



CITY OF HUNTINGTON BEACH
CITY COUNCIL MEETING

TO: THE HONORABLE MAYOR AND CITY COUNCIL

FROM: DAN KALMICK, CITY COUNCILMEMBER

DATE: 12/20/2022

SUBJECT: COUNCILMEMBER MCKEON'S STATEMENTS ABOUT RELATIONSHIP TO CRAIG STEELE

I am providing legal documents for the record regarding my relationship to Craig Steele. A superior court judge has already ruled that the statements that Craig Steele is a "family friend" as not accurate and misleading. It is shameful that Councilmember McKeon continues to perpetuate that lie first proffered by City Attorney Gates and repeated by former Councilmember Peterson in his rebuttal to a charter amendment argument earlier this year. John Briscoe sued the City and had multiple lies and misleading statements removed from that argument including the language "LONG-TIME FAMILY FRIEND."

I am including sworn statements from myself, Mayor Joe Kalmick of Seal Beach and Craig Steele that discuss in detail the lack of any relationship other than in his capacity of conducting a review of the City Attorney handling the Moore/Field case or as contracted City Attorney for the City of Seal Beach.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 12/20/22

Agenda Item No.: 34(22-1109)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

West Justice Center
8141 13th Street
Westminster, CA 92683

SHORT TITLE: Briscoe vs. Robin Estanislau

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

CASE NUMBER:
30-2022-01273424-CU-WM-CJC

I certify that I am not a party to this cause. I certify that the following document(s), dated , have been transmitted electronically by Orange County Superior Court at Santa Ana, CA. The transmission originated from Orange County Superior Court email address on September 2, 2022, at 7:54:23 AM PDT. The electronically transmitted document(s) is in accordance with rule 2.251 of the California Rules of Court, addressed as shown above. The list of electronically served recipients are listed below:

ARTURO FIERRO
AFIERRO@LEAL-LAW.COM

BROWER LAW GROUP, APC
LEE@BROWERLAWGROUP.COM

REBECCA LEEDS
REBECCA.LEEDS@COCO.OCGOV.COM

THE LAW OFFICES OF BRETT MURDOCK
BRETT@MURDOCKLAW.COM

Clerk of the Court, by:



_____, Deputy

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
WEST JUSTICE CENTER**

MINUTE ORDER

DATE: 09/01/2022

TIME: 03:00:00 PM

DEPT: W02

JUDICIAL OFFICER PRESIDING: Nathan Scott

CLERK: J. Castorena

REPORTER/ERM:

BAILIFF/COURT ATTENDANT: D. Acosta

CASE NO: **30-2022-01273424-CU-WM-CJC** CASE INIT.DATE: 08/03/2022

CASE TITLE: **Briscoe vs. Robin Estanislau**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Writ of Mandate

EVENT ID/DOCUMENT ID: 73832357

EVENT TYPE: Petition for Writ

APPEARANCES

Lee Fink & Jafer Jaffery, from Brower Law Group, APC, present for Petitioner(s).

Brett Murdock, from The Law Offices of Brett Murdock, present for Petitioner(s).

Arturo N. Fierro from Leal Trejo, present for Real Party in Interest.

Rebecca Leeds Senior Deputy County Counsel, present for Respondent.

The Court recites an oral tentative ruling.

The Court hears oral argument.

03:27 PM Court takes a brief recess.

03:35 PM Court is back in session.

The Court is prepared to rule. It presents two proposed judgments, Option A and Option B.

The Court hears further from counsel.

The Court having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

The Petition for Writ of Mandate filed by John Briscoe is granted in part.

The Court adopts Option B, which is attached hereto and incorporated herein by reference.

The Clerk shall give notice.

IT IS SO ORDERED:



Hon. Nathan Scott
Judge of the Superior Court

DATE: 09/01/2022

MINUTE ORDER

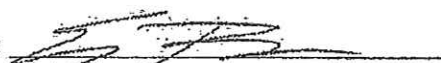
DEPT: W02

Page 1
Calendar No.

