless the City Council affirmatively decides otherwise.

21          g.     Following public comments, the proponents or appellants may present a  
22    wrap-up or rebuttal statement, not to exceed five (5) minutes in length.

23          h.     The Presiding Officer shall then close the public testimony portion of the  
24    public hearing. Councilmembers may still, however, ask questions of staff or members of the  
25    public. Upon conclusion of Council deliberations and immediately prior to a motion, the Presiding  
26    Officer shall formally close the public hearing. Upon formally closing the public hearing,  
27    no additional public testimony shall be solicited or received without reopening the hearing.



1 The hearing may not be reopened unless it is determined that no one in the audience has left the  
2 room since closure of the hearing. In the event the Presiding Officer is unable to make that  
3 finding, the hearing may not be reopened unless it is renoticed for a future meeting.

4 i. The City Council shall then take action.

5 7.4 Written Evidence. All persons interested in the matter being heard by the City  
6 Council shall be entitled to submit written evidence of any kind. All such evidence presented shall  
7 be retained by the City Clerk as part of the Clerk's record.

8 7.5. Definition of "Ex Parte" Communication. "Ex parte communication" shall mean  
9 any oral or written communication between a member of the Council and any person, which meets  
10 all of the following requirements: (i) it is directed toward the merit or outcome of a quasi-judicial  
11 matter within the Council's jurisdiction; (ii) an application, recommendation or appeal on the  
12 matter has been submitted to the Council; (iii) the communication imparts substantive factual  
13 information which constitutes the basis of or otherwise influences the Councilmember's  
14 deliberation or decision on the matter; (iv) the information is not included in the staff report or  
15 other written materials contained in the agenda of the meeting at which the matter is to be heard or  
16 otherwise on the official record of the proceeding on the matter; and (v) the communication does  
17 not occur in a public meeting as defined in the Ralph M. Brown Act (California Government Code  
18 Section 54950, *et seq.*).

19 **SECTION 8. PROCEDURES FOR THE CONDUCT OF MEETINGS.**

20 8.1 Robert's Rules. Unless otherwise specified in this Resolution or by other ordinance  
21 or resolution, meetings of the City Council will be conducted to the extent practicable in  
22 accordance with the most recently revised edition of Robert's Rules of Order. In the event of any  
23 conflict between Robert's Rules and this Resolution, the Municipal Code or of State law, the latter  
24 three sources of authority shall govern.

25 8.2 Motions. The Mayor or any member of the Council may bring a properly  
26 agendized matter of business before the Council by making a motion. Before the matter can be  
27 considered or debated it must be seconded. Once the motion has been properly made and  
28



1 seconded, the Presiding Officer shall open the matter for debate offering the first opportunity to  
2 debate to the moving party and, thereafter, to any Councilmember properly recognized by the  
3 Presiding Officer. Debate shall be closed upon consent of a majority of the City Council. Once  
4 the matter has been fully debated and the Presiding Officer calls for a vote, no further debate will  
5 be allowed, unless the Council overrules the Presiding Officer by a majority vote. A motion that  
6 results in a tie vote does not pass.

7 8.3 Voting. Every Councilmember should vote unless disqualified by reason of a  
8 financial or common law conflict of interest. A Councilmember may change his or her vote prior  
9 to the time that the Presiding Officer or City Clerk announces the outcome of the vote on the  
10 motion, and not after.

11 8.4 Adjournment. The City Council shall adjourn each Regular meeting by 10:30 p.m.  
12 unless a majority of the members present vote to extend the adjournment time. Notwithstanding  
13 the foregoing, any item of business commenced prior to 10:30 p.m. may be completed without the  
14 necessity of an adjournment extension vote. Upon adjournment, those items of business not  
15 completed shall be continued to the next Regular City Council meeting unless the Council  
16 schedules the items for an Adjourned meeting to take place prior to the next meeting.

## 17 **SECTION 9. DECORUM.**

18 9.1 Rules for City Councilmembers. Members of the City Council shall conduct  
19 themselves in an orderly and businesslike manner to ensure that the business of the City shall  
20 be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process  
21 of the City Council is maintained at all times. Members of the Council shall maintain a polite,  
22 respectful and courteous manner when addressing one another, City staff and members of the  
23 public during meetings.

24 a. Role of the Presiding Officer. The Presiding Officer of the City Council,  
25 who shall be the Mayor, or in the Mayor's absence the Mayor Pro Tempore, or in their absence  
26 any other member designated by the City Council, shall be responsible for maintaining the  
27 order and decorum of meetings. It shall be the duty of the Presiding Officer to ensure that the rules  
28

1 of operation and decorum contained herein are observed. The Presiding Officer shall maintain  
2 control of communication between Councilmembers and between the Council, staff and the public.

3 b. Communication with Councilmembers.

4 1) Councilmembers should request the floor of the Presiding Officer  
5 before speaking.

6 2) A Councilmember who is speaking shall attempt to avoid repetition  
7 and shall endeavor to limit his or her comments to the subject matter at hand. Councilmembers  
8 should endeavor to express their views without engaging in lengthy debates.

9 3) When one Councilmember is speaking, other Councilmembers shall  
10 not interrupt or otherwise disturb the speaker.

11 9.2 Communication with Members of the Public Addressing the Council.

12 a. Councilmembers may, after requesting the floor of the Presiding Officer,  
13 question a person addressing the Council at the conclusion of the person's comments or upon  
14 expiration of the person's time to speak.

15 b. Councilmembers shall not engage the person addressing the Council in a  
16 dialogue with the City Council or City staff, but shall confine communication to a question and  
17 answer format.

18 c. If a member of the audience has addressed the Council on matters which  
19 are not on the agenda, Councilmembers shall refrain from extended discussions of the matter.  
20 If a Councilmember so wishes, the Councilmember may, during the Councilmember Comments or  
21 Other Matters portion of the meeting, direct the City Manager to place the matter on the next  
22 agenda.

23 9.3 Rules for City Staff.

24 a. Decorum. City staff shall not engage in public dialogue or debate with  
25 members of the public during public meetings. When addressed by the Council, staff shall respond  
26 in a polite and respectful manner.



b. Role of the City Manager. The City Manager's duties during City Council meetings include keeping a record of concerns raised by the Council regarding staff matters and directions for future staff action.

#### 9.4 Rules for the Public.

a. Members of the Audience. Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City Council meeting unfeasible. A member of the audience repeatedly or continuously engaging in any such conduct shall, at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from that meeting.

b. Persons Addressing the City Council.

