

Switzer, Donna

From: Fikes, Cathy
Sent: Friday, December 17, 2021 8:28 PM
To: Agenda Alerts
Subject: FW: I support Michael Gates our city attorney!

From: Cheryl Horeczko <Jeremiah033@live.com>
Sent: Friday, December 17, 2021 7:47 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: I support Michael Gates our city attorney!

Dear City Council,

I signed the petition to recall all 5 liberal council members and I hope you will be gone soon!

Cheryl Horeczko

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Friday, December 17, 2021 8:51 PM
To: Agenda Alerts
Subject: FW: Council Agenda Item #37 ...

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37 (21-1008)

From: Gino J. Bruno <gbruno@socal.rr.com>

Sent: Friday, December 17, 2021 8:49 PM

To: CITY COUNCIL <city.council@surfcity-hb.org>

Cc: Gates, Michael <Michael.Gates@surfcity-hb.org>; Chi, Oliver <oliver.chi@surfcity-hb.org>; Sean.Joyce@surfcity-hb.org; Hopkins, Travis <thopkins@surfcity-hb.org>; Estanislau, Robin <Robin.Estanislau@surfcity-hb.org>

Subject: Council Agenda Item #37 ...

To: Mayor Delgleize and Council members Posey and Kalmick:

Please WITHDRAW your illegal (and unwarranted) "H" Item on Tuesday's City Council Agenda (Item #37).

The issue you raise in your "H" Item has already been litigated and adjudicated numerous times in California, and these long-standing precedents are contra to your position.

The 1981 case of O'Connor vs. Hutton [Court of Appeal, Fourth District, Div. 1, 4 Civ. No. 245336] arose here in Huntington Beach, and involved our former City Attorney Gail Hutton. The unanimous District Court in O'Connor considered the Huntington Beach City Charter, and specifically Section 304(b) (which you cite in your "H" Item request), and Section 309 (dealing with the powers and responsibilities of the City Attorney). The Court held:

"The City Council may hire other attorneys to help the city attorney discharge her official duties, but may not relieve her of such duties. Any such attorneys hired by the City Council are under the city attorney's supervision and have no authority to give opinions or act independently of the city attorney." [Emphasis supplied]

"In exercising client control over the City's legal business, the city council has power to hire other attorneys [under Section 304(b)], but this power is limited by the city attorney's powers over City legal affairs, and the City's legal department under City Charter Section 309 and City Personnel rule 4.4." [Emphasis supplied]

"... there is 'only one legal voice in the city,' the city attorney," said the Court.

In regard to the conduct of legal affairs of Huntington Beach, the City Attorney's powers are plenary. The City Council cannot usurp the powers or duties of the City Attorney. The courts of this state have expressly recognized the rule that a public agency, such as the City through its City Council, may not contract and pay for services which the law requires a designated public official, such as our City Attorney, to perform. Jaynes vs. Stockton, 14 Cal.Rptr. 49; Merriam vs. Barnum, 116 Cal. 619.

In the early 1897 decision in Merriam v. Barnum [116 Cal. 619 (48 P. 727)] the California Supreme Court held that a board of supervisors could not hire special counsel to advise it in matters specifically delegated to the district attorney. The Court said:

"The legislature having designated that the board of supervisors has power to employ assistant counsel in the prosecution and defense of suits to which the county is a party, the power cannot be exercised in any other instance. *Expressio unius est exclusio alterius*. ... It is the duty of the county auditor to refuse to draw warrants on the county treasurer in favor of any person not entitled thereto, or in payment of any claim or demand which is not a valid one against the county."

"The contract [to hire outside counsel], then, was merely an attempt on the part of the board of supervisors to pay special counsel by the month for performing a duty which the law imposed upon the district attorney. ... However valuable the services of the [outside counsel] may have been to the county in this instance, to permit compensation for them would be to override the law, and to destroy one of the strongest safeguards cast about the expenditure of county funds."

In other words, it would be against the law for the City of Huntington Beach to pay any outside legal bills not authorized by our City Attorney.

To the same effect was the 1961 District Court of Appeal case of *Jaynes v. Stockton* [193 Cal.App.2d 47], which held that a school district was not authorized to employ outside counsel to obtain advice when the services of county counsel were available.

Thus, with the duties of our City Attorney spelled out in our City Charter in Section 309, although the City Council may employ outside counsel, such outside counsel may only help our City Attorney, and be subject and subordinate to the City Attorney. And not otherwise.

The Law on this is clear.

Thus, I urge Mayor Delgleize and Council members Posey and Kalmick to gracefully withdraw their "H" Item.

TO: Council members Carr, Moser, Bolton and Peterson:

The majority of the City Council should NOT be permitted to end-run (and violate) Sections 300 and 309 of our City Charter, or attempt to violate long-standing precedent in The Law.

If the "H" Item is not withdrawn, I urge you to **VOTE NO** on Agenda Item #37 on Tuesday's City Council Agenda for the reasons stated above.

Thank you.

Gino J Bruno
Huntington Beach

Switzer, Donna

From: Fikes, Cathy
Sent: Monday, December 20, 2021 8:59 AM
To: Agenda Alerts
Subject: FW: Council Agenda Tuesday, December 21st to hire outside Legal Counsel

From: Richard Hart <rwkkhart@aol.com>
Sent: Saturday, December 18, 2021 11:47 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Cc: Richard Hart <rwkkhart@aol.com>
Subject: Council Agenda Tuesday, December 21st to hire outside Legal Counsel

Dear Council Members,

I am opposed to you hiring outside counsel. The voters of Huntington Beach have said via the City Charter that the only person to provide legal advice to the Council is the elected City Attorney. The voters have wisely said that they want independent legal advice being provided and not an attorney who serves at the pleasure of the Council. Unfortunately, a majority of the current Council cannot be trusted to act in the best interest of its citizens and therefore the people must be protected from your self serving actions by having an independent attorney. If you proceed to hiring outside counsel you will only encourage and embolden the recall effort.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21)-1008

Switzer, Donna

From: Fikes, Cathy
Sent: Monday, December 20, 2021 8:59 AM
To: Agenda Alerts
Subject: FW: Upcoming Item H

From: Van Zwick <vanzwick@gmail.com>
Sent: Sunday, December 19, 2021 10:00 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Upcoming Item H

Dear ELECTED Officials,

Your upcoming agenda item H is an affront to the City and its oft voted on Charter. Your attempt to circumvent the decision of the people to to push your own, personal, money driven agenda is frankly, criminal.

It is shocking that in the face of a recall push, you would choose to throw away the Charter that the people have confirmed on numerous occasions. The City Attorney has on numerous instances proven to be a valuable asset to the City and his last election proves his standing with the citizens. Your feeble attempt at smearing him is frankly quite childish and very transparent.

If you at all value your representation of the voters, you will drop this item and apologize to the citizens for your blatant power grab.

Sincerely,

Sylvan Zwick

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Monday, December 20, 2021 9:00 AM
To: Agenda Alerts
Subject: FW: ATTENTION!