Rebuttal to Argument in Favor of Charter Amendment Measure 3

Councilmembers Bolton/Kalmick (████████████████████) PROVE this is a POWER-GRAB to give City Council MORE POWER to hire outside attorneys - BYPASSING the voters' City Attorney. It's DANGEROUS - it undermines the INDEPENDENCE of the City Attorney that HB has voted for since early-1900s. The City Attorney has successfully fought FOR THE RESIDENTS, won countless major legal victories, and ensured City Council follows ALL LAWS. This Amendment gives MORE POWER to City Council to secretly hire attorneys behind closed-doors, hidden from voters. In 2021, City Council (████████████████████) hired (████████████████████) lapdog attorney Craig Steele, who is a progressive POLITICAL activist and favorite of (████████████████████) Councilmember Kalmick. City Council (████████████████████) paid Steele (████████████████████) taxpayer money (████████████████████) to produce a phony "political hit piece" attacking Mr. Gates. This is what giving City Council, a highly political body of non-lawyers, the POWER to hire their lapdog attorneys produces - political harm and deception designed to dupe the public into believing this proposed Charter Amendment is necessary. The only thing it proves is the DANGER created by hiring attorneys behind closed-doors. Although highly critical of Mr. Gates, (████████████████████) Bolton/Kalmick were NOT ON CITY COUNCIL during most of Mr. Gates's legal work. Yet, Bolton/Kalmick make a number of false claims against Mr. Gates, which are not true. I have worked with Mr. Gates for 8 years. All decisions were made BY CITY COUNCIL and Mr. Gates is nothing but a stellar City Attorney. Vote NO.

The undersigned proponent(s) or author(s) of the Rebuttal to Argument in favor Charter of Amendment Measure 3 at the General Municipal Election for the City of Huntington Beach to be held on November 8, 2022, hereby states that such argument is true and correct to the best of their knowledge and belief.

Signed: 
Erik Peterson

Date: 7/25/22

Signed: _____
(type name here exactly as signed)

Date: _____

Signed: _____
(type name here exactly as signed)

Date: _____

Signed: _____
(type name here exactly as signed)

Date: _____

Signed: _____
(type name here exactly as signed)

Date: _____


RECEIVED
2022 JUL 25 PM 12:50
CITY CLERK
CITY OF
HUNTINGTON BEACH

OPTION B:
strikes not/non attorney
leaves Bolton

Rebuttal to Argument in Favor of Charter Amendment Measure 3

Councilmembers Bolton/Kalmick (NOT licensed attorneys) PROVE this is a POWER-GRAB to give City Council MORE POWER to hire outside attorneys - BYPASSING the voters' City Attorney. It's DANGEROUS - it undermines the INDEPENDENCE of the City Attorney that HB has voted for since early-1900s. The City Attorney has successfully fought FOR THE RESIDENTS, won countless major legal victories, and ensured City Council follows ALL LAWS. This Amendment gives MORE POWER to City Council to secretly hire attorneys behind closed-doors, hidden from voters. In 2021, City Council secretly and ILLEGALLY hired (violation Section 309, City Charter) lapdog attorney Craig Steele, who is a progressive POLITICAL activist and favorite of LONG-TIME FAMILY FRIEND Councilmember Kalmick. City Council secretly paid Steele \$50,000 of taxpayer money with no contract to produce a phony "political hit piece" attacking Mr. Gates. This is what giving City Council, a highly political body of non-lawyers, the POWER to hire their lapdog attorneys produces - political harm and deception designed to dupe the public into believing this proposed Charter Amendment is necessary. The only thing it proves is the DANGER created by hiring attorneys behind closed-doors. Although highly critical of Mr. Gates, non-attorneys Bolton/Kalmick were NOT ON CITY COUNCIL during most of Mr. Gates's legal work. Yet, Bolton/Kalmick make a number of false claims against Mr. Gates, which are not true. I have worked with Mr. Gates for 8 years. All decisions were made BY CITY COUNCIL and Mr. Gates is nothing but a stellar City Attorney. Vote NO.

The undersigned proponent(s) or author(s) of the Rebuttal to Argument in favor Charter of Amendment Measure 3 at the General Municipal Election for the City of Huntington Beach to be held on November 8, 2022, hereby states that such argument is true and correct to the best of their knowledge and belief.