1)	Any person wishing to speak shall approach the speaker podium when called upon by the Presiding Officer.
----	--

2) No person	shall address the City Council without first being recognized by the Presiding Officer.
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3) Each person addressing the City Council shall do so in an orderly manner and shall not make repetitious, slanderous or irrelevant remarks, or engage in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of the Council meetings. Any person who so disrupts the meeting may, at the discretion of the Presiding Officer or a majority of the City Council, be subject to ejection from that meeting.

4) Persons addressing the City Council shall adhere to the time limit established for public comment and conclude their comments when requested to do so by the Presiding Officer.

### 9.5 Enforcement.

a. Upon a violation of the rules of order and decorum established in Section 9.4 of this resolution, the procedure to enforce the rules is as follows:



1                   1)     Warning. The Presiding Officer shall request that a person who is  
2 violating the rules of decorum cease such conduct. If after receiving a warning from the Presiding  
3 Officer, the person persists in the violation, the Presiding Officer shall order the person to leave  
4 the City Council meeting. If the person does not leave the meeting, the Presiding Officer may  
5 order any law enforcement officer who is on duty at the City Council meeting as sergeant-at-arms  
6 to remove the person from the City Council chambers.

7                   2)     Removal. Any law enforcement officer who is serving as sergeant-  
8 at-arms at the City Council meeting shall carry out the orders and instructions given by the  
9 Presiding Officer for the purpose of maintaining order and decorum. Upon instruction of the  
10 Presiding Officer, it shall be the duty of the sergeant-at-arms to remove from the City Council  
11 meeting any person who is disturbing the proceedings of the City Council.

12                  3)     Resisting Removal. Any person who resists removal by the  
13 sergeant-at-arms may be charged with any applicable ordinance or law.

14                  4)     Motion to Enforce. If the Presiding Officer of the City Council fails  
15 to enforce the rules of order and decorum set forth above, any member of the City Council may  
16 move to require the Presiding Officer to do so, and an affirmative vote of a majority of the City  
17 Council shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the  
18 will of the majority of the City Council, the majority may designate another member of the City  
19 Council to act as Presiding Officer for the purpose of enforcing the rules of order and decorum  
20 established above.

21                  5)     Clearing the Room. If a meeting of the City Council is disturbed or  
22 disrupted in such a manner as to make infeasible or improbable the restoration of order, the  
23 Presiding Officer or a majority of the City Council may exercise the authority granted in the  
24 California Government Code Section 54957.9 by ordering the meeting room cleared and  
25 continuing in session in the manner authorized by Section 54957.9 of the Government Code.  
26 Members of the press shall be permitted to remain unless they have participated in the disruption.

27                  **SECTION 10.** Resolution No. 12-6787 is hereby rescinded.  
28

1        **SECTION 11.** The City Clerk shall certify to the passage and adoption of this Resolution,  
2 shall enter the same in the book of original Resolutions of said city; and shall make a minute of the  
3 passage and adoption thereof in the records of the proceedings of the City Council at which the  
4 same is passed and adopted.

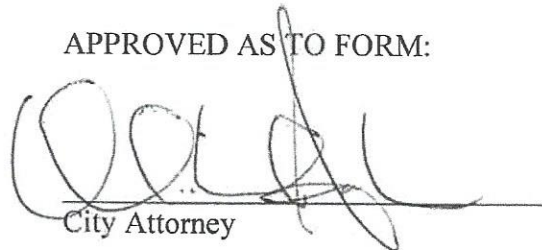
5  
6                    **PASSED, APPROVED AND ADOPTED** this 28th day of July, 2015.

7  
8                      
9                    **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

10  
11        ATTEST:

12  
13          
14        City Clerk

15  
16                    APPROVED AS TO FORM:

17          
18        City Attorney

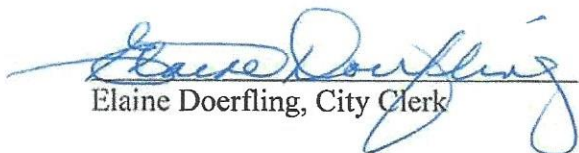
STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF HERMOSA BEACH

I, Elaine Doerfling, City Clerk of the City of Hermosa Beach, California, do hereby certify that the foregoing Resolution No. 15-6988 was duly and regularly passed, approved and adopted by the City Council of the City of Hermosa Beach at a Regular Meeting of said Council at the regular place thereof on July 28, 2015.

The vote was as follows:

AYES: DiVirgilio, Fangary, Petty, Tucker, Mayor Barragan  
NOES: None  
ABSTAIN: None  
ABSENT: None

Dated July 28, 2015

  
Elaine Doerfling, City Clerk



## EXHIBIT E

# City of Hermosa Beach

*City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254*



## **Adjourned Meeting Minutes**

**Thursday, November 29, 2018**

**6:00 PM**

**Appointment of Mayor and Mayor Pro Tempore  
and Council Committee Reorganization**

**Council Chambers**

### **City Council**

*Mayor  
Jeff Duclos*

*Mayor Pro Tem  
Stacey Armato*

*Councilmembers  
Mary Campbell  
Hany S. Fangary  
Justin Massey*

**6:00 P.M. - ADJOURNED REGULAR MEETING AGENDA****CALL TO ORDER** 6:12 p.m.**PLEDGE OF ALLEGIANCE** George Schmeltzer**ROLL CALL**

*Present: Armato, Campbell, Fangary, Massey, Mayor Duclos*  
*Absent: None*

**PRESENTATIONS**

- a) **REPORT** **APPOINTMENT OF MAYOR AND MAYOR PRO TEMPORE AND**  
**18-0710** **COUNCIL COMMITTEE REORGANIZATION - NOVEMBER 2018**  
(City Clerk Elaine Doerfling)

**Attachments:** [1. Committee.List-Final 092618](#)  
[2. Committee Information](#)  
[3. SUPPLEMENTAL Memo and Attachment from City Clerk Elaine Doerfling \(added 11-27-18 at 1pm\) 2.pdf](#)

**Action:** *To appoint Stacey Armato as Mayor for a term ending Thursday, November 21, 2019. Motion Campbell, second Fangary. The motion carried by a unanimous vote.*

**Additional Action:** *To appoint Mary Campbell as Mayor pro tempore for a term ending Thursday, November 21, 2019. Motion Armato, second Massey. The motion carried by a unanimous vote.*