From: Anthony D'Asaro <Anthony.Dasaro@epicbrokers.com>
Sent: Sunday, December 19, 2021 10:57 AM
To: Delgleize, Barbara <Barbara.Delgleize@surfcity-hb.org>; Kalmick, Dan <Dan.Kalmick@surfcity-hb.org>; Posey, Mike <Mike.Posey@surfcity-hb.org>
Cc: Carr, Kim <Kim.Carr@surfcity-hb.org>; Fikes, Cathy <CFikes@surfcity-hb.org>; Jun, Catherine <catherine.jun@surfcity-hb.org>; Moser, Natalie <Natalie.Moser@surfcity-hb.org>; Peterson, Erik <Erik.Peterson@surfcity-hb.org>; Mike.gates@surfcity-hb.org; Miichael.gates@surfcity-hb.org
Subject: ATTENTION!

RE: H item

I attended my first City council Meeting in years. The last one was actually in 1977. Shame on me! Since that time I have watched several HB mayors and officials violate the law and get convicted. I back Michael Gates 100% on this issue. You are no different than the radical left who violate the Law every day and the flip us all off and say, "F - you, do something about it.". Well we are and will continue to do so until your evil ways are completely extinguished.

I thank you for helping me decide what to do as I retire. I will spend as much time as it takes to expose and depose all of you criminals. What I saw at the city council meeting I attended were a bunch of self-serving egotistical people patting themselves on the back and praising each other on how wonderful you all are. That's fine and I am not about to say that some things you have accomplished are not good things. Who could possibly argue that a new fence along the bike path at the Beach is not a good thing. But those good deeds do not cover up the evil you disperse with your clandestine agenda and actions.

The only thing necessary for the triumph of evil is for good men to do nothing.

Anthony J. D'Asaro

Huntington Beach

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Monday, December 20, 2021 9:02 AM
To: Agenda Alerts
Subject: FW: Agenda Item 37 for 12/21/21

-----Original Message-----

From: Cathey Ryder <the4ryders@gmail.com>
Sent: Monday, December 20, 2021 3:23 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Agenda Item 37 for 12/21/21

We commend the City Council for recognizing that there are oftentimes it is necessary to seek a second opinion from an outside law firm on legal issues facing the city. It does not reflect a lack of confidence in our current City Attorney or his staff. This is a common practice to seek a second or even a third set of eyes or legal counsel. That is what professionals do. Every effort should be made to ensure that our City Council is given the best possible legal counsel.

The mere fact that our City Attorney is objecting so strongly to this practice, that ultimately may benefit the city, makes us question the reasons behind his objection.

We support Agenda Item 37.

Cathey and Bob Ryder
Voters and Homeowners in HB since 1985.

Sent from my iPhone

SUPPLEMENTAL COMMUNICATION

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Monday, December 20, 2021 8:58 AM
To: Agenda Alerts
Subject: FW: Item 37 on tonight's agenda

From: Linda Law <llaw2449@gmail.com>
Sent: Monday, December 20, 2021 8:51 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Item 37 on tonight's agenda

My husband and I support item 37 on tonight's agenda. The City Council should be able to seek the assistance of outside legal help when needed.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Steven C Shepherd Architect <steve@shepherdarchitects.com>
Sent: Monday, December 20, 2021 9:48 AM
To: supplementalcomm@surfcity-hb.org
Subject: Support for Agenda Item #37

Hello City Councilmembers –

It is with great sadness that I must strongly support Agenda Item #37.

Once you've lost confidence in a legal advisor, it is always best to seek different or additional representation. Regardless as to whether this agenda item passes or fails, I find it extremely disappointing that a portion of the Huntington Beach City Council believes they can no longer rely solely on the city attorney for soundly-reasoned and accurate legal advice. In my mind this is essentially a vote of "no confidence" in Mr. Gates, and given what we've seen during his tenure as city attorney, this hardly comes as a surprise.

I've often felt that Mr. Gates forgets or simply ignores the appropriate exercise of his position in our local government. Rather than serving as a trusted legal advisor working to empower and protect our city from needless legal exposure, more often than not he appears to simply be seeking to advance his own personal agenda regardless of the financial or reputational cost to our city. As a resident, my vote for city attorney comes with the assumption that this official will work with our elected councilmembers and city staff not against them and always prioritize city goals ahead of personal ones.

I support any future expenditure used to obtain a highly qualified third party legal opinion. I feel it is both justified and a sound investment. Looking out for the best interests of our community should always be bigger than any single person.

Thank you,
Steve Shepherd
Huntington Beach 92646

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Monday, December 20, 2021 2:02 PM
To: Agenda Alerts
Subject: FW: City Attorney

-----Original Message-----

From: Quinn <quinnstahl@yahoo.com>
Sent: Monday, December 20, 2021 12:11 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: City Attorney

I'm writing in opposition to your agenda item regarding hiring outside legal counsel. I am strongly opposed to any legal counsel appointed by the city council as this is against our charter, appears to be an unethical way to circumvent a city attorney that you appear not to like, and seems like quite a sneaky way to manipulate a situation behind the backs of the residents. We elected Michael Gates and I am against anything the city council does to try and undermine our election of him. Michael Gates is the best city attorney we've ever had and one of the few individuals within city hall right now that I would deem trustworthy. Initially I wasn't necessarily supportive of a recall as it was the conservative candidates own faults for all wanting to be on the ballot and split the vote, but that more I tune into the behavior, voting and shadiness of the current council, the more I understand why people are pushing for a recall. I certainly won't vote to re-elect most of the current council and want you to stop going rogue to implement your own agenda.

Please remove the outside counsel agenda item from your Tuesday meeting and stop ignoring our city charter.

Regards,
Quinn Stahl
HB resident

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Monday, December 20, 2021 4:20 PM
To: Agenda Alerts
Subject: FW: I STAND WITH GATES

From: terryagriffin <terryagriffin@verizon.net>
Sent: Monday, December 20, 2021 2:58 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: I STAND WITH GATES

You are not above the law! We elected him for a reason!
Back off- you are wrong.
Terry griffin
7861 Happy Dr
Hb. 92748

Sent from my Verizon, Samsung Galaxy smartphone

SUPPLEMENTAL
COMMUNICATION

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Monday, December 20, 2021 4:50 PM
To: Agenda Alerts
Subject: FW: Item #37 / Hiring of an outside legal firm

From: Steve Farnsworth <hazmn54@gmail.com>
Sent: Monday, December 20, 2021 4:48 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Cc: Steve Farnsworth <hazmn54@gmail.com>
Subject: Item #37 / Hiring of an outside legal firm

Huntington Beach City Council Members Delgleize, Posey, Kalmick, Carr, Moser and Bolton,

As a resident of Huntington Beach for almost 40 years I have NEVER seen such a dysfunctional, power hungry City Council as I have seen this past year. You are City Council Members, elected to that position to serve in the best interest of the City of Huntington Beach and it's residents, not to become the almighty OZ and do what pleases you regardless of what the citizens think or what is in the best interest of the City.

I fully support Michael Gates and what he has done for Huntington Beach and it's citizens. If you want a City Attorney to work directly for you, then change the City Charter. Don't just hire an outside legal firm at your whim to do as you please. I am asking you to vote against the Delgleize, Posey, Kalmick trio of hiring a legal firm to agree with whatever you come up with next. I could go on, but I'll keep it civil and hope you take into account the many emails and speakers that you will no doubt hear from on this issue.