Signed: 
Erik Peterson

Date: 7/25/22

Signed: _____
(type name here exactly as signed)

Date: _____

Signed: _____
(type name here exactly as signed)

Date: _____

Signed: _____
(type name here exactly as signed)

Date: _____

Signed: _____
(type name here exactly as signed)

Date: _____

RECEIVED
2022 JUL 25 PM 12: 50
CITY CLERK
CITY OF
HUNTINGTON BEACH

1 **BROWER LAW GROUP, APC**
Lee K. Fink (SBN 216293)
2 *Lee@BrowerLawGroup.com*
23601 Moulton Parkway, Suite 220
3 Laguna Hills, CA 92653
Telephone: (949) 668-0825

4 **THE LAW OFFICES OF BRETT MURDOCK**
5 Brett M. Murdock (SBN 281816)
brett@murdocklaw.com
6 711 E. Imperial Hwy. Suite 201
Brea, CA 92821
7 Telephone: (714) 582-2217
Facsimile: (714) 582-2227

8 Attorneys for Petitioner JOHN BRISCOE
9

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF ORANGE**

13 JOHN BRISCOE,
14 Petitioner,
15 v.
16 ROBIN ESTANISLAU, Huntington Beach City
Clerk; BOB PAGE, Orange County Registrar of
17 Voters,
18 Respondents.
19
20 ERIK PETERSON,
Real Party in Interest.
21

Case No. 30-2022-01273424-CU-WM-CJC

Assigned for all Purposes to
Hon. Nathan Scott, Dept. W02

DECLARATION OF CRAIG STEELE

Action filed: August 4, 2022

22
23 I, Craig A. Steele, declare as follows:

24 1. I am an attorney at law duly licensed to practice before all of the courts in the State
25 of California. I am a shareholder with the law firm of Richards, Watson & Gershon, a Professional
26 Corporation. I have personal knowledge of the facts set forth in this Declaration and, if called as a
27 witness, could and would testify competently to such facts under oath.

1 2. The “Rebuttal to Argument in Favor of Charter Amendment 3” dated July 25, 2022,
2 and submitted by Erik Peterson (the “Rebuttal Argument”) makes false and misleading statements
3 about the purpose of proposed Charter Amendment 3 and the reasons why the City Council placed
4 the item on the November 2022 ballot. This declaration addresses only the false, misleading, and,
5 in some cases, defamatory statements Mr. Peterson made about me and the legal services my firm
6 provided the City of Huntington Beach.

7 3. Richards, Watson & Gershon (“RWG”) is a California law firm that specializes in
8 the representation of public entities. We serve as city attorney in 26 cities, and as special counsel
9 to dozens of other public agencies across the state.

10 4. I have practiced public agency law at RWG for my entire legal career, beginning in
11 September of 1992. I serve as the sworn City Attorney for the Cities of Monrovia and Seal Beach,
12 and as General Counsel for the Nipomo Community Services District. I previously served as the
13 City Attorney in the Cities of Highland and Agoura Hills. I regularly serve as special counsel for
14 numerous cities with elected city attorneys or “in-house” appointed city attorneys including,
15 without limitation, the cities of Oakland, Redondo Beach, Compton, Pasadena, Palmdale, and
16 Livermore. A true and correct copy of my professional biography is attached hereto as **Exhibit E**.

17 5. For a number of years, the City of Huntington Beach (“City”) has retained RWG to
18 handle various matters. As relevant to this matter, the City retained RWG in February of 2020 to
19 perform various employment law-related matters. These representations were performed pursuant
20 to a written and duly-executed contract approved by the City Attorney’s office, a true and correct
21 copy of which is attached hereto as **Exhibit F**.