**Final Action:** *To:*  
*1. Appoint Mayor Armato to the Los Angeles County-City Selection Committee;*  
*2. Appoint Mayor Armato to the South Bay Cities Sanitation District Board of Directors and Mayor pro tempore Campbell to serve as alternate director.*  
*Motion Duclos, second Fangary. The motion carried by a unanimous vote.*

**PUBLIC PARTICIPATION:** None**ANNOUNCEMENTS****ADJOURNMENT**

*7:07 p.m., in memory of Councilmember Duclos' father Tony, to the Regular meeting of Tuesday, December 11, 2018.*

**Elaine Doerfling**  
**City Clerk**



## EXHIBIT F

**SCRIPT FOR APPOINTMENT OF MAYOR AND MAYOR PRO TEMPORE  
NOVEMBER 29, 2018**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**NATIONAL ANTHEM – SPECIAL PERFORMANCE BY JOE CIPOLLA**

**ROLL CALL**

**PRESENTATIONS:**



**MAYOR DUCLOS:** [RECOGNIZE AND THANK OFFICIALS FOR ATTENDING]

**COUNTY AND STATE:**

**JOEY APODACA**, OFFICE OF REPRESENTATIVE TED LIEU

**LAUREN PIZER MAINS**, OFFICE OF SENATOR BEN ALLEN - *Tentative*

**JAKE RIDOUT**, OFFICE OF ASSEMBLYMEMBER AL MURATSUCHI

**JENNIFER LAMARQUE**, OFFICE OF SUPERVISOR JANICE HAHN

**MANHATTAN BEACH:**

**STEVE NAPOLITANO**, MAYOR

**DAVID LESSER**, COUNCILMEMBER

**HERMOSA BEACH:**

**MICHAEL KEEGAN**, FORMER MAYOR/COUNCILMEMBER

**JIM ROSENBERGER**, FORMER MAYOR/COUNCILMEMBER

**GEORGE SCHMELTZER**, FORMER MAYOR/COUNCILMEMBER

**GEORGE BARKS**, FORMER MAYOR/COUNCILMEMBER

**MARIE RICE**, COMMISSIONER

**JANICE BRITTAIN**, COMMISSIONER

**DAVID GRETHEN**, COMMISSIONER

**BARBARA ELLMAN**, COMMISSIONER

**KATHY DUNBABIN**, COMMISSIONER

**MIKE FLAHERTY**, COMMISSIONER



**MAYOR DUCLOS:** [OUTGOING COMMENTS]



**COUNCILMEMBER** \_\_\_\_\_ : MOTION TO APPOINT STACEY ARMATO AS MAYOR



**COUNCILMEMBER** \_\_\_\_\_ : MOTION TO APPOINT MARY CAMPBELL AS MAYOR PRO TEMPORE



CITY CLERK INVITES FAMILY AND FRIENDS TO PODIUM FOR PICTURES (WHILE NAME PLATES ARE REARRANGED) AND THEN INVITES MAYOR AND COUNCILMEMBERS TO BE SEATED IN THEIR NEW SEATS

**ROTATE SEATS:**

<b>CURRENT:</b>	<b>HF</b>	<b>JM</b>	<b>JD</b>	<b>SA</b>	<b>MC</b>
<b>NEW:</b>	<b>JM</b>	<b>JD</b>	<b>SA</b>	<b>MC</b>	<b>HF</b>



PRESENTATION OF GAVEL PLAQUE TO OUTGOING MAYOR BY MAYOR ARMATO



**COMMENTS FROM ATTENDING DIGNITARIES:**

JOEY APODACA, OFFICE OF REPRESENTATIVE TED LIEU

LAUREN PIZER MAINS, OFFICE OF SENATOR BEN ALLEN - *Tentative*

JAKE RIDOUT, OFFICE OF ASSEMBLYMEMBER AL MURATSUCHI

JENNIFER LAMARQUE, OFFICE OF SUPERVISOR JANICE HAHN

STEVE NAPOLITANO, CITY OF MANHATTAN BEACH MAYOR



**MAYOR ARMATO:** [COMMENTS AS INCOMING MAYOR]



**MAYOR ARMATO:** WOULD ANY OF MY COLLEAGUES LIKE TO MAKE ANY COMMENTS AT THIS TIME?



**COUNCILMEMBER DUCLOS:** [COMMENTS]

**COUNCILMEMBER MASSEY:** [COMMENTS]

**COUNCILMEMBER FANGARY:** [COMMENTS]

**MAYOR PRO TEM CAMPBELL:** [COMMENTS]



MOTIONS FOR APPOINTMENT OF MAYOR AND MAYOR PRO TEM TO COMMITTEES AS RECOMMENDED IN CITY CLERK'S MEMO



MAYOR ASKS THAT COUNCIL SUBMIT THEIR PREFERENCES FOR REMAINING COMMITTEE AND LIAISON ASSIGNMENTS AT THE NEXT MEETING

**PUBLIC PARTICIPATION:**

ALTHOUGH THE CITY VALUES YOUR COMMENTS, THE BROWN ACT GENERALLY PROHIBITS THE COUNCIL FROM TAKING ACTION ON ANY MATTER NOT LISTED ON THE POSTED AGENDA AS A BUSINESS ITEM

**ANNOUNCEMENTS:**

MAYOR ARMATO INVITES ATTENDEES TO A RECEPTION AT LAUREL TAVERN, 1220 HERMOSA AVE.

**ADJOURNMENT**



**SCRIPT FOR APPOINTMENT OF MAYOR AND MAYOR PRO TEMPORE**  
**DECEMBER 7, 2017**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENTATION:**



**MAYOR MASSEY:** [THANK EVERYONE FOR COMING - RECOGNITION OF ATTENDING DIGNITARIES, FORMER MAYORS/COUNCILMEMBERS, CITY TREASURER, COMMISSIONERS]



**MAYOR MASSEY:** [OUTGOING COMMENTS]



**COUNCILMEMBER** \_\_\_\_\_ : MOTION TO APPOINT JEFF DUCLOS AS MAYOR



**COUNCILMEMBER** \_\_\_\_\_ : MOTION TO APPOINT STACEY ARMATO AS MAYOR PRO TEMPORE



**CITY CLERK** INVITES FAMILY AND FRIENDS TO PODIUM FOR PICTURES (WHILE NAME PLATES ARE REARRANGED) AND THEN INVITES MAYOR AND COUNCILMEMBERS TO BE SEATED IN THEIR NEW SEATS