Thank you,

Steve Farnsworth

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Monday, December 20, 2021 5:36 PM
To: Agenda Alerts
Subject: FW: City Council Meeting 12/21/21 Agenda

From: donnadillon214@aol.com <donnadillon214@aol.com>
Sent: Monday, December 20, 2021 5:29 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: City Council Meeting 12/21/21 Agenda

Honorable Mayor Delgleize and Council Members,

Please pull these items from the consent agenda at the 12/21/21 Council meeting. The citizens of Huntington Beach need to hear your discussion as to why these actions are necessary:

19. 21-1002 Approve and authorize approval of two on-call Professional Services Contracts for Citywide Leadership Development Training with All American Leadership, LLC, and the Southern California Center for Nonprofit Management

24. 21-909 Adopt Ordinance Nos. 4239, 4240, 4241, 4242, 4243, 4244 updating the Huntington Beach Municipal Code to reform, consolidate, and dissolve a select number of the City's Boards, Commissions, and Committees

Approved for introduction November 16, 2021 - Vote 7-0 (#4239, #4241, #4242, #4243, #4244) and 6-1 (Peterson-No) on #424

Please take action:

H Item 21-1008 - Pull this item or vote against it if Mayor Delgleize, Mayor Pro Tem Posey, and Councilman Kalmick proceed. It is unclear to the residents of Huntington Beach, who voted unanimously for City Attorney Michael Gates, why this action is necessary. Does the City's Attorneys Office need extra help? If you are proposing to hire legal council independent of Michael Gates' office, this action will usurp his authority and will end up in protracted litigation. Is this your intention? I am interested to hear their justification of this proposal and why they (Delgleize, Posey, Kalmick) think the City Charter allows this. Michael Gates is stellar attorney, and his office represents our city and wins the most challenging cases. **Please vote against this item.**

Respectfully, from a 49 year property owner and resident of Huntington Beach,

Donna Dillon
22102 Jonesport Ln
Huntington Beach, CA 92646
donnadillon214@aol.com

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Monday, December 20, 2021 6:12 PM
To: Agenda Alerts
Subject: FW: Agenda Item 37 on the 12/21/21 calendar

From: larry mcneely <lmwater@yahoo.com>
Sent: Monday, December 20, 2021 6:07 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Agenda Item 37 on the 12/21/21 calendar

I would like to Thank Barbara Delgleize, Dan Kalmick, and Michael Posey, and the other council members who will support Agenda Item 37. This item will be viewed as an insight into things yet to come from this council who have proved to have no bounds in their quest for authority and power. The Timing Could Have Not Have Been Better, this blantent disregard of our City Charter has caused a Spike in the Recall Signatures that has now put this effort over the hill of required signatures. Nice Job !!!!! Thanks for all your help to get yourselves removed from our city council.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Mr. Amory Hanson
8102 Ellis Avenue
Apartment 121
Huntington Beach CA 92646

December 21, 2021

The Mayoress of Huntington Beach
2000 Main Street
Huntington Beach CA 92648

My Dear Madam Mayoress,

I would like to express my opposition to Item XXXVII.

CC: The Honorable Michael Posey
CC: The Honorable Rhonda Bolton
CC: The Honorable Kimberly Buck Carr
CC: The Honorable Daniel Kalmick
CC: The Honorable Natalie Tomich Moser
CC: The Honorable Erik H. Peterson

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Monday, December 20, 2021 9:45 PM
To: Agenda Alerts
Subject: FW: Council Agenda item #37

-----Original Message-----

From: Robert Daniel <bdaniel5@verizon.net>
Sent: Monday, December 20, 2021 7:32 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Cc: Joyce, Sean <Sean.Joyce@surfcity-hb.org>; oliver-chi@surfcity-hb.org
Subject: Council Agenda item #37

Hon. City Council members,

I feel compelled to voice my concern that the city council is not acting in the cities best interest by considering the hiring of an outside attorney.

Huntington Beach has a competent City Attorney and we the citizens elected him intentionally. Making an end run around our elected official is going to get the city involved in an expensive lawsuit. And the council members who voted in favor would clearly be guilty of malfeasance and breach of fiduciary duty. Charges such as these are often hard to prove in court but in this case where there is clear precedent I suspect such charges would be easy for a competent prosecutor to prove.

I urge you all to vote NO if the question of hiring an outside attorney is called to a vote. Please keep the city out of the courts and save the taxpayers money on needless legal fees when the city council members invariable get sued.

DO NOT VOTE TO HIRE an OUTSIDE ATTORNEY!

Thank you.

Respectfully,
Robert Daniel
Huntington Beach

SUPPLEMENTAL COMMUNICATION

Meeting Date: 12/21/21

Agenda Item No.: 37 (21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 9:03 AM
To: Agenda Alerts
Subject: FW: City Council Meeting 12/21/21 Agenda

From: Greg Dillon <gndillon@verizon.net>
Sent: Tuesday, December 21, 2021 8:19 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Fwd: City Council Meeting 12/21/21 Agenda

city.council@surfcity-hb.org

Greg Dillon

**SUPPLEMENTAL
COMMUNICATION**

From: Greg Dillon
Sent: Monday, December 20, 2021 5:29 PM
To: 'city.council@surfcity-hb.org' <city.council@surfcity-hb.org>
Subject: City Council Meeting 12/21/21 Agenda

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Honorable Mayor Delgleize and Council Members,

Please pull these items from the consent agenda at the 12/21/21 Council meeting. The citizens of Huntington Beach need to hear your discussion as to why these actions are necessary:

19. 21-1002 Approve and authorize approval of two on-call Professional Services Contracts for Citywide Leadership Development Training with All American Leadership, LLC, and the Southern California Center for Nonprofit Management

24. 21-909 Adopt Ordinance Nos. 4239, 4240, 4241, 4242, 4243, 4244 updating the Huntington Beach Municipal Code to reform, consolidate, and dissolve a select number of the City's Boards, Commissions, and Committees

Approved for introduction November 16, 2021 - Vote 7-0 (#4239, #4241, #4242, #4243, #4244) and 6-1 (Peterson-No) on #424

Please take action:

H Item 21-1008 - Pull this item or vote against it if Mayor Delgleize, Mayor Pro Tem Posey, and Councilman Kalmick proceed. It is unclear to the residents of Huntington Beach, who voted unanimously for City Attorney Michael Gates, why this action is necessary. Does the City's Attorneys Office need extra help? If you are proposing to hire legal council independent of Michael Gates' office, this action will usurp his authority and will end up in protracted litigation. Is this your

intention? I am interested to hear their justification of this proposal and why they (Delgleize, Posey, Kalmick) think the City Charter allows this. Michael Gates is stellar attorney, and his office represents our city and wins the most challenging cases. **Please vote against this item.**

Respectfully, from a 49 year property owner and resident of Huntington Beach,

Greg Dillon

22102 Jonesport Ln

Huntington Beach, CA 92646

donnadillon214@aol.com

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 10:31 AM
To: Agenda Alerts
Subject: FW: City Attorney and City Charter

From: Dawn Crowley <older.than.dirt@hotmail.com>
Sent: Tuesday, December 21, 2021 9:50 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: City Attorney and City Charter

Our city charter allows us to VOTE for City Clerk, City Treasurer, and City Attorney. Do NOT REMOVE the VOICE of CITIZENS by canceling our RIGHT to VOTE or by doing an end run by hiring additional counsel!!! Leave our city charter alone and rely upon Michael Gates for legal advice.