22 6. On May 13, 2021, expressly as a written supplement to the February 2020 contract
23 and at the direction of the City Council pursuant to Huntington Beach City Charter Section 304(b),
24 then City Manager Oliver Chi executed a written task order directing RWG to conduct a review of
25 the City’s handling of an employment lawsuit in which two former employees of the City
26 Attorney’s office accused the City Attorney personally of employment-related misconduct. The
27 City Attorney had a conflict of interest in the matter and claims to have “abstained” from the
28 handling of the matter. A true and correct copy of this written supplemental agreement is attached

1 hereto as **Exhibit G**. The City had spent approximately \$1.5 million defending a thoroughly
2 ordinary employment law matter that did not go to trial. Despite his “abstention,” the City Attorney
3 helped negotiate a settlement agreement of the matter in which he was personally named as a
4 defendant. Under the settlement, the City Attorney was dismissed as a defendant and the City then
5 was required to pay the plaintiffs \$2.5 million. The City Council later concluded it was appropriate
6 to review whether the lawsuit had been handled correctly and whether City funds had been properly
7 spent. The real party in interest herein, Councilman Peterson, disagreed with that decision to review
8 the matter.

9 7. After a thorough review, I prepared a written report that documented at least one
10 violation of the Political Reform Act, a possible violation of Government Code Section 1090, and
11 failures to follow the California Rules of Professional Conduct, the League of California Cities’
12 Ethical Principles for City Attorneys and other best practices. My report, dated July 5, 2022, was
13 released to the public by the City Council. A true and correct copy is attached as **Exhibit H**. The
14 report is sourced, and cites relevant law and documentary evidence. The City Council waived the
15 attorney-client privilege over the report and documents that support my findings. One
16 recommendation of my report was that the City Council propose to the voters an amendment to the
17 City Charter to clarify the roles and responsibilities between the City Attorney and City Council,
18 especially in a case where the City Attorney has a conflict of interest. I am informed that the City
19 Council did so, in the form of Charter Amendment 3. I believe Charter Amendment 3 is a
20 particularly important governance and transparency measure in situations such as the City faced
21 here, where the elected City Attorney has a conflict of interest but did not fully abstain from the
22 matter.

23 8. It is not surprising that Councilman Peterson is not aware of the contents of my
24 report, since he chose not to participate in all but one of my multiple closed session discussions of
25 its contents with the City Council.

26 9. Rather than address the serious flaws in the handling of this matter by the City
27 Attorney’s office and outside counsel, the City Attorney’s supporters like Mr. Peterson, are
28

1 attempting to mislead the voters and divert their attention with false allegations of bias and
2 procedural errors. The false and misleading Rebuttal Argument is a prime example.

3 10. The statement in the Rebuttal Argument that “[i]n 2021, City Council secretly and
4 ILLEGALLY hired (violation of Section 309, City Charter),” is false and misleading. The City
5 Attorney had a conflict of interest in the matter and claimed to have “abstained.” Charter Section
6 309 cannot apply in a matter where the City Attorney has a conflict of interest. The City Attorney’s
7 refusal to recognize this basic aspect of professional responsibility is one reason Charter
8 Amendment 3 has been submitted to the voters. The City Council voted 5-2 to direct me to
9 perform the review of a matter in which the City Attorney had already declared he had a conflict
10 of interest. Mr. Peterson was present in that session and, I am informed, voted against the
11 supplemental legal services agreement that he claims in one sentence was “secret” and in another
12 sentence, claims did not exist. The “secret” allegation improperly smears a lawful closed session
13 meeting under the Brown Act, and is patently false because RWG’s contract with the City is a
14 matter of public record. The claim that retaining an outside law firm was illegal is a
15 misrepresentation of the law because the City Council did so under the authority of Huntington
16 Beach City Charter Section 304(b). That section provides, in relevant part: “The City Council shall
17 have control of all legal business and proceedings and all property of the legal department, and may
18 employ other attorneys to take charge of or may contract for any prosecution, litigation or other
19 legal matter or business.” Section 304(b) cannot reasonably be read to require the City Council to
20 seek permission of the City Attorney to retain legal counsel to review the actions of the City
21 Attorney in a matter where he has acknowledged many times that he has a conflict of interest and
22 “abstained.”

