

Estanislau, Robin

From: Mark Bixby <mark@bixby.org>
Sent: Wednesday, December 12, 2018 7:52 PM
To: Agenda Comment; CITY COUNCIL; Estanislau, Robin
Subject: Dec 17th CC agenda comments -- OPPOSE #35

Dear city council,

I wholeheartedly OPPOSE item #35 on the 12/17/2018 city council agenda.
It exempts the City Attorney's Office (CAO) from following regular city procurement processes for many contracts for outside legal services.

Without competitive bidding and public oversight, there's no assurance of getting legal services for the best price from the most qualified outside consultants. I want enforcement efforts to be more than election year grandstanding and to be financially sustainable over the long haul.
Competitive bidding will be key to that, but #35 aims to prevent competition and transparency. #35 will end up costing the city more for legal services.

The argument the staff report attempts to make that legal services procurement transparency will compromise investigations is unsupported and ultimately specious. City strategy will be laid bare for all to see for the very first administrative or judicial prosecution of each violation category.

Item #35 eliminates public oversight over CAO spending on outside legal consultants. Sure, periodic reports will be made to the city council during closed session, but there's still no public oversight outside of city hall on how our tax dollars are being spent for those consultants.

Anybody who reads newspapers regularly (I'm hopelessly quaint, LOL) knows that when city procurement operates in the shadows, contracting abuses such as nepotism and cronyism can result, short-changing the taxpayers financially, and possibly hobbling the intended enforcement efforts if unqualified consultants are being hired.

Eliminating transparency and public oversight over CAO legal services contracting is a bad idea. Just say NO.

Mark Bixby
17451 Hillgate Ln
Huntington Beach, CA 92649-4707

SUPPLEMENTAL COMMUNICATION

Meeting Date: 12-17-18

Agenda Item No.: 35(18-617)

Estanislau, Robin

**SUPPLEMENTAL
COMMUNICATION**

From: Julie Bixby <julie@bixby.org>
Sent: Thursday, December 13, 2018 10:09 AM
To: CITY COUNCIL; Estanislau, Robin; Agenda Comment
Subject: Item #35 Dec 17, 2018

Meeting Date: 12-17-18
Agenda Item No.: 35(18-617)

Dear City Council members,

These are comments I previously submitted when this item was on the agenda in November 2018. I am resubmitting them for your reference, and also for the benefit of Councilwoman Carr, who was not on the Council the last time this was discussed.

I have some questions and concerns regarding agenda item #35 (introduction Ordinance No. 4169). I hope the following topics will be addressed during the Council meeting before a vote is taken so that

A) the public can better understand the justification for the item, and

B) a more informed opinion can be reached by the Council members as to whether or not this new policy should be adopted.

First of all, the big concern here is the lack of transparency this new policy proposes, which effectively repeals the oversight role the Council plays in spending decisions. The fiscally prudent thing to do is to get responsible, vetted bids, and this proposal apparently eliminates that for legal services. How is the Council or public to know if it's getting the best bang for its buck? Not to say that wasteful spending will definitely occur with adoption of this proposed ordinance, but it does open the door a crack to the possibility, and the public -- which, after all, elects the City Attorney -- would be none the wiser.

The staff report also says this proposal is due in part to the Brown Act -- and yet the Brown Act's primary concern is for government transparency, a seeming contradiction. The rather terse "Analysis" in the staff report does not resolve this discrepancy.

Questions raised by this agenda item:

1) The staff report doesn't say what other cities do. It would be incredibly helpful if it explained something like "Huntington Beach is the only Orange County city that doesn't have this policy", or if it noted that other California cities of similar size have similar practices (and *list* those specific cities) -- as the case may be. How do we know if HB is an outlier or not, and really should be getting its act together as the staff report claims, if there is no basis for comparison?

2) If the City really is out of compliance with so many statutes ("a host of other State Law and rules") as the staff report claims, why has the City been allowed to get away with it all this time? Why is there no apparent penalty? City Code 3.03.080 looks like it was last updated in 2010, and no one has said anything until now.

3) The City has been making a big to-do in recent years about being a Charter City -- to the point that the City has filed suit a few times to say it is exempt from some State laws due to its Charter status. Agenda item #35 says it's to bring the City in compliance with State law, but that then begs the question: Why is a Charter City exempt from some State laws but not others? Being in compliance with State law used to be straightforward, but thanks to the lawsuits, now there is uncertainty whether it's required all the time or not. [Perhaps future proposed Ordinances need a new RCA section on Charter City impact?].

In conclusion, I hope the Council will do its due diligence in getting answers to these questions and concerns before potentially loosening its oversight of taxpayer dollars.

Thank you.

--

Julie Bixby
Huntington Beach, CA

Engage Romulan sig cloaking device...