

City attorney questions document in Pier Avenue School sale

- by Alana Garrigues
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Hermosa Beach City Attorney Michael Jenkins cautioned against a reading of the recently unveiled Memorandum of Understanding, included in the escrow documents from the 1978 sale of Pier Avenue School from Hermosa Beach City School District to the City, as a legal document.

The MOU, which was filed with the escrow documents, was unsigned, and a signed copy has not been located. Jenkins said that it was intended as an exhibit to a Board Resolution rather than a contractual document.

"The MOU was something proposed by the board in an early resolution, but never executed by the parties. And it appears that a lease ... was ultimately substituted for the MOU," Jenkins wrote in an email. "In the world of contract law, an unexecuted contract is not a contract at all."

However, both City Manager Tom Bakaly and Superintendent Pat Escalante have read the document and are open to discussions about how the two entities could potentially work together more closely moving forward, in the spirit of the MOU and subsequent lease agreement.

Escalante said the district has not had the documents legally reviewed, and said that while the unsigned MOU was recorded as part of the sale of record, if it is deemed irrelevant, the lease agreement, which was signed, remains valid and indicates the district has another 15 years to enter into a lease for use of the community center.

In December, the school board will discuss whether to ask for a state representative to come and do a Title 5 assessment on the building.

The documents in question can be accessed through the school board's website under "School Board - District Historical Documents" at hbcasd.org.

For additional information, read the entire story titled "Document uncovers details about 1978 Pier