**ROTATE SEATS:**

<b>CURRENT:</b>	<b>MC</b>	<b>HF</b>	<b>JM</b>	<b>JD</b>	<b>SA</b>
<b>NEW:</b>	<b>HF</b>	<b>JM</b>	<b>JD</b>	<b>SA</b>	<b>MC</b>



**PRESENTATION OF GAVEL PLAQUE TO OUTGOING MAYOR BY MAYOR DUCLOS**



**COMMENTS FROM ATTENDING DIGNITARIES:**

**MARK WARONEK**, OFFICE OF SUPERVISOR JANICE HAHN

**JOEY APODACA**, OFFICE OF REPRESENTATIVE TED LIEU

**LAUREN PIZER MAINS**, OFFICE OF SENATOR BEN ALLEN

**ANDREW DEBLOCK**, OFFICE OF ASSEMBLYMEMBER AL MURATSUCHI



**MAYOR DUCLOS:** [COMMENTS AS INCOMING MAYOR]



**MAYOR DUCLOS:** WOULD ANY OF MY COLLEAGUES LIKE TO MAKE ANY COMMENTS AT THIS TIME?



**COUNCILMEMBER MASSEY:** [COMMENTS]  
**COUNCILMEMBER FANGARY:** [COMMENTS]  
**COUNCILMEMBER CAMPBELL:** [COMMENTS]  
**MAYOR PRO TEM ARMATO:** [COMMENTS]



**MOTIONS FOR APPOINTMENT OF MAYOR AND MAYOR PRO TEM TO COMMITTEES AS RECOMMENDED IN CITY CLERK'S MEMO**



**MAYOR ASKS THAT COUNCIL SUBMIT THEIR PREFERENCES FOR REMAINING COMMITTEE AND LIAISON ASSIGNMENTS FOR THE NEXT MEETING**

**PUBLIC PARTICIPATION:**

ALTHOUGH THE CITY VALUES YOUR COMMENTS, THE BROWN ACT GENERALLY PROHIBITS THE COUNCIL FROM TAKING ACTION ON ANY MATTER NOT LISTED ON THE POSTED AGENDA AS A BUSINESS ITEM

**ANNOUNCEMENTS:**

MAYOR DUCLOS INVITES ATTENDEES TO A RECEPTION IN THE COURTYARD

**ADJOURNMENT:**

WE WILL ADJOURN TO FRIDAY, DECEMBER 29<sup>TH</sup> AT 11:00 A.M. IN THE COMMUNITY CENTER THEATER FOR THE FIRE DEPARTMENT TRANSITION OF COMMAND TO LA COUNTY AND THE BADGE PINNING CEREMONY.

**RECEPTION IN COURTYARD**

# SCRIPT FOR APPOINTMENT OF MAYOR AND MAYOR PRO TEMPORE

## MARCH 9, 2017



MAYOR FANGARY: RECOGNITION OF ATTENDING ELECTED OFFICIALS



MAYOR FANGARY: [OUTGOING COMMENTS]



COUNCILMEMBER \_\_\_\_\_: MOTION TO APPOINT JUSTIN MASSEY AS MAYOR



COUNCILMEMBER \_\_\_\_\_: MOTION TO APPOINT JEFF DUCLOS AS MAYOR PRO TEMPORE



CITY CLERK INVITES FAMILY AND FRIENDS TO PODIUM FOR PICTURES ( WHILE NAME PLATES ARE REARRANGED) AND THEN INVITES MAYOR AND COUNCILMEMBERS TO BE SEATED IN THEIR NEW SEATS

ROTATE SEATS:

CURRENT:	SA	CP	HF	JM	JD
NEW:	CP	HF	JM	JD	SA



PRESENTATION OF PLAQUE TO OUTGOING MAYOR BY MAYOR MASSEY



COMMENTS FROM ATTENDING DIGNITARIES



MAYOR MASSEY: [COMMENTS AS INCOMING MAYOR]



MAYOR MASSEY: WOULD ANY OF MY COLLEAGUES LIKE TO MAKE ANY COMMENTS AT THIS TIME?



COUNCILMEMBER FANGARY: [COMMENTS]  
COUNCILMEMBER PETTY: [COMMENTS]  
COUNCILMEMBER ARMATO: [COMMENTS]  
MAYOR PRO TEM DUCLOS: [COMMENTS]



MOTIONS FOR APPOINTMENT OF MAYOR AND MAYOR PRO TEM TO COMMITTEES AS RECOMMENDED IN CITY CLERK'S MEMO



IF DESIRED, REORGANIZATION OF REMAINING CITY COUNCIL COMMITTEE ASSIGNMENTS MAY BE MADE TONIGHT OR MAYOR MAY ASK THAT COUNCIL SUBMIT THEIR PREFERENCES FOR COMMITTEE AND LIAISON ASSIGNMENTS AT THE NEXT MEETING – *Polling City Council to make determination before meeting*



ADJOURN – MAYOR INVITES ATTENDEES TO A RECEPTION AT ROCKEFELLER FROM 7-10 PM



**SCRIPT FOR APPOINTMENT OF MAYOR  
AND MAYOR PRO TEMPORE  
JUNE 9, 2016**



**MAYOR PETTY: [OUTGOING COMMENTS]**



**COUNCILMEMBER \_\_\_\_\_: MOTION TO APPOINT HANY FANGARY AS MAYOR**



**COUNCILMEMBER \_\_\_\_\_: MOTION TO APPOINT JUSTIN MASSEY AS MAYOR PRO TEMPORE**



**CITY CLERK INVITES FAMILY AND FRIENDS TO PODIUM FOR PICTURES ( WHILE NAME PLATES ARE REARRANGED) AND THEN INVITES MAYOR AND COUNCILMEMBERS TO BE SEATED IN THEIR NEW SEATS**

**ROTATE SEATS:**

<b>CURRENT:</b>	<b>JD</b>	<b>SA</b>	<b>CP</b>	<b>HF</b>	<b>JM</b>
<b>NEW:</b>	<b>SA</b>	<b>CP</b>	<b>HF</b>	<b>JM</b>	<b>JD</b>