Dawn Crowley
Huntington Beach resident

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 10:31 AM
To: Agenda Alerts
Subject: FW: City Attorney Michael Gates

-----Original Message-----

From: Jeanne Paris <jeannemarieparis@yahoo.com>
Sent: Tuesday, December 21, 2021 9:49 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: City Attorney Michael Gates

As a long time resident of Huntington Beach I am taken back by your continued overreach and disregard for the people whom you supposedly represent. You work for us and we are not a social experiment. We voted for the City Charter for a reason. We voted for Michael Gates as our City Attorney for a reason - to stop this exact kind of behavior of this CC.

I strongly support Michael Gates. Please stop this underhanded attempt to eliminate his position.

Jeanne Paris
Sent from my iPhone

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 10:32 AM
To: Agenda Alerts
Subject: FW: OPPOSE AGENDA ITEM #37

From: Cari Swan <csवानie@aol.com>
Sent: Tuesday, December 21, 2021 9:44 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: OPPOSE AGENDA ITEM #37

Dear Council Members:

I waited until now, the morning of tonight's council meeting, to send this email, thinking that certainly the authors of Agenda Item #37 would come to their senses. As of this writing, that is not the case.

I do not expect my input to fall on receptive ears but feel it is EXTREMELY IMPORTANT to go on the record of opposition. This item is not only ILLEGAL and putting our City and the Charter at risk, but also a blatant "slap in the face" to the voters of Huntington Beach who voted OVERWHELMINGLY for City Attorney Michael E. Gates. I believe that Mr. Gates "open letter" does a thorough job of explaining the risks and, unlike some elected council members, I am not a lawyer or legal adviser, therefore I will allow Mr. Gate letter to stand on its own merits.

I urge you to OPPOSE AGENDA ITEM #37.

Respectfully,
Cari Swan

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 10:30 AM
To: Agenda Alerts
Subject: FW: City Attorney Gates, Item 21-008

**SUPPLEMENTAL
COMMUNICATION**

From: Kathy Carrick <carrick92647@hotmail.com>
Sent: Tuesday, December 21, 2021 10:21 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: FW: City Attorney Gates, Item 21-008

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

This may be incorrectly identified. I believe it is item #37. Please contact me if you are unable to identify or plan to disregard my email for any reason. Sorry for the error.
Thank you.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Kathy Carrick <carrick92647@hotmail.com>
Date: 12/21/21 12:15 PM (GMT-06:00)
To: City.Council@surfcity-hb.org
Subject: City Attorney Gates, Item 21-008

I am writing to express my strong objection to item 21-008 to hire an outside attorney to answer to the city council.

This is absurd on so many levels. And, as you are aware, it is illegal and in violation of our city charter.

Mr. Gates was elected by the voters of Huntington Beach and has done, and continues to do, an exemplary job for our city. He is the person you should be getting any legal advice you need from.

I can not imagine any reason that you would be trying to hire outside counsel to go around Mr. Gates other than the fact that you dislike him vehemently and disagree with the desires of your constituents.

This action is shameful, but, sadly, not surprising given the history of this council. The residents of HB want Mr. Gates to take care of HB's legal issues and want you to immediately remove this item from the agenda.

Respectfully,

Kathy Carrick
HB resident

Switzer, Donna

From: Bob Banzett <bob4change@earthlink.net>
Sent: Tuesday, December 21, 2021 10:16 AM
To: supplementalcomm@surfcity-hb.org
Subject: Agenda Item 37

Dear Council Members,

I write in support of agenda item 37 (AKA Item H), procurement of an attorney who can provide legal advice to the council. As I understand the city charter, it is the responsibility of City Council to set policy and goals for the City, and it is the responsibility of the City Attorney to provide legal advice to guide Council in that pursuit.

It seems to me that when our City Attorney has chosen to pursue his own policy and goals rather than those of City Council, the system is not working as intended. As a citizen of HB, I would rather see the City Attorney put his own political agenda aside and act as the attorney for Council. That seems to me to be the job description stated in the Charter.

I read Mr Gates's letter of 12/16 on this matter. He enumerates legal arguments against the Council Members' proposed item 37. I'm not a lawyer, but I can see there are legal arguments to be made for both sides — obviously Council cannot depend on Mr Gates to provide effective legal arguments against Mr Gates's opinions. In essence, Mr Gates's own letter illustrates the need for Council to procure an unbiased attorney.

I appreciate your work for HB, and I know that despite differences in opinion, you are all trying to make HB a better place.

R Banzett
HB Resident

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 10:29 AM
To: Agenda Alerts
Subject: FW: City Attorney

**SUPPLEMENTAL
COMMUNICATION**

From: lori chairez <clchairez@gmail.com>
Sent: Tuesday, December 21, 2021 10:28 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: City Attorney

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Dear Council Members,

You are going to far in trying to undermine our city attorney. He's done a good job and just because your don't agree with several issues doesn't support your behavior. Now your inquiry in how to get rid of the treasurer and clerk. absolutely looks like a grab for power. This is completely unacceptable behavior.

Regards,

Lori Chairez
concerned citizen.

--



Lori Chairez | Realtor® | 714.743.0805

California DRE# 00745605 | Seven Gables Real Estate | DRE# 00783379



Switzer, Donna

From: Alex Dudas <alexdudas@hotmail.com>
Sent: Tuesday, December 21, 2021 11:02 AM
To: supplementalcomm@surfcity-hb.org
Subject: Recall of City Council Members of Huntington Beach

I as a legal resident of Huntington Beach, CA stand stron that all five council memebbers on the Board be removed in a time efficient way and new voted in memeber be put in place. As fairness to all what is being spoken, an new election would be wise to be called. This letter/memo stands as alternate testament to my wishes for I can not personally be there today to partake in the in person voting at Huntington Beach Administrative offices. Please respond with acceptance of this written vote herein.

Thank you,
Alex Dudas
17602 Delong Circle
HB, CA 92649

Get [Outlook for Android](#)

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Bob Irvin <bobbirvin@gmail.com>
Sent: Tuesday, December 21, 2021 11:03 AM
To: supplementalcomm@surfcity-hb.org
Subject: Agenda Item 21-1008
Attachments: Agenda Item 21.pdf

Please forward my comments on today's agenda item 21-1008 to the members of council for their review before the meeting.

thank you

bob irvin

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Agenda Item 21-1008

December 21, 2021

I want to express my disagreement with the need for agenda item 21-1008. I believe the City Attorney is very competent and doing an excellent job. I've been a Huntington Beach resident for almost 40 years and I strongly believe the Council should not approve this Agenda item.

Thank you for your consideration,

Bob Irvin

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 11:04 AM
To: Agenda Alerts
Subject: FW: Opposition to agenda item number 37

From: Ray Raines <rayraines@gmail.com>
Sent: Tuesday, December 21, 2021 10:55 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Opposition to agenda item number 37

Deer council members,

I urge you to oppose item number 37 on tonight's city council agenda. Myself and most of the citizens that I know of Huntington Beach want an elected city attorney as a protection against overreach by the city council.

Respectfully,

Raymond Raines

President

Raines Consulting Services

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 11:04 AM
To: Agenda Alerts
Subject: FW: City Attorney

-----Original Message-----

From: Shawn Hedberg <shawnhedberg@icloud.com>
Sent: Tuesday, December 21, 2021 11:01 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: City Attorney

The City Attorney in Huntington Beach is an elected official and must be per our city charter. Any attempt to undo the will of the people is a crime. Stop trying to get rid of Mr. Gates. I am now going to have to get involved in the recall efforts. It is obvious to me that you are attempting to take over our city.

