

**PLEASE DOWNLOAD THE AGENDA DOCUMENT FOR
INSTRUCTIONS ON HOW TO PARTICIPATE IN THE MEETING.**

1. Meeting Agenda

Documents:

[CC230807_AGENDA.PDF](#)

2. Item 1A

Findings to Hold Virtual City Council, Commission, Committee, Board and Other City
Bodies, Meetings Under AB 361

Documents:

[CC230807_ITEM 1A.PDF](#)

HOW TO VIEW THE MEETING: The meeting will be live streamed at www.malibucity.org/video and via Zoom Webinar.

HOW TO PARTICIPATE BEFORE THE MEETING: Members of the public are encouraged to submit email correspondence to citycouncil@malibucity.org before the meeting begins.

HOW TO PARTICIPATE IN-PERSON DURING THE MEETING: Members of the public may speak during the meeting in-person or through the Zoom application. In order to participate in-person, each speaker must complete and submit to the Recording Secretary a Request to Speak form. In-person participants may also surrender their opportunity to speak on a particular item to defer one minute to another in-person speaker.

HOW TO PARTICIPATE REMOTELY DURