

**MINUTES OF A SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF HAWTHORNE,
CALIFORNIA HELD OCTOBER 12, 2012.**

Mayor Juarez called the City Council meeting to order jointly and concurrently at 6:05 pm in the City Council Chambers of the City Hall, 4455 West 126th Street, Hawthorne, California.

ROLL CALL-Present: Councilmembers English, Michelin, Valentine, Vargas, Mayor Juarez.
Absent: None.

1.

Under oral communications, no one expressed a desire to be heard.

Mayor Juarez ordered oral communications closed.

Councilmember Valentine requested that the following statement be **for the record**:

At the January 10, 2012 meeting, the public was advised that it was too expensive to hire a professional consultant because of the budget. It was stated that the staff could perform the screening just as well and Mr. Robert O'Brien was queried by Council and it was determined that he was both qualified and available to perform the screening of the 70 candidates. We were advised that the Human Resources manager would do everything that a professional recruiter would do with respect to these applications. In sum, we were told that this process would be equivalent to having a professional recruiter and that the only reason for going in-house was to save money. At the May 22, 2012 City Council meeting, I learned that a special meeting would be held on May 29 to review the city manager application. I stated my objections to the process by which the original decision by the City Council to have a professional consultant to perform the screening of applicants had been scrapped by the present City Council. Even the decision to have the Human Resources manager perform the screening was cut short and I learned on May 22nd that the Council was going to perform the screening. This was completely lacking in transparency as the process had been kept secret from some members of the Council and from the public. I do not agree with the way the hiring process was changed. First from having a professional consultant do the initial screening to having the staff do the screening and then to having the Council perform the screening. The secrecy of the process led itself to the public having a lack of confidence in its government. The City Council has moved forward with screening and with the hiring process, inserting itself in every step of the process. Regardless of who is selected in the future, the public and the next City Council may well see this selection process as flawed and political and it could affect the confidence in the City Manager's decisions and that manager's effectiveness. If the Council majority cared about public perception, it would have tried to distance itself to some extent to appear objective. However, this is not the case. It has recently been brought to my attention that one of the candidates has done work for developers, land owners or business owners in Hawthorne. It has also been brought to my attention that one of the candidates has testified against the city in the past. I believe that Councilmembers in the past have said they did not want someone working for the city who had testified against the city. I would request that the Council agree to table this item tonight. I would request that the applicants answer the following questions. One, have you ever worked for, done business with or received payment from any business owner, land owner or developer in Hawthorne or who is doing business in Hawthorne and disclose each and every instance in which this took place. Number two, have you ever testified against the city in any legal proceeding and disclosed each and every instance in which this occurred. The disclosure forms would be submitted under penalty of perjury. We all ran on transparency. Every single one of us as Councilmembers. If we hire a city manager who has a close relationship with a developer in Hawthorne, that developer will have an unfair advantage. We have already waited several months. Mr. Shadbehr has done a fantastic job as Interim City Manager and we can ask him to stay on a little while longer while we sort this out. I am only asking that the item be tabled so that the two questions can be answered by all the applicants. We should be able to have these answers by the next Council meeting.

Councilmember Vargas requested that his remarks from the previous meeting be carried over to this meeting **for the record**.

I oppose tonight's closed session regarding "Appointment of a City Manager" for the following reasons. Last year the City Council voted to have staff approve a consulting firm to conduct the recruitment process. Staff did their job and selected Roberts Consulting Group. A few months ago, without much discussion, three members of the City Council voted to change the process by having the RFP process

performed in-house. All city manager candidate applications were due on Thursday, May 24, 2012. At the end of the City Council meeting recently on May 22, 2012, the Mayor announced that he wanted to have a closed session to review all of the applications. I am concerned about the lack of transparency in this process. We have a professional staff to review the applications and to present to the City Council members the most qualified candidates. Instead, we are by-passing professional staff in the false belief that we are better qualified to review these applications. My lack of trust in this Closed Session is because of what happened a few years ago. In April 2010, a city manager was terminated and interim city manager was hired. There was no recruitment process. One person on the City Council pre-selected him and “groomed” him to be the new city manager. There was no transparency. History appears to be repeating itself, although we are now disguising the process as a closed session. The question that begs to be asked is whether another person has been pre-selected or groomed to be the next city manager. The odds are great that if this person has been pre-selected, it is likely that this person has little or no city manager experience. It is likely that this candidate will be a “yes” person to the Mayor. It is likely that this candidate has been contacted by someone on the City Council to turn in his or her résumé. Was their hesitation to trust professional staff to provide the City Council with the applications of the most qualified people because this preselected candidate would not make the cut? These are the issues that I ask the public to consider.

Councilmember Vargas requested that the following statement be **for the record**:

I believe that the special meeting agenda today violates the Brown Act in several different ways. First of all, the agenda indicates that we are appointing a city manager today. The identity of the applicant is not identified. Therefore the community is being denied the right to comment. Second, in this time of a looming budget crises, the public is being denied the right to comment on the city manager’s employment contract. Instead, the contract is to be negotiated by the Interim City Attorney who himself was a product of a secret behind closed doors recruitment process. Last time, the Mayor, the Mayor Pro Tem as well as Councilman Michelin were extremely vocal about the employment contract of the prior city attorney and city manager. Now they are okay with another process of delegating this important task which only should be decided upon in a public meeting when the public can comment on the specific provisions of the employment agreement. I believe that this process violates the Brown Act and is therefore null and void and is very questionable and may be referred to the district attorney’s office.

2.

Mayor Juarez recessed the City Council meeting to conduct a **Closed Session**: Public Employee Appointment Pursuant to Government Code §54957. Title: City Manager

Mayor Juarez called the City Council meeting back to order following recess with all Councilmembers present. He announced that the **closed session** was to discuss Public Employee Appointment Pursuant to Government Code §54957. Title: City Manager .

Councilmember Valentine moved, seconded by Councilmember Vargas, that this item be tabled until the three applicants can answer the question, “Have you ever worked for, done business with or received payment from any business owner, land owner or developer in Hawthorne or who is doing business in Hawthorne?”

ROLL CALL-AYES: Councilmembers Vargas and Valentine.

NOES: Councilmembers Reyes English, Michelin, Mayor Juarez

After some discussion:

Mayor Juarez moved, seconded by Councilmember Reyes English, to extend an offer to Michael Goodson to become the next City Manager.

ROLL CALL-AYES: Councilmembers English, Michelin, Mayor Juarez

NOES: Councilmembers Vargas and Valentine.

3.

Mayor Juarez adjourned the meeting at 7:35 p.m.

Norbert Huber
City Clerk