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January 13, 2015

Sent via Facsimile & Electronic Mail

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City of Costa Mesa
Attn: Mayor Mensinger and City Council
77 Fair Drive
Costa Mesa, CA. 92626

Re: *Costa Mesa Police Management Association*

Dear Mayor Mensinger and City Councilpersons:

This letter is written on behalf of the Costa Mesa Police Management Association ("Association").

On August 20, 2013 former-Mayor and current Councilperson James Righheimer, Lene Righheimer, and Councilperson and current Mayor Steve Mensinger in their individual capacities filed a lawsuit for damages against the Costa Mesa Police Association, et al., arising from alleged acts and omissions on August 22, 2012. (Orange County Superior Court Case No. 30-2013-00670139-CU-CR-CXC.) Paul Beckman was the Vice-President of the Costa Mesa Police Association and member of the Board of Directors during the relevant times alleged within the lawsuit and is now the President of the Costa Mesa Police Management Association.

Following the Superior Court's ruling on the Costa Mesa Police Association's Demurrer to the Second Amended Complaint, the lawsuit now alleges the following causes of action against the Costa Mesa Police Association: Negligence, Negligent Hiring, Negligent Entrustment, Intentional Infliction of Emotional Distress, Unfair Business Practices, Assault, Invasion of Privacy and Defamation.

Plaintiffs Righheimers and Mensinger allege within their lawsuit that they have "suffered extreme physical, psychological, and emotional damage due the actions of Defendants CMPOA Union". The Complaint repeatedly details the following damages sustained by Plaintiffs:

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"As a result of the above-described conduct, Plaintiffs suffered and continue to suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; have suffered and continue to suffer and were prevented and will continue to be prevented from performing daily activities and obtaining the full enjoyment of life; have and will continue to sustain loss of earning capacity; have and will continue to suffer damage to their business reputation; and have incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. They have also suffered economic business loss as a result."

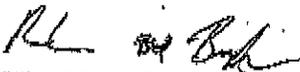
(Complaint, paragraphs 58, 65, 75, 81, 113, 122, 131, 140, 151, 161.)

Based upon the nature of the claims within the lawsuit, and to the extent that Paul Beckman is now the President of the Costa Mesa Police Management Association, it must be reasonably concluded that there exists a conflict of interest by Messrs. Righeimer and Mensinger with respect to the Association which would impair their impartiality as City Councilpersons in participating in labor relations decisions arising from upcoming collective bargaining negotiations between the City and the Police Management Association for a successor Memorandum of Understanding concerning wages, hours and working conditions of the Association's represented employees. Such prejudice would jeopardize the discharge of these Councilpersons' fiduciary duty of full and fair representation of the public interest as well as their obligation to render fair and equitable decisions concerning personnel administration.

Accordingly, may this serve as a formal demand for Councilpersons Righeimer and Mensinger to recuse themselves in participating in any decision regarding meet and confer negotiations between representatives of the City and Costa Mesa Police Management Association, and to refrain from influencing any decision on such matters during the pendency of their lawsuit against the Association.

Very truly yours,

SILVER, HADDEN, SILVER & LEVINE


RICHARD A. LEVINE

cc: Thomas Hatch, Chief Executive Officer
Costa Mesa Police Management Association
Paul Beckman, President, Costa Mesa Police Management Association