23 11. The statement in the Rebuttal Argument that I am a “lapdog attorney” is false and
24 misleading political mudslinging at its worst, and intended to distract the voters’ attention from the
25 serious deficiencies that create the need for Charter Amendment 3. Mr. Peterson does not produce
26 a a shred of evidence to support this claim, and there is clear and convincing evidence that it is
27 false and misleading. To my knowledge, I had never met or spoken to any member of the City
28 Council (as constituted at the time), before I was retained to do the work. I was given no direction

1 as to the expected result by anyone involved, including the City Manager, and would not have
2 accepted the work if any limits had been placed on my ability to perform an impartial and objective
3 review.

4 12. The statement in the Rebuttal Argument that I am a “PROGRESSIVE political
5 activist” is false and misleading, and intended to distract the voters’ attention from the serious
6 deficiencies identified in my report. I am neither “progressive” nor a “political activist.” The term
7 “progressive” is used in the rebuttal as an obvious dog whistle to the City Attorney’s and Mr.
8 Peterson’s conservative supporters, and is meant to state that I am one of those liberal Democrats
9 they battle against every day and therefore unreliable. In fact, although political affiliation is
10 irrelevant by law in local government, I have been a registered Republican continuously since 1980,
11 when I first registered to vote. The fact that my biography on RWG’s website states that I worked
12 professionally for a few Democratic political candidates in a prior career and **in a previous century**
13 does not make me a “progressive” or a “political activist.” Mr. Peterson omits many facts from
14 my biography that rebut his false and misleading innuendo, including my nearly 30 years of
15 professional experience in municipal law, the fact that I have been a City Attorney for over 20
16 years, and the fact that organizations like the League of California Cities frequently ask me to speak
17 and write about good government subjects that are germane to the report I prepared. While my
18 friends and family would laugh at the suggestion that I am “progressive,” my political leanings are
19 irrelevant to the thoroughly researched and factually supported report I prepared for the City. My
20 work as a municipal attorney requires that I be non-partisan. The offices of City Attorney or City
21 Councilmember in California are non-partisan, and most of us work hard to take that role seriously.
22 There is no evidence whatsoever that I have **ever** been partisan in my work (progressive or
23 otherwise), and there is not a word in the report I prepared for this matter that evidences any
24 partisanship whatsoever. The attempt to smear me falsely using a dog whistle stereotype that is
25 objectionable to some can only mislead and distract the voters, and should be struck.

26 13. The statement in the Rebuttal Argument that I am a “favorite of LONG-TIME
27 FAMILY FRIEND Councilmember Kalmick” is false and misleading, and intended to distract the
28 voters’ attention from the serious deficiencies identified in my report. Prior to being engaged for

1 this project, I had never met Councilmember Dan Kalmick. I have never socialized with
2 Councilmember Dan Kalmick. In over a year of working on my review, I believe I have met Dan
3 Kalmick in person only twice, and then only in a professional capacity representing the City. In
4 full transparency, Councilmember Dan Kalmick's father, Joe Kalmick, is a member of the City
5 Council and Mayor in Seal Beach, where I serve as City Attorney. I have known Mayor Joe
6 Kalmick only since he came on the City Council in 2018. I have never socialized with Mayor Joe
7 Kalmick or any member of his family, including Dan Kalmick. Mayor Joe Kalmick and I never
8 discussed the Huntington Beach matter prior to my engagement in May of 2020 or for several
9 months thereafter, and only then in a passing reference to the coincidence of having met his son.

10 14. The statement in the Rebuttal Argument that the City has "secretly paid Steele
11 \$50,000" for this matter is false. First, the City has not paid "Steele," it has paid RWG pursuant to
12 its contract. Second, RWG's fees were not paid "secretly." Every payment to RWG is a matter of
13 public record and not "secret." Finally, even the number is false as RWG has not been paid
14 "\$50,000" or even close to that amount. As of the date of this declaration, RWG had been paid
15 approximately \$35,000 in fees for the matter. The Rebuttal Argument fails to mention that a large
16 portion of the City's legal fees after January 1, 2022 were incurred responding to both (i)
17 communications from the lawyer the City Attorney hired at public expense and (ii) the City
18 Attorney's attempts to suppress public release of my report.

