

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 02/12/07		Item Number: <u>C-4</u>	
AGENDA ITEM: Authorization to Enter into a Legal Services Agreement with Michael H. Miller for Advisory Services to the Civil Service Commission During Disciplinary Appeal Hearings and Other General Legal Services Related to Administrative Hearing Issues.			
Contact Person/Dept.: Heather Iker/City Attorney		Phone Number: (310) 253-5660	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master Notification List; Michael H. Miller (02/07/07).			
Department Approval: Carol Schwab, City Attorney (by H. Iker) (01/31/07)		City Attorney Approval: Carol Schwab (by H. Iker) (01/31/07)	
City Controller Approval: Marlee Chang (02/05/2007)		City Manager Approval:	
<u>RECOMMENDATION:</u> Staff recommends the City Council authorize the City Attorney's Office to enter into a Legal Services Agreement with Michael H. Miller for advisory services to the Civil Service Commission during disciplinary appeal hearings and other general legal services related to administrative hearing issues. <u>BACKGROUND AND DISCUSSION:</u> Due to the City Attorney's Office's need to manage its resources, we have retained attorney Michael H. Miller to advise the Civil Service Commission during a current disciplinary appeal hearing, which we anticipate will be quite lengthy and involve a substantial amount of preparation time outside of Commission meetings. This Office has used Mr. Miller's services in the past on various administrative hearing issues, including advising the Committee on Permits and Licenses during a permit revocation hearing. Mr. Miller has substantial experience and knowledge in this area. He has advised Civil Service Commissions (Boards) in several cities, including Huntington Beach, Arcadia, Torrance, Huntington Park and Burbank. In addition, he has served as legal advisor to city managers regarding discipline at Port Hueneme and Alhambra; and has handled numerous disciplinary hearings as the decision maker/hearing			

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officer in many jurisdictions, including the Los Angeles County Civil Service Commission. (See attached resume.)

Given Mr. Miller's experience, in addition to utilizing his services in the present matter, the Office would like to retain him on an as-needed basis for other administrative hearings and related issues.

FISCAL ANALYSIS:

Mr. Miller's rate is \$135.00 per hour. We currently have funds remaining under Mr. Miller's prior contract with the City; however, these will quickly be depleted during the early stages of the present disciplinary appeal hearing. The funding for the new agreement will be covered under the City Attorney's line item # 10113100.611200 (Legal Services – Personnel).

ATTACHMENT:

Michael H. Miller Resume

MOTIONS:

That the City Council:

1. Authorize a Legal Services agreement with Michael H. Miller for advisory services to the Civil Service Commission during disciplinary appeal hearings and other general legal services related to administrative hearing issues on an as-need basis; and
2. Direct the City Attorney to prepare the necessary agreements and authorize the City Manager to execute the agreements on behalf of the City.