Shawn Hedberg
Huntington Beach resident

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 11:37 AM
To: Agenda Alerts
Subject: FW: Engaging an outside legal counsel reporting to city council.

Importance: High

From: Nabila Yousef <yes@yesenergies.com>
Sent: Tuesday, December 21, 2021 11:20 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Cc: 'Casey McKeon' <casey4hbcc@gmail.com>
Subject: Engaging an outside legal counsel reporting to city council.
Importance: High

Dear members of Huntington Beach City Council,

I am a resident, Tax payer, Mother, Grand Mother and a retired senior executive of one of the largest Electrical utilities in the world. I have managed large number of professionals, as well as multi **Billion Dollars** of assets (8 units Nuclear power plant of 4,800 MW output). I am telling you this to let you know that I know legal contractual, and fiduciary responsibilities of governing bodies.

Your recent attempt to circumvent public monitoring of your decisions and actions that we HB resident have the right to approve in advance and your outrageous aggressive moves to GRAB POWER, is alarming to say the least in addition to being:

- 1- against the city Charter, Rules and Regulations
- 2- against the very well established principle of checks and balances to avoid corruption and ill-advised and poorly researched policies, and
- 3- against the will of the people who elected you and elected the present legal counsel.

As a Voting resident of HB and a tax payer, **I hereby instruct you** to cease any activity or initiative to commission/hire/contract/etc. any outside legal counsel/firm, without the explicit approval of the elected Legal Counsel Mr. Gates and the proper request for proposal if he deems it necessary with input from the council, but the final decision is his and his alone. After all you are working for me and my fellow voters. Any other action on your part may (and probably will) expose you to legal actions against you and anyone that will enable you in this matter.

Do the right and legal thing, and stop this grab of power that is not awarded to you.

Nabila Yousef (B.Sc., M.A.Sc.)

Tel: 714.290.3934

Email: yes@yesenergies.com

Web: www.yesenergies.com

SUPPLEMENTAL COMMUNICATION

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Frank Daniels <frdanie@aol.com>
Sent: Tuesday, December 21, 2021 11:28 AM
To: supplementalcomm@surfcity-hb.org
Cc: Frank Daniels
Subject: 21-1008

I've been a resident of Huntington Beach for over 50 years.

I'm against 21-1008 since Huntington Beach doesn't need an outside legal firm to report and support the City Council.

I endorse and support the Huntington Beach City Attorney, Michael Gates.

Please vote 21-1008 down!

Thank you,

Frank V. Daniels

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Mark Tonkovich <marktonko@gmail.com>
Sent: Tuesday, December 21, 2021 12:01 PM
To: supplementalcomm@surfcity-hb.org
Subject: H

My wife and I are against item 37 with item H. Please do not pass.

Mark and Valerie Tonkovich

Sent from my iPhone

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Deby Pierce <deby.pierce@gmail.com>
Sent: Tuesday, December 21, 2021 12:07 PM
To: supplementalcomm@surfcity-hb.org
Subject: Tonight's council meeting

This is a plea to find a way to stop the division in Huntington Beach. Go about things you would like to get done without the possibility of reproach. Figure a way to bring us all together. Praying for us all.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Janet Bean <janetbeandesigns@gmail.com>
Sent: Tuesday, December 21, 2021 12:24 PM
To: supplementalcomm@surfcity-hb.org; CITY COUNCIL
Subject: Michael Gates

To the dishonorable city council members,

It is not surprising that you are trying to get rid of Mr. Gates at all. You have shown the community that you are all self serving (Erik excluded) or serving only those who you make back door deals with. You do not think about the community, you do not care about the community, all you care about is helping those who line your campaign pockets.

Mr. Gates has a proven track record as being the best this city has to offer. What he is not, is your puppet and that is the reason you want him gone. He stands for the citizens and this community in a way that you could never have the integrity to do. He does not put himself first, he puts his community first and protects this community to a very high degree.

This community does not want a council who puts in place their hand picked attorney, that serves at their request and not for the community. We voted on and want to continue to vote for the person we feel will serve us best. But, as you have shown, you have no respect for the vote or the democratic way our city should be run. We do not want you changing the city charter just to support your selfish and corrupt agendas.

This recall cannot happen fast enough. We need council members we can count on to work for the community not against it.

Keep Michael Gates and Keep the Vote Alive!! Bring integrity back to the city council!! Shame on all of you!!

Janet Bean

SUPPLEMENTAL COMMUNICATION

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 12:45 PM
To: Agenda Alerts
Subject: FW: Outside Legal Opinion

From: Maria Sugranes <mrsugranes@socal.rr.com>
Sent: Tuesday, December 21, 2021 11:57 AM
To: Bolton, Rhonda <Rhonda.Bolton@surfcity-hb.org>
Cc: Fikes, Cathy <CFikes@surfcity-hb.org>
Subject: Outside Legal Opinion

Seek outside legal opinion.

Sent from [Mail](#) for Windows

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 12:46 PM
To: Agenda Alerts
Subject: FW: Agenda Item #37

From: libbyvince@socal.rr.com <libbyvince@socal.rr.com>
Sent: Tuesday, December 21, 2021 11:52 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Agenda Item #37

Dear Council Members,

I am writing in support of Agenda Item #37 and urge all members of this council to vote in favor of the item.

Notwithstanding the City Attorney's interpretation of the city charter, no single person should have the authority to continually put the city at such huge financial risk as has been happening under the sole authority of City Attorney Michael Gates. The city charter calls for a 7-member city council to oversee the functions of the city and not allowing the council to seek legal advice in pursuit of those duties is derelict at best.

I firmly support the Mayor Delgleize's and Councilmembers Posey's and Kalmick's agenda item to pursue separate legal council to advise the elected City Council.

Thank you,
Libby Frolichman

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 12:47 PM
To: Agenda Alerts
Subject: FW: No on item numbers 19, 24, 37

-----Original Message-----

From: Betty <bettyinhb@yahoo.com>
Sent: Tuesday, December 21, 2021 11:43 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: No on item numbers 19, 24, 37

Mayor and council I strongly urge you to vote NO on the following item numbers.

****No on;**

Item# 19. 21-1002

Approve and authorize approval of two on-call Professional Services Contracts for Citywide Leadership Development Training with All American Leadership, LLC, and the Southern California Center for Nonprofit Management
Recommended Action:

- A) Approve and authorize the Mayor and City Clerk to execute "Professional Services Contract Between the City of Huntington Beach and All American Leadership, LLC, for Leadership Development Training;" and,
B) Approve and authorize the Mayor and City Clerk to execute, "Professional Services Contract Between the City of Huntington Beach and Southern California Center for Nonprofit Management for Leadership Development Training.