19 15. The statement in the Rebuttal Argument that RWG was paid "with no contract" is
20 false and misleading. The City entered into valid and legally binding written legal services
21 agreements with RWG on February 11, 2020 (**Exhibit F**), and May 13, 2021 (**Exhibit G**).

22 16. The statement in the Rebuttal Argument that my report is a "phony political hit piece
23 attacking Mr. Gates" is false and misleading. My report is accurate and non-partisan. No member
24 of the City Council had any substantive influence over the contents of my report or even saw it
25 until it was complete. Every statement of fact is attributed to a source, every relevant legal authority
26 is cited. It expressly acknowledged that I did not find any evidence to indicate the City Attorney
27 had committed a crime and only proposed future-looking policies and best practices to improve
28 governmental function and transparency, and recover funds the City should not have paid. To

1 suggest my report is anything other than impartial and, in fact, fair to the City Attorney under the
2 circumstances, is patently false and misleading.

3 17. As noted in the report, the Fair Political Practices Commission ("FPPC") initiated
4 an investigation into an alleged violation of the Political Reform Act by a then-member of the City
5 Attorney's office in response to facts that came to light in the course of my review. As I have been
6 contacted by the FPPC investigator on this matter within the last week, I know the investigation is
7 active. In more than a month since the report was publicly released, I am not aware that a word of
8 it has been refuted by the City Attorney or outside counsel. Instead, the City Attorney and his
9 political supporters, like real party in interest Peterson, have concocted baseless claims about my
10 "bias," "reliability," and alleged motivations to distract the voters. The court should not allow those
11 lies to be spread to the voters in official materials.

12 I declare under penalty of perjury under the laws of the State of California that the foregoing
13 is true and correct.

14 Executed on this 19th day of August, 2022.



17 _____
18 Craig Steele, Declarant
19
20
21
22
23
24
25
26
27
28

1 **BROWER LAW GROUP, APC**
Lee K. Fink (SBN 216293)
2 *Lee@BrowerLawGroup.com*
23601 Moulton Parkway, Suite 220
3 Laguna Hills, CA 92653
Telephone: (949) 668-0825
4

5 **THE LAW OFFICES OF BRETT MURDOCK**
Brett M. Murdock (SBN 281816)
brett@murdocklaw.com
6 711 E. Imperial Hwy. Suite 201
Brea, CA 92821
7 Telephone: (714) 582-2217
Facsimile: (714) 582-2227
8

9 Attorneys for Petitioner JOHN BRISCOE

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF ORANGE**
12

13 JOHN BRISCOE,
14 *Petitioner,*
15 *v.*
16 ROBIN ESTANISLAU, Huntington Beach City
Clerk; BOB PAGE, Orange County Registrar of
17 Voters,
18 *Respondents.*
19 _____
20 ERIK PETERSON,
21 *Real Party in Interest.*
22 _____

Case No. 30-2022-01273424-CU-WM-CJC
Assigned for all Purposes to
Hon. Nathan Scott, Dept. W02
DECLARATION OF DAN KALMICK
Action filed: August 4, 2022

24 I, Dan Kalmick, declare as follows:

25 1. I am a member of the City Council for the City of Huntington Beach (the “City”). I
26 was elected in November of 2020. I have personal knowledge of the facts and circumstances set
27 forth herein below, and if called upon as a witness I could and would testify competently thereto.
28

1 2. The “Rebuttal to Argument in Favor of Charter Amendment 3” dated July 25, 2022
2 and submitted by Erik Peterson (the “Rebuttal Argument”) is false and misleading. This declaration
3 addresses only the demonstrably false and inaccurate characterizations made in the Rebuttal
4 Argument.

5 3. The statement in the Rebuttal Argument that: “[i]n 2021, City Council secretly and
6 ILLEGALLY hired (violation of Section 309, City Charter). . .” is false and misleading. The City
7 Council did not secretly hire Richards Watson Gershon (“RWG”).