**PRESENTATION OF PLAQUE TO OUTGOING MAYOR BY MAYOR FANGARY**



**ASSEMBLYMAN HADLEY COMMENTS**



**MAYOR FANGARY: [COMMENTS AS INCOMING MAYOR]**



**MAYOR FANGARY: WOULD ANY OF MY COLLEAGUES LIKE TO MAKE ANY COMMENTS AT THIS TIME?**



**COUNCILMEMBER PETTY: [COMMENTS]  
COUNCILMEMBER ARMATO: [COMMENTS]  
MAYOR PRO TEM MASSEY: [COMMENTS]  
COUNCILMEMBER DUCLOS: [VIDEO COMMENTS]**



**MOTIONS FOR APPOINTMENT OF MAYOR AND MAYOR PRO TEM TO COMMITTEES AS RECOMMENDED IN CITY CLERK'S MEMO**



**IF DESIRED, REORGANIZATION OF REMAINING CITY COUNCIL COMMITTEE ASSIGNMENTS MAY BE MADE TONIGHT OR MAYOR MAY ASK THAT COUNCIL SUBMIT THEIR PREFERENCES FOR COMMITTEE AND LIAISON ASSIGNMENTS AT THE NEXT MEETING**



**ADJOURN AND ENJOY LIGHT REFRESHMENTS IN LOBBY**

**From:** noreply@granicusideas.com <noreply@granicusideas.com>

**Sent:** Tuesday, December 3, 2019 11:01 PM

**To:** Ann Yang <anny@hermosabeach.gov>; City Council <citycouncil@hermosabeach.gov>; Suja Lowenthal <suja@hermosabeach.gov>

**Subject:** New eComment for City Council Special Meeting (Open Session - 6:00 PM and Closed Session to follow tentatively at 8:30 PM)

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## New eComment for City Council Special Meeting (Open Session - 6:00 PM and Closed Session to follow tentatively at 8:30 PM)

Kevin Sousa submitted a new eComment.

Meeting: City Council Special Meeting (Open Session - 6:00 PM and Closed Session to follow tentatively at 8:30 PM)

Item 2: response to the November 27, 2019 "Cure and Correct" Demand Letter from Anthony Higgins pertaining to the November 21, 2019 Mayor Pro Tem selection: a) Consider whether or not to respond to the demand by: i. Rescinding the action taken on November 21, 2019 to select a Mayor Pro Tem; ii. Accepting public comment; iii. Accepting nominations for Mayor Pro Tem; and iv. Voting on selection of Mayor Pro Tem.

eComment: Dear Hermosa Beach City Council, I am deeply disturbed and concerned that a member of the council, in disagreeing with a motion that passed him over to become mayor pro-tem, made a conscious decision not to state his concerns or disagreement with the motion (as all council members were given an opportunity to comment) in the meeting but decided to wait and state his case on social media. It would seem more appropriate that our elected officials conduct the business of governance in a public forum, preferably from the dais. Turning to social media to state a case or intentionally inflame and stoke the fires of misinformation in a vain attempt to drum up support or feign victimization feels petty at best and cowardly at worst. I trust that the upcoming facts of the situation and the decision making process behind each council persons' vote on this motion will create a clearer picture to as to why he was passed over and I look forward to this discussion in an open council meeting with all members present. Can we please address this thoroughly as well as expeditiously so we can get on with the impending business of the city? Kevin Sousa

**From:** noreply@granicusideas.com <noreply@granicusideas.com>

**Sent:** Tuesday, December 3, 2019 11:14 PM

**To:** Ann Yang <anny@hermosabeach.gov>; City Council <citycouncil@hermosabeach.gov>; Suja Lowenthal <suja@hermosabeach.gov>

**Subject:** New eComment for City Council Special Meeting (Open Session - 6:00 PM and Closed Session to follow tentatively at 8:30 PM)

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## New eComment for City Council Special Meeting (Open Session - 6:00 PM and Closed Session to follow tentatively at 8:30 PM)

Leo Barker submitted a new eComment.

Meeting: City Council Special Meeting (Open Session - 6:00 PM and Closed Session to follow tentatively at 8:30 PM)

Item 2: In response to the November 27, 2019 "Cure and Correct" Demand Letter from Anthony Higgins pertaining to the November 21, 2019 Mayor Pro Tem selection: a) Consider whether or not to respond to the demand by: i. Rescinding the action taken on November 21, 2019 to select a Mayor Pro Tem; ii. Accepting public comment; iii. Accepting nominations for Mayor Pro Tem; and iv. Voting on selection of Mayor Pro Tem.

eComment: Mr Sousa: I am deeply disturbed and concerned about how you believe anyone (except possibly Road Runner of Looney Tunes infamy) might have been able to "make a conscious decision to state his concerns or disagreement with the motion" in the all of 0.97 second available to ANY of the Councilmembers before ex-Mayor Armato seconded her motion?



12/4/19 SPECIAL MEETING, ITEM 2 - BROWN ACT DEMAND TO "CURE AND CORRECT"  
SUPPLEMENTAL EMAIL SUBMITTED BY HOWARD FISHMAN TO THE CITY MANAGER'S OFFICE ON  
12/4/19 AT 6:04 A.M.

From: Howard Fishman <kkfish1818@gmail.com>  
Sent: Wednesday, December 4, 2019 6:04 AM  
To: Ann Yang <anny@hermosabeach.gov>  
Subject: Mayor Pro Tem Appointment Supplemental Attachment

I am respectfully requesting the City Council reconsider their actions and honor the historical rotation of the Mayor Pro Tem position and appoint Councilman Fangary as the Mayor Pro Tem.

As a former Council Member and Mayor, it is important to respect tradition as to how we represent the voters and one another. We also have the right to agree and disagree with one another.

It is unfair to penalize a colleague because you believe he will be unable to effectively carry out his ceremonial duties because of his alleged uncommunicative relationship with the City Manager.

