

ANTONIO R. VILLARAIGOSA
MAYOR

March 30, 2011

Honorable Members of the City Council
c/o City Clerk
City Hall, Room 395

Dear Honorable Members:

Subject to your confirmation, I have today appointed Professor Anthony Miller, of the Pepperdine University School of Law, to the Employee Relations Board (ERB) for the term ending September 23, 2015. Professor Miller will fill the vacancy created by Michael Prihar, who has resigned from the Board.

Professor Miller was one of the three candidates jointly proposed to me by the Labor Committee on Employee Relations and Management last August when Joseph Gentile resigned. I appointed Mr. Prihar (who was one of the three candidates on the list) at the time, and you confirmed my appointment. Unfortunately, Mr. Prihar later had to resign due to conflicts. Bob Hunt, the recently retired General Counsel of SEIU, Local 721, chaired the Labor Committee. He has confirmed to my staff that Professor Miller remains a good choice for the ERB from the Labor Committee's perspective.

In recent months it has become clear that, in addition to Mr. Prihar, certain other members of the ERB have one or more conflicts. These conflicts arise from income received by the members from various unions, in connection with the members' private arbitration practices. These members recuse themselves from hearing matters concerning these unions. I am concerned about this situation, am monitoring it carefully, and will take additional steps as necessary. In the meantime, the City Attorney's office has requested an opinion from the Fair Political Practices Commission to help clarify the conflicts issues. Also, my staff has worked with our labor partners on proposed legislation that may alleviate the problem, which we will share with you.

We have discussed the conflict issues facing the ERB with Professor Miller and asked him to complete a Statement of Economic Interests. Based on that, we believe he does not have conflicts that will preclude him from serving on the Board. We have forwarded Professor Miller's Statement of Economic Interests to the Ethics Commission and trust it will confirm our conclusion.



Honorable Members of the City Council

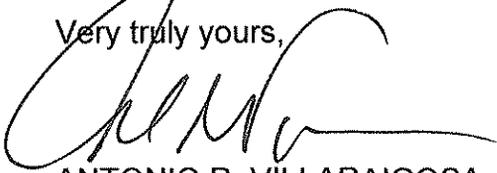
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Professor Miller teaches a number of courses at the Pepperdine University School of Law, including Labor Law and Public Sector Labor Law. He also serves as a highly regarded hearing officer and arbitrator for both the City and the County of Los Angeles. Membership on the ERB is not limited to City residents, and Professor Miller has graciously agreed to travel from his office in Malibu, or his home in Westlake Village, to serve our City.

I certify that in my opinion Professor Miller is especially qualified by reason of training and experience for the work that will devolve upon him, and that I make the appointment solely in the interest of the City.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Antonio R. Villaraigosa', with a long horizontal flourish extending to the right.

ANTONIO R. VILLARAIGOSA
Mayor

ARV:cg

Attachment