****No on;**

Item# 24. 21-909

Adopt Ordinance Nos. 4239, 4240, 4241, 4242, 4243, 4244 updating the Huntington Beach Municipal Code to reform, consolidate, and dissolve a select number of the City's Boards, Commissions, and Committees Approved for introduction November 16, 2021 - Vote 7-0 (#4239, #4241, #4242, #4243, #4244) and 6-1 (Peterson-No) on #4240

****No on the most ridiculous H-item have seen to date; Item# 37. 21-1008** Submitted by Mayor Delgleize, Mayor Pro Tem Posey and Councilmember Kalmick - Request that Staff engage a process to facilitate City Council selection of an Outside Legal Firm that would directly report to and support the City Council Recommended Action:
It is recommended that the City Council direct the City Manager to engage a process to facilitate the City Council's selection of an outside legal firm that would directly report to and support the City Council.
Betty Flynn

Sent from my iPhone

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 12:51 PM
To: Agenda Alerts
Subject: FW: Measure H - Oppose

From: Maureen Sigafoos <maureensigafoos@gmail.com>
Sent: Tuesday, December 21, 2021 7:46 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Measure H - Oppose

City Council Members of Huntington Beach,

I am writing to inform you of my strong opposition to your proposed Measure H. I would appreciate you explaining your action and reasoning as to why you would even propose such an item when, We The People, have elected who we want as our City Attorney. These types of actions, which you suggest, cause citizens to lose faith in your ability to represent us. I encourage you to remove Measure H and work for what is in the best interest of our City.

Regards,
Maureen Sigafoos

SUPPLEMENTAL
COMMUNICATION

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 12:52 PM
To: Agenda Alerts
Subject: FW: H Item

From: c t <icek8s@msn.com>
Sent: Tuesday, December 21, 2021 7:41 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: H Item

Expressing my displeasure with your H item for this evening's meeting. It appears to be illegal and unwarranted.

As residents hear of the outrageous actions of the current city council, the recall continues to gain more and more momentum.

Cynthia Terhune

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 12:53 PM
To: Agenda Alerts
Subject: FW: OPPOSE outside firm to legal representation for HB City

From: Dave and Pat Henry <daveandpathenry@yahoo.com>
Sent: Tuesday, December 21, 2021 6:46 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: OPPOSE outside firm to legal representation for HB City

SUPPLEMENTAL COMMUNICATION

Meeting Date: 12/21/21

From: Dave and Pat Henry <daveandpathenry@yahoo.com>
To: City.Council@surfcity-hb.org <city.council@surfcity-hb.org>
Sent: Monday, December 20, 2021, 06:35:24 PM PST
Subject: OPPOSE outside firm to legal representation for HB City

Agenda Item No.: 37(21-1008)

The City Council is wrong in their attempt to hire an outside firm unless the City Attorney is kept intact as the sole legal representative for the City. It is illegal and unwarranted! Michael Gates has done an outstanding job for our city.

The Law is clear . . .

The 1981 case of O'Connor vs. Hutton [Court of Appeal, Fourth District, Div. 1, 4 Civ. No. 245336] arose here in Huntington Beach, and involved our former City Attorney Gail Hutton. The unanimous District Court in O'Connor considered the Huntington Beach City Charter, and specifically Section 304(b) (which Posey, Delgleize and Kalmick cite as their authority in their "H" Item request), and Section 309 (dealing with the powers and responsibilities of the City Attorney). The Court held:

- "The City Council may hire other attorneys to HELP the city attorney discharge her official duties, but may not relieve her of such duties. Any such attorneys hired by the City Council are UNDER THE CITY ATTORNEY'S SUPERVISION and HAVE NO AUTHORITY TO GIVE OPINIONS OR ACT INDEPENDENTLY OF THE CITY ATTORNEY." [Emphasis supplied]
- "In exercising client control over the City's legal business, the city council has power to hire other attorneys [under Section 304(b)], but this power is LIMITED by the city attorney's powers over City legal affairs, and the City's legal department under City Charter Section 309 and City Personnel rule 4.4." [Emphasis supplied]
- "... there is 'only one legal voice in the city,' the city attorney."

To the same effect is the 1961 case of Jaynes v. Stockton [193 Cal.App.2d 47], which held that a school district was not authorized to employ outside counsel to obtain advice when the services of county counsel were available.

And, in the early 1897 decision in Merriam v. Barnum [116 Cal. 619 (48 P. 727)] the California SUPREME COURT held that a board of supervisors could not hire special counsel to advise it in matters specifically delegated to the district attorney.

This Council needs to stop undermining our City's Charter.

The numerous closed session decisions, at a cost to the HB residents, who are not given a chance to voice or vote has got to stop! I have had enough of this Council's outrageous and inconsiderate behavior!

Pat Henry

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 12:54 PM
To: Agenda Alerts
Subject: FW: Agenda Item 37

From: Linda Wentzel <lindamarieofhb@gmail.com>
Sent: Monday, December 20, 2021 10:22 PM
To: Delgleize, Barbara <Barbara.Delgleize@surfcity-hb.org>; Posey, Mike <Mike.Posey@surfcity-hb.org>; Kalmick, Dan <Dan.Kalmick@surfcity-hb.org>
Cc: Fikes, Cathy <CFikes@surfcity-hb.org>
Subject: Agenda Item 37

Mayor Delgleize, Mayor Pro Tem Posey and Councilmember Kalmick:

I'm very disappointed that you brought Agenda Item 37 to the City Council meeting this week. I have seen that Councilmember Posey has had differences with our City Attorney, Michael Gates, but I've not sensed issues from the other Councilmembers. I have read the detailed, lengthy letter that City Attorney, Michael Gates sent to many Huntington Beach residents and that was posted in the Facebook forums.

I don't know what is legal and what is not. That would be something that a City Attorney should determine. I do know that I like that Huntington Beach has an 'elected' City Attorney. We the people get to choose who is in that position, just like we get to choose those that are on our City Council. That is democracy. Mayor Pro Tem Posey, you are the one Councilmember that has stressed 'local control'. Why wouldn't you want the residents of Huntington Beach to be able to have the control to elect a City Attorney as stated in our City Charter! The City Attorney should serve at the pleasure of the residents of Huntington Beach, not a City Council that may have different views than he does.

Please withdraw Agenda Item 37 and do not bring this up ever again! You may not always agree with Mr. Gates, but we, the residents of Huntington Beach elected Mr. Gates as our City Attorney. Do not waste money on trying to hire a law firm that just agrees with your views! Let him do his job!

A concerned Huntington Beach resident,

--

Linda Wentzel
lindamarieofhb@gmail.com
(c) 714.951.7463

SUPPLEMENTAL COMMUNICATION

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 12:56 PM
To: Agenda Alerts
Subject: FW: Council Agenda item #37

-----Original Message-----

From: Robert Daniel <bdaniel5@verizon.net>
Sent: Monday, December 20, 2021 7:32 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Cc: Joyce, Sean <Sean.Joyce@surfcity-hb.org>; oliver-chi@surfcity-hb.org
Subject: Council Agenda item #37

Hon. City Council members,

I feel compelled to voice my concern that the city council is not acting in the cities best interest by considering the hiring of an outside attorney.

Huntington Beach has a competent City Attorney and we the citizens elected him intentionally. Making an end run around our elected official is going to get the city involved in an expensive lawsuit. And the council members who voted in favor would clearly be guilty of malfeasance and breach of fiduciary duty. Charges such as these are often hard to prove in court but in this case where there is clear precedent I suspect such charges would be easy for a competent prosecutor to prove.

I urge you all to vote NO if the question of hiring an outside attorney is called to a vote. Please keep the city out of the courts and save the taxpayers money on needless legal fees when the city council members invariable get sued.

DO NOT VOTE TO HIRE an OUTSIDE ATTORNEY!

Thank you.