Council member Fangary has stated he is capable of carrying out his duties with the City Manager. He should be given that opportunity and be recognized as the new Mayor Pro Tem

Respectfully submitted,

Howard Fishman  
1133 7th Place  
Hermosa Beach CA 90254  
310 422-1101

December 4, 2019

Councilmember Stacey Armato  
Mayor Mary Campbell  
Councilmember Michael Detoy  
Councilmember Hany Fangary  
Councilmember Justin Massey  
City Manager Suja Lowenthal

**City of Hermosa Beach, Ca. 90254**

**12/4/19 SPECIAL MEETING, ITEM 2 - BROWN ACT DEMAND TO "CURE AND CORRECT" SUPPLEMENTAL LETTER SUBMITTED TO THE CITY MANAGER'S OFFICE ON 12/4/19 AT 9:00 A.M.**

I offer the following thoughts and suggestions (in no particular order) that I sincerely hope our current City Council/Manager Team might take the time to read and meditate upon with my sincere wishes that you all might find an element of some personal and/professional benefit to you before today's 6pm Special Meeting at which the November 21 vote appointing Councilmember Massey as the city's new Mayor ProTem (out of rotation) will hopefully be rescinded and our current Council will behave conscionably and appoint our most transparent and deserving Councilmember Hany Fangary as Mayor ProTem (adhering to our 40 year rotation tradition) :

***Although definitions vary from source to source, most agree that an act is defined as bullying when:***

- the behavior hurts, humiliates, or harms another person physically or emotionally, and
- there is also a real or perceived "imbalance of power," which is described as when the (Council) person with the bullying behavior has more "power," either physically, socially, or emotionally, such as a higher rank and
- It is intentional, meaning the act is done willfully, knowingly, and with deliberation to hurt or harm.

***Listen to your City Attorney:***

- Who recommends that our Councilmembers promote a collegial environment: an adjective meaning mutual consideration and **respect** among your colleagues

***Page 1 of 3***

***Try very hard to:***

- Keep personal likes and dislikes out of the equation. Your fellow councilmembers and the city manager are **NOT** your family or personal friends; they are your "PROFESSIONAL COLLEAGUES," and you need to work effectively and professionally with them .
- Take your role to evaluate your city manager's performance seriously. Performance evaluations are an important communication tool between the manager and council. This provides the opportunity to communicate how the council views the manager's performance, including areas of strength and areas for potential additional emphasis. This is also the only opportunity for the council **AS A WHOLE** to provide this input. Also, due to the inherent challenge of multiple individuals attempting to evaluate an individual who works for them as a group, **the use of a consultant to facilitate the evaluation can be very helpful**. Might Hermosa Beach City Council members support a more formal annual performance evaluation of the city manager replacing the current verbal, interview-based reviews with established metrics and goals?

***Always Remember that:***

- An unstable council relationship has negative consequences for the city council, the manager, the organization and the community. A positive and mutually supportive relationship will increase the odds of having a high-performing and successful city. Councilmembers and the manager need to make creating, supporting and sustaining their relationship a high priority.
- First and foremost, the relationship between the city council members is a partnership that serves the community. This partnership benefits immensely from a council that sees itself as a **TEAM**. While council members can and do disagree on various issues, they can nevertheless function as a **TEAM** if **ALL** members can agree that their shared goal is to make the **BEST** decisions possible **for the community they serve**. It should be a collaborative effort in which ALL members bring something of value to the task at hand.
- City manager jobs see frequent turnover; every five years, half the city managers in the country are either fired or voluntarily leave their positions. "The threat of termination is constantly hanging over the head of the city manager, creating a certain vulnerability that permeates their work and life," "The volatility and constant turnover means that many managers are continuously changing positions and many cities are continuously introducing new managers to the community and staff ....."
- **BUILDING A POSITIVE, CONSTRUCTIVE RELATIONSHIP IS CRITICAL**

- **Civility** and communication are key elements of an effective council partnership. Respectful discussions that incorporate civility set a positive tone for council meetings and council interactions and help foster a welcoming environment for community members who attend council meetings.
- Separating the people from the problems is another helpful strategy. Emotions can make problem-solving more difficult when people feel passionately about an issue. But attacking the problem — **INSTEAD OF EACH OTHER** — offers a more effective approach and a better way to preserve an important working relationship. It's OK to disagree, but it's not OK to be disagreeable and **disrespectful** of your fellow councilperson.
- When communication falters, problems occur. Avoiding conflict, which is human nature, can be a barrier to progress on tough issues. Address issues directly as they arise by communicating clearly and respectfully. Bear in mind that **conflict can play a constructive role in problem solving**. COMPLACENCY can be a red flag. A complacent council and city manager may be avoiding dealing with controversial or thorny problems. Such avoidance can ultimately make the problem much harder to address.
- Building capacity creates a more effective team. The governance team (mayor, council members and city manager) should get to know each other — how each person approaches issues, decision-making and so on. This can be accomplished at informal meetings or workshops throughout the year. In the event that council members disagree, clear ground rules (norms of behavior and practice) can help quell acrimony before it becomes a problem. **It's important to remember that trust is built around understanding and respect, not necessarily agreement.**
- Transparency is a fundamental component of democratic government and addresses the rights of citizens to know about activities of their government. **Secrecy in government often leads to an abuse of power and a lack of accountability.**

Sincerely

Anne Garvey-Zaworski P.E.



**From:** Colin Cooley <colin@wicked.is>  
**Sent:** Wednesday, December 4, 2019 9:51 AM  
**To:** City Council <citycouncil@hermosabeach.gov>; Ann Yang <anny@hermosabeach.gov>; Suja Lowenthal <suja@hermosabeach.gov>  
**Subject:** Mayor Pro Tem appointment

Dear Council Members,

I'm writing to express my disappointment with the manner in which you appointed Council Member Justin Massey as the next mayor pro tem at the November 21, 2019 meeting.

I, along with most residents, see you all as equals up there. All duly elected. And all entitled to your rotation as mayor and mayor pro tem. It's one of the most basic principles of our council-manager government; an entitlement and reward for serving, yet with the mayor and mayor pro tem having no greater official authority than any other council member.

The motion made by Mayor Mary Campbell, only seconds after herself being appointed mayor, and then immediately seconded by Council Member Stacey Armato, however, grossly undermined that principle and expectation, broke with our city's long-standing rotation order and publicly marginalized a duly elected, sitting council member.

I find this action troublesome for a number of reasons. First, it was done with no notice given in advance of the meeting that the regular rotation would be disrupted, and residents had no reason to think that this long-standing rotation order would be altered. Indeed, the meeting in which this took place was largely seen to be ceremonial — a celebratory moment for both the newly appointed mayor and mayor pro tem, pursuant to the existing rotation policy.

Second, when the motion was made by Mary Campbell, no explanation was given and no discussion ensued. This failure to shine a light on the issue up there on the dais, in the chambers, where it should be discussed, is what's most troublesome to me. It is exactly what this city doesn't need right now. We expect collegiality and leadership up there on the dais. We expect transparency and an open, lively discussion, done on the record. If Mayor Campbell could have talked to one person in advance, she should have explicitly discussed it with Council Member Fangary. Instead, the discussion was relegated to a Facebook group and led to a Saturday night press release from the City.

