

## City Council agrees to hire counsel

### Attorney to broker city manager's possible exit

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Two days after the Thousand Oaks City Council voted unanimously to investigate itself, City Attorney Amy Albano said Thursday that the city has hired outside counsel to negotiate the possible resignation of the city manager.

The resignation letter of City Manager Phil Gatch has fueled accusations that the 38-year city employee was pressured to leave by Councilman Andy Fox. This week, the council agreed to ask the Ventura County District Attorney's Office or the state attorney general to investigate possible violations of the state's open meeting law.

Although the City Attorney's Office has the expertise to negotiate the terms of a possible resignation for Gatch, hiring an outside attorney is a good decision given the circumstances, Albano said.

"I believe the relationship between the council, the city manager and the city attorney, given everything that's going on, has become awkward," she said. "This was really done to lessen the awkwardness."

The city has hired Melanie Poturica, a managing partner for Los Angeles-based Liebert Cassidy Whitmore. The city will pay \$250 an hour for her services.

On Tuesday, the council gave direction to Albano's office to contact the District Attorney's Office to seek an investigation.

Mayor Claudia Bill-de la Pena has contended that some council members might have violated the state's open meeting law based on conversations she had with Gatch, she said. Gatch told her he was pressured to resign by Fox, who apparently implied he had the three votes to fire him, she has said.

At Tuesday's meeting, Fox said he welcomed an investigation and said he believed that others, not him, might have violated the Brown Act.

It is unusual for a council to seek an investigation into itself, said Tom Harris, special assistant district attorney.

"It is my experience that it is relatively unusual for a city council to invite an investigation of this nature," he said. "However, I do recall Thousand Oaks is a city that has done it at least once in the past."

About three years ago, the District Attorney's Office investigated allegations of potential Brown Act violations among some planning commissioners. The office concluded there had been no violations.

Harris said he is unaware of any other city that has requested such an investigation in the eight years in his position.

He said the District Attorney's Office would consider the merits of a city's request just as it would any other request. As of Thursday, he had not received an official request from the city.