Respectfully,
Robert Daniel
Huntington Beach

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37 (21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 12:56 PM
To: Agenda Alerts
Subject: FW: We Support our City Attorney Michael Gates

-----Original Message-----

From: Pat and Gina Gleason <gleasonfamily@earthlink.net>
Sent: Monday, December 20, 2021 5:25 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Cc: Gates, Michael <Michael.Gates@surfcity-hb.org>
Subject: We Support our City Attorney Michael Gates

This letter is IN SUPPORT of our elected City Attorney, Michael Gates. Please know that the residents who elected him and who support his good and legal representation of our city, would appreciate seeing our Council honor the charter under which you are governed. Mr. Gates' upright character and winning legal record speak for themselves.

As very long term residents, we still have hope that you, the Council for our City, will act in accordance with the task you've been called to - to represent our city fairly and in the best interest of your constituents.

Please do the RIGHT thing in regards to this latest issue. Too many things appear to point in a direction AWAY from what the actual residents of this great city actually desire - please listen to the people and support your City Attorney. The residents need a Council we can have faith and confidence in - honesty and integrity are everything.

Thank you -
Pat and Gina Gleason
Main Street residents since 1994

us God Bless America us
Sent from my iPhone

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(2)-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 1:09 PM
To: Agenda Alerts
Subject: FW: No on H & training

-----Original Message-----

From: Claudette Brunelli <cbrunellihb@gmail.com>
Sent: Sunday, December 19, 2021 3:44 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: No on H & training

>

> I am completely against spending more of the taxpayer's dollars on hiring outside attorneys. The City of Huntington Beach has a charter that dictates (or should) policy and the council trying to circumvent the charter is outrageous. When will you start listening to the people of Huntington Beach? You are supposed to represent the people.

>

> In addition, I am opposed to spending \$450,000 on leadership training. Again, that is the taxpayers money that surely could go to better things in our city. Fixing roads, feeding the homeless, getting our trash picked up in a timely fashion and so on. That amount of money sounds like a boondoggle! You are once again spending the taxpayers money - it's not your money!

>

> Please start to pay attention to the voice of the citizens!

SUPPLEMENTAL COMMUNICATION

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 1:10 PM
To: Agenda Alerts
Subject: FW: Michael Gates

-----Original Message-----

From: Mary Wall <wwall2@yahoo.com>
Sent: Sunday, December 19, 2021 2:20 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Michael Gates

I agree that the attempt by the Huntington Beach City Council to hire it's own attorney is illegal and unwarranted. I will stand with Michael Gates and help him in any way that I am able.
Mary E Wall - 54 year resident

Sent from my iPhone

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37 (21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 1:11 PM
To: Agenda Alerts
Subject: FW: H Item - Council Meeting 12/21/21

-----Original Message-----

From: Lynda Muir <lynda.f.muir@gmail.com>
Sent: Sunday, December 19, 2021 8:12 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: H Item - Council Meeting 12/21/21

I am a 58 year resident of Huntington Beach. How does it feel to be known as the most corrupt, immoral Huntington Beach City Council that ever 'served' our City? Excluding Eric Peterson, I for one, can not wait for the rest of you to be removed from office.

Michael Gates, OUR ELECTED, city attorney, is the best thing that ever happened to HB, unlike the five of you. It is amazing your arrogance and stupidity has fueled the Recall. Reminds me of that "you have awakened a sleeping giant" mentality. Thank you for that because the Residents are pissed! Shame on all of you! What an embarrassment and you are all quite disgusting!
Lynda Muir

Sent from my iPhone

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37/21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 1:12 PM
To: Agenda Alerts
Subject: FW: Stop it!!!!

From: Taylor Haug <taylorhaug@gmail.com>
Sent: Sunday, December 19, 2021 7:52 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Stop it!!!!

I stand with Michael Gates. Stop the BS. Listen to who we voted for, Michael Gates. --
Taylor Haug

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 1:12 PM
To: Agenda Alerts
Subject: FW: City Attorney

From: Lynn Unger <lynnungerhb@gmail.com>
Sent: Saturday, December 18, 2021 11:00 AM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: City Attorney

City Council Members,

I find your behavior to disregard the City Charter and the vote of the residents to try and remove or undermine our City Attorney, Michael Gates, disgusting and underhanded. Michael Gates along with Eric Peterson are the only two Representatives that the people of HB respect, trust and admire. This city council will rue the day they attempted this illegal action as it will empower and unite the citizens to sign the recall petition. SAVE SURF CITY.

Lynn Unger
7871 Shell Circle
Huntington Beach

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 1:13 PM
To: Agenda Alerts
Subject: FW: City Attorney

From: Diane Snider <dsinhb@me.com>
Sent: Friday, December 17, 2021 10:51 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: City Attorney

Why are you trying to hire outside legal counsel to represent the City Council, at my expense, when you already have an EXCELLENT City attorney.

I'm very discouraged!

Sincerely,
Diane Snider

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 1:13 PM
To: Agenda Alerts
Subject: FW: City attorney

-----Original Message-----

From: Bryan Strople <stroplept@gmail.com>
Sent: Friday, December 17, 2021 10:45 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: City attorney

To whom it may concern,

I am a loyal tax paying HB resident and I am appalled after reading the recent letter from our city attorney that illustrates how some city counsel members have tried to hire outside counsel to circumvent the decision and advise of our own city attorney. It is clearly wrong, corrupt, and illegal. I find it ridiculous that this counsel would attempt to hire outside legal counsel to represent the City Council, at our expense, when they already have our excellent City attorney and I am voicing my opposition to this action and them. It seems Eric Peterson is the only voice of reason left and I hope the remaining counsel members will reconsider their position. I support Mr. Gates position in this matter.

Respectfully,

Bryan J Strople

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Y Mauro <eventexpos@gmail.com>
Sent: Tuesday, December 21, 2021 1:32 PM
To: supplementalcomm@surfcity-hb.org; CITY COUNCIL
Subject: Agenda Item #37 December 21, 2021 City Council Meeting

2021 City Council Members,

It is with heavy heart I write this, as I know it will fall on deaf ears, however, I feel compelled to have a public record of my stand on agenda Item 37 included in the December 21 City Council meeting.

I strongly oppose your request to direct staff in any manner regarding contracting any legal council for Huntington Beach not elected or under the supervision of the current City Attorney Michael E. Gates...

You do not get to decide "confidence" in our City's legal representation. WE THE PEOPLE DO.. and our confidence in Michael Gates far surpasses any confidence we may have ever had in you.

Since the City Attorney is the person who interprets our City Charter. It would be interesting to know who among you has taken it upon yourself to interpret Section 304 (b) of the Huntington Beach Charter without Michael Gates Council?

I strongly urge you to pull item 37 from tonight's agenda.

Sincerely
Yvonne Mauro

SUPPLEMENTAL
COMMUNICATION

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Sue Jervik <suejervik@pm.me>
Sent: Tuesday, December 21, 2021 1:33 PM
To: supplementalcomm@surfcity-hb.org
Subject: Opposition to 12.21.21 City Council meeting Agenda Item H

Dear Huntington Beach City Council Members,

I am writing in opposition to Item H on the city council meeting agenda for 12.21.21. Per our city charter, the City Attorney is elected to uphold and defend the law and represent our city in legal matters. The city council does not have the authority to choose their own legal counsel. Michael Gates was elected and then reelected by the citizens of Huntington Beach. I am in full support of Michael Gates as our City Attorney.