This official City press release, by the way, which was posted on the City's website and submitted to the media, was used to release a statement by newly appointed Mayor Campbell and Council Member Armato with an allegation that Council Member Fangary "has not spoken or communicated with the city manager for several months." This allegation was never publicly presented in the council chambers. To use the City's publicist to release a statement by one council member against another seems to be an abuse of power and contrary to our form of government, which again, gives no greater official authority to any one council member.

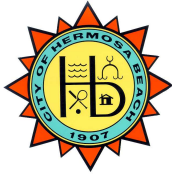
Please know I have great respect for each of our council members. I appreciate the time you give me whenever I have concerns or ideas to share. I like you all individually as people and as members of our community. More specifically, I consider Mayor Campbell a great consensus builder, and although I've not always seen eye to eye with Council Member Fangary, I always

appreciate his willingness to listen and engage. This isn't about personalities to me though. It's about principles. It's about the appearance of improprieties, including a possible violation of the Brown Act and a punitive measure without public discourse for a dissenting opinion. It's about the lack of transparency and public discussion, and the chiselling away at the goodwill you've developed and the confidence so many have in you.

In closing, I encourage you tonight to set things right and treat each other with the respect you, yourself, expect from your colleagues (i.e. the Golden Rule we teach our children to follow), and I encourage you to rescind the action taken on November 21, 2019, selecting a Mayor Pro Tem, and return to the normal rotation order.

Thanks,

Colin Cooley



# City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, CA 90254-3885

Hany S. Fangary, Councilmember

hfangary@hermosabch.org

310-340-4773

December 4, 2019

Mayor Mary Campbell  
City of Hermosa Beach  
1315 Valley Drive  
Hermosa Beach, CA 90254  
Email: mcampbell@hermosabch.org

Re: **Request to Retract November 23, 2019 Press Release**

Dear Mayor Campbell:

As you know, I sent you a letter on November 28, 2019 requesting that you and the City of Hermosa Beach ("**City**") immediately retract the press release issued on November 23, 2019 ("**Press Release**") for five reasons listed in my letter. I have not yet received a response to my November 28, 2019 letter.

You elected to schedule a Special Meeting tonight to further discuss the appointment of the Mayor Pro Tem position, even though you have not yet responded to the issues I raised in my November 28, 2019 letter. Therefore, below is a summary of the reasons I believe the Press Release you issued was inappropriate and should be retracted.

## **1. You Had No Right To Issue The Press Release**

City press releases should not be issued by the Communication Subcommittee based on the position of the committee members, or solely on the Mayor's position. Press releases should be limited to issues on which a majority of the Council has specifically taken a position.

The Press Release included the following statement:

"I was sad that the Council's vote caused disappointment for the councilmember who was next in line, Hany Fangary," Mayor Campbell added. "He and I had discussed the need for him to work collaboratively with the city manager, but he's publicly stated that he has no confidence in the city manager and has not spoken or communicated with the city manager for several months. To make him mayor pro tem would create an unworkable situation because the mayor pro tem's role requires communication and coordination with the city manager on an almost daily basis. I would welcome his rotation to mayor pro tem when he is willing to work with the city manager."



# City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, CA 90254-3885

Hany S. Fangary, Councilmember

hfangary@hermosabch.org

310-340-4773

Although that may be your personal opinion, the City Council has not voted on, evaluated this position, or taken any other substantive action regarding this issue, at any public meeting or during any closed sessions. The Council has not taken a position, through a motion by a majority of Council, or through any other formal means, that is consistent with the statements you included in the Press Release. As such, you had no authority by the City Council to include the statement above and have it issued by the City.

## **2. Statements Included In The Press Release Are False and/or Misleading**

### **a. Communications with Suja for the past few months**

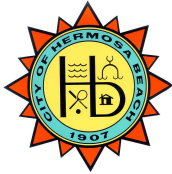
The Press Release states that Councilmember Fangary “has not spoken or communicated with the city manager for several months”, which is blatantly false. There is plenty of evidence, in dozens of our City Council meetings, both public meetings and closed session meetings, in which I clearly communicated with the City Manager. In fact, I believe the very last statement I made in our latest City Council meeting on 11/18/2019 was to thank Suja for re-scheduling the agenda item regarding Approval of the Municipal Lease Policy to the January City Council meeting, in response to my request.

In addition, prior to most City Council meetings, I send my questions regarding staff reports to Ann Yang for her to pass on the questions to the appropriate staff member. Typically, prior to the City Council meeting, I receive emails from staff with responses to my questions, which Suja is copied on. If I have any other questions regarding these issues, I respond back to the staff member, and copy Suja on my communication. I have been doing this in preparation for City Council meeting for the past several years, well before Suja was hired. I have dozens of emails over the past few months that prove these numerous communications with Suja and City staff.

In preparation for tonight’s City Council meeting, I went through the emails I sent either directly to Suja or to City staff, copied to Suja. I did not include all sent emails as some of the emails included references to closed session issues or were copied to the City Attorney. Excluding emails that were privileged and/or confidential, I sent almost 100 emails to Suja over the past few months, since the beginning of May. I printed these emails, and considered attaching them as an exhibit to this letter, but did not think that would be very helpful. However, I will have them with me at the meeting tonight if you or anyone else would like to review them. Some may think that sending 100 emails to Suja in a few months may be too much communication.

Contrary to the statement included in the Press Release, there is no protocol or requirement that mandates that a councilmember, irrespective of their role on the Council, needs to communicate with the city manager on a daily basis. Frankly, I believe such communication would be excessive, and may be construed by the city manager as micromanaging their





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responsibilities. The fact that you may elect to be in communications with Suja on a daily basis does not make that a requirement of the role of the Mayor Pro Tem.

Although my communications with Suja, and City staff, for the past few months have been primarily through emails or text messages, I never stated that I would be opposed to participating in meetings or conference calls if that is needed in my role as mayor pro tem. If you concluded that for some reason that I was not prepared to do so, that was an incorrect assumption.

**b. The Mayor Pro Tem's role does not requires communication and coordination with the city manager on an almost daily basis**

Your assertion in the Press Release that Mayor Pro Tem's role requires communication and coordination with the city manager on an almost daily basis is false, and not supported by my own prior experience as Mayor Pro Tem, or by Justin Massey's experience as Mayor Pro Tem during the time I served as Mayor.