8 4. Acting in accordance with its authority under the City Charter, the City Council, by
9 a majority of the Council voted to ask outside counsel to investigate the handling of an employment
10 lawsuit in which two former employees of the City Attorney’s office accused the City Attorney
11 personally of employment-related misconduct. The City Attorney rightly declared he had a conflict
12 of interest in the matter and purports to have “abstained” from the handling of the matter. The City
13 entered into legal services agreements with RWG on February 11, 2020 and May 13, 2021 that are
14 matters of public record. These decisions are documented in the City Manager’s July 5, 2022,
15 Request for City Council Action, File 22-593, a true and correct copy of which is attached hereto
16 as Exhibit A.

17 5. The statement in the Rebuttal Argument that Mr. Steele is a “LONG-TIME
18 FAMILY FRIEND” of mine is false. I first met Mr. Craig Steele when former City Manager Oliver
19 Chi introduced me to him in April of 2021 as the person in charge of the operational investigation
20 the City Council had called for. I had never to my knowledge met Mr. Steele before nor had any
21 interaction with him. I have only met Mr. Steele in person on two occasions: Once during the time
22 scheduled at City Hall for my interview for his investigation and once as a member of the Legal
23 Affairs Ad Hoc Committee in a meeting with Mayor Barbara Delgleize, Councilmember Bolton,
24 former Interim City Manager Sean Joyce, City Attorney Michael Gates, and Mr. Gates’s Attorney,
25 Derek Cole.

26 6. The statement in the Rebuttal Argument that the “City Council secretly paid Steele
27 \$50,000. . .” “. . .with no contract” is false and misleading. As of May 2022, the City has not paid
28 Mr. Steele, it has paid RWG, a Professional Corporation, with numerous shareholders. The City

1 has paid RWG only \$35,577.00 through May 2022, as documented in the City Manager's July 5,
2 2022, Request for City Council Action. This figure is not secret, but a matter of public record. The
3 City did not pay the fees to RWG "with no contract," but rather pursuant to two legal services
4 agreements that are a matter of public record.

5 7. The statement in the Rebuttal Argument that that the authors of the argument in
6 favor of Measure 3 "make a number of false claims against Mr. Gates, which are not true," is false
7 and misleading. Neither I nor Councilmember Bolton have made any false claims against Mr.
8 Gates. In fact, Councilmember Bolton and I made no direct claims about Mr. Gates at all in our
9 "Arguments in Favor of Measure 3." Any statements made about the City Attorney's office are
10 purely factual and supported either by facts presented in Mr. Steele's report or in documents that
11 are part of the public record.

12
13 I declare under penalty of perjury under the laws of the State of California that the foregoing
14 is true and correct.

15 Executed on this 17th day of August, 2022.

16 
17 _____
18 Dan Kalmick, Declarant

19
20
21
22
23
24
25
26
27
28

1 **BROWER LAW GROUP, APC**
Lee K. Fink (SBN 216293)
2 *Lee@BrowerLawGroup.com*
23601 Moulton Parkway, Suite 220
3 Laguna Hills, CA 92653
Telephone: (949) 668-0825
4

5 **THE LAW OFFICES OF BRETT MURDOCK**
Brett M. Murdock (SBN 281816)
brett@murdocklaw.com
6 711 E. Imperial Hwy. Suite 201
Brea, CA 92821
7 Telephone: (714) 582-2217
Facsimile: (714) 582-2227
8

9 Attorneys for Petitioner JOHN BRISCOE

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF ORANGE**
12

13 JOHN BRISCOE,
14 **Petitioner,**
15 **v.**
16 ROBIN ESTANISLAU, Huntington Beach City
Clerk; BOB PAGE, Orange County Registrar of
17 Voters,
18 **Respondents.**
19 _____
20 ERIK PETERSON,
21 **Real Party in Interest.**
22 _____

Case No. 30-2022-01273424-CU-WM-CJC

Assigned for all Purposes to
Hon. Nathan Scott, Dept. W02

DECLARATION OF JOE KALMICK

Action filed: August 4, 2022

23 I, Joe Kalmick, declare as follows:

24 1. I am a member of the City Council member for the City of Seal Beach, and I am its
25 current Mayor. I was elected to the City Council in February of 2019. I have personal knowledge
26 of the facts and circumstances set forth herein below, and if called upon as a witness I could and
27 would testify competently thereto.
28