Regards,

Susan Jervik

Resident of Huntington Beach

NOTICE: This electronic mail (email) message, including any attachments, is intended for the use of the person or entity to which it is addressed and may contain information that is privileged and confidential, the disclosure of which is governed by applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this information is STRICTLY PROHIBITED.

If you have received this message by error, please notify the sender by reply and immediately destroy this email and any attachments.

Sent from ProtonMail mobile

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 1:56 PM
To: Agenda Alerts
Subject: FW: Item #37

From: deborah austin <dewyaustin@outlook.com>
Sent: Tuesday, December 21, 2021 1:49 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Item #37

To :
City council HB,
As a long time resident of Huntington Beach I oppose item # 37 . I support Michael Gates and he is doing an excellent job as our city attorney.
Thank you ,
Deborah Austin

Dewy Austin 🌸
Dewya@outlook.com

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 1:58 PM
To: Agenda Alerts
Subject: FW: MyHB-#877321 City Council [51263]

From: MyHB <reply@mycivicapps.com>
Sent: Monday, December 20, 2021 10:56 AM
To: Jun, Catherine <catherine.jun@surfcity-hb.org>; Fikes, Cathy <CFikes@surfcity-hb.org>; Frakes, Sandie <Sandie.Frakes@surfcity-hb.org>
Subject: MyHB-#877321 City Council [51263]

MyHB
New Report Submitted - #877321

Status

new

Work Order

#877321

Issue Type

City Council

Subtype

All Council Members

Notes

Support the approval of construction for the park at the Rogers Site, Agenda item 21-879

[Open Dashboard](#)

Reporter Name

Karen Thoms

Email

thomsk1@verizon.net

Phone

714-625-7114

Report Submitted

DEC 20, 2021 - 10:56 AM

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Please do not change subject line when responding.

Switzer, Donna

**SUPPLEMENTAL
COMMUNICATION**

From: Anone Mouse <a_non_e_mouse3@yahoo.com>
Sent: Tuesday, December 21, 2021 1:56 PM
To: supplementalcomm@surfcity-hb.org
Subject: Please Read during Public Comments - regarding Item 37

Meeting Date: 12/21/21
Agenda Item No.: 37(21-1008)

Dec 21, 2021 - A letter to our City from an Employee:

As an employee of one of the greatest cities around, I thought it was important that you had one employee's take on the current issues that seem to be the focus of some social media posts as of late.

This letter has not been written by any union, has not had any input from any attorney, it is simply what I see as an employee of Huntington Beach.

In the past two years, things on this planet have been crazy. But, one thing that has remained is the dedication of Oliver Chi, our Executive Team, and our City Council Members. I have seen more done within the walls of City Hall than we have seen in decades. I have seen the focus on the Citizens of this City finely honed in regards to spending and policy changes. We have seen teamwork skyrocket. Since notice of Oliver's departure, I have thought often that we have been witness to what can only be described as the "golden era" of Huntington Beach, meaning we were in the confluence of a great City Manager, amazing Department Heads, and an outstanding City Council. It's sad to see Oliver and Chief Harvey go, but I'm glad to have been witness to the greatness we are all capable of.

Over the last several years, it has also been painfully obvious that politics has become the focus of some of our elected officials. Most notably Michael Gates. Mr. Gates came to the city on the back of a smear campaign against our previous City Attorney, who had literal decades of municipal law background, with his meager 5-year law experience. People argue about the management style of the past City Attorney, but no one can argue that she worked well with the City Council, and gave sound legal advice. She was excellent in applying her knowledge to the best outcome for the City as a whole, and wasn't focused on partisanship or political gain.

As a side note, Gates has tried to reach out to the previous City Attorney to ask her to speak on his behalf at tonight's Council Meeting. Can you imagine that?

When Gates won the election, he immediately began pursuing the good graces of the defamed prior Orange County District Attorney, Tony Rackauckas for the sole purpose of being named "heir to the throne" as the next in line for OCDA. We all know how that turned out for Rackauckas, and subsequently to Gates.

In the past few years, it appears the Council members' trust of the City Attorney has been strained. It seems as though he has worked behind their backs to manipulate the direction of the City towards his own political leanings. Because of this, the Council members, understandably, would like to seek outside legal advice when they believe they are being led astray. They are NOT trying to get rid of the position of Elected City Attorney, nor are they trying to get rid of the City Attorney's Office, even though this is what Gates has been claiming. Now, he is spending YOUR CITY's tax payer dollars to fund hiring an attorney to threaten legal action AGAINST YOUR CITY! Where is the sense in this?

The City Attorney's duty is to represent the City as a bipartisan official, and to present all legal options to the City Council, with no political agenda. The City Council is tasked with voting on what legal option they would like to take from what is presented. Gates has historically NOT done this. It's no wonder they would like an option for another opinion.

I urge you to talk to your neighbors about what is important to you as the citizens of your communities and neighborhoods, and not to make decisions based on what you think your party would do. Party politics should play NO roll in local governance. What should be the driving force of local governance is what is best for the whole of the community, not one side of the isle or another.

Signed,
Anonymous City of Huntington Beach Employee

Switzer, Donna

From: Fikes, Cathy
Sent: Tuesday, December 21, 2021 1:58 PM
To: Agenda Alerts
Subject: FW: Item 37 - City Attorney

**SUPPLEMENTAL
COMMUNICATION**

From: Lorelei Lachman <lachmom@aol.com>
Sent: Tuesday, December 21, 2021 1:58 PM
To: CITY COUNCIL <city.council@surfcity-hb.org>
Subject: Item 37 - City Attorney

Meeting Date: 12/21/21

Agenda Item No.: 37(21-1008)

Dear Mayor Delgleize and members of the City Council,

I would like to weigh-in on Item 37 regarding the position of having an elected City Attorney position vs hiring a law firm to represent our city.

It is time to review why we have a City Attorney, who is partisan and flames the fire of division in our city when he posts on social media to groups he knows support him and his views. A law firm would be more professional and would not hold a partisan view.

We are the only city in Orange County to elect an attorney, and for a population as large as Huntington Beach, a law firm would seem the preferred business action to take.

We should not feel like we have to choose personalities to align with every two weeks in the CC meetings or on social media. We need the security of adults in charge and respect and trust of each other for our city work.

This City Attorney position is a very important professional designation. As an elected position, the city attorney never wins 100% of the votes, so there will always be people who distrust this position just based on personality. A law firm would be faceless and represent the best interest of the city without having to run for office.

I say all this with consideration for what is at stake for Michael Gates. This is his livelihood and he is obviously going to come out with everything he has to save his job. But this job is not public relations and goodwill to like-minded friends. It is financial decisions, health and safety decisions, commerce, tourism, entertainment, the parade and all other crowd gathering events. But this position is really working WITH the council, the staff and all of the residents of Huntington Beach.

Yes, there have been many positions Mr Gates has taken that garnered support from the council, but that does not mean that council members cannot explore reviewing the Charter and hiring an outside law firm. We are always evolving and should always look to be our very best.

If it turns out that we do not change the current Charter and keep the City Attorney position as an elected position, then I hope that Mr Gates and even Council Member Petersen will reflect on their lack of respect for residents as we watch the uncomfortable interactions in the council chamber when they show such disrespect for the Mayor and council members.

Thank you for your consideration regarding my input.

Sincerely,

Lorelei Lachman