During the time I served as Mayor, and Justin served as Mayor Pro Tem, the only tasks the Mayor Pro Tem was expected to do in addition to the councilmember's duties were coordinating issues relating to the City Council agendas with the City Manager twice a month and representing the city at events if the Mayor is not available to do so. These tasks do not require coordination with the City Manager on an almost daily basis, and I suspect Justin did not coordinate and/or communicate with the city manager when he was the mayor pro tem anywhere near a daily basis. Further, I never said that I would not communicate with Suja, or her staff, to satisfy the requirements of my role as mayor pro tem.

**3. Statements Included In The Press Release Violate My Privacy Rights**

One of the issues you raised in the Press Release about my conduct was the fact that I publicly stated that I have no confidence in the city manager. However, I clearly and specifically cleared with our City Attorney Michael Jenkins what I publicly announced, and limited my announcement to the very short sentence or two that Michael Jenkins approved. I did that, as instructed by our City Attorney, out of respect for Suja's privacy rights.

Yet, the statements you made in the Press Release, in addition to being false and misleading, constituted a significant negative evaluation of my job performance, and did not respect my privacy rights. In addition, you were not authorized by a majority of the Council to include these statements about my job performance in the Press Release.



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*Hany S. Fangary, Councilmember*

*hfangary@hermosabch.org*

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#### **4. Statements Included In The Press Release Are Confidential**

Statements included in the Press Release included information that was exchanged during the City Council's Closed Session meetings. These communications are privileged, and as our City Attorney has previously communicated to Council, the City Council holds the privilege and may in its discretion by majority vote waive the privilege, which the Council has not done. Therefore, you had no authorization to disclose any information that was communicated during the Closed Session meetings, which you have in the Press Release.

I feel bound by my obligation as a councilmember not to disclose any of the privileged information discussed in close session. As such, your actions have placed me in the very difficult position of asserting that my actions are unprofessional and unacceptable, yet I am unable to defend myself because doing so would require me to share information exchanged during Closed Session meetings, which I construe as privileged and that such privilege cannot be waived without a majority vote of the City Council.

#### **5. Statements Included In The Press Release Negatively Impact My Reputation**

As stated above, I believe most of the statements you included in the Press Release about me are either false, misleading, or were part of the Closed Session privileged communications. The false and misleading statements you made against me, which for the reasons listed above I am precluded from responding to, have significantly negatively impacted my reputation, and unless you and the City retract these statement immediately, the damage to my reputation will continue.

Sincerely,

Hany Fangary,  
Councilmember

cc: Michael Jenkins ([Michael.Jenkins@bbklaw.com](mailto:Michael.Jenkins@bbklaw.com))

12/4/19 SPECIAL MEETING, ITEM 2 - BROWN ACT DEMAND TO "CURE AND CORRECT"  
SUPPLEMENTAL EMAIL SUBMITTED BY JIM LISSNER TO THE CITY MANAGER'S OFFICE ON 12/4/19  
AT 2:49 P.M.

From: Jim <jim@vivahermosa.com>  
Sent: Wednesday, December 4, 2019 2:49 PM  
To: Ann Yang <anny@hermosabeach.gov>  
Subject: Mayor Pro Tem rotation, council meeting of Dec. 4

From Jim Lissner

Councilmembers:

Your earlier action regarding the mayor pro tem rotation certainly needs to be examined, but that examination should not be cause or excuse to delay discussion of the most serious issue before the community, the state of our police department.

Sincerely,

Jim Lissner

**From:** noreply@granicusideas.com <noreply@granicusideas.com>

**Sent:** Wednesday, December 4, 2019 3:17 PM

**To:** Ann Yang <anny@hermosabeach.gov>; City Council <citycouncil@hermosabeach.gov>; Suja Lowenthal <suja@hermosabeach.gov>

**Subject:** New eComment for City Council Special Meeting (Open Session - 6:00 PM and Closed Session to follow tentatively at 8:30 PM)

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## New eComment for City Council Special Meeting (Open Session - 6:00 PM and Closed Session to follow tentatively at 8:30 PM)

Erika Stubstad submitted a new eComment.

Meeting: City Council Special Meeting (Open Session - 6:00 PM and Closed Session to follow tentatively at 8:30 PM)

Item 2: In response to the November 27, 2019 "Cure and Correct" Demand Letter from Anthony Higgins pertaining to the November 21, 2019 Mayor Pro Tem selection: a) Consider whether or not to respond to the demand by: i. Rescinding the action taken on November 21, 2019 to select a Mayor Pro Tem; ii. Accepting public comment; iii. Accepting nominations for Mayor Pro Tem; and iv. Voting on selection of Mayor Pro Tem.

eComment: Dear Hermosa Beach City Council, I am surprised as a little beach city we are at this cross-roads, and I am disappointed in the newly seated Mayor, Mary Campbell. It seems as though Hermosa beach residents can not trust you to follow simple procedures, such as following a scheduled rotation of mayor / mayor pro-tem that has been in place for 40 years. Is this an indication of how you will act with complicated issues that arise? Are you capable of bringing various differing opinions to the table for complicated and difficult conversations? What about transparency to those you represent, the Hermosa Beach residents? I hope you have taken time to reflect on your actions and the resulting questions / concerns that have arisen due to them. I would like to remind all those seated on the Council, you hold a public office, which is defined as a position of authority or service, involving responsibility to the public. Responsibility to myself and other 19,707 residents of Hermosa Beach. You have a responsibility to represent us, not just yourself. The path forward is simple, admit the lapse in judgement, take responsibility for your actions, and correct this issue by following the scheduled rotation for Mayor Pro-tem, Hany Fangary, so we can move on to more pressing issues this city faces.





# City of Hermosa Beach

City Hall  
1315 Valley Drive  
Hermosa Beach, CA 90254

## Staff Report

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### Staff Report

19-0790

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Closed Session of December 17, 2019**

### **CONFERENCE WITH LABOR NEGOTIATOR**

**Government Code Section 54957.6**

**City Negotiator:** City Manager

### **Employee**

**Organizations:** Hermosa Beach Police Officers' Association  
Police Management Bargaining Group  
Hermosa Beach Management Association  
Unrepresented Employees



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## Staff Report

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### Staff Report

19-0791

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**Honorable Mayor and Members of the Hermosa Beach City Council  
Closed Session of December 4, 2019**

#### **CONFERENCE WITH LEGAL COUNSEL: Initiation of Litigation**

##### **Government Code Section 54956.9(d)(4)**

The City finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the City in the litigation.

Number of Potential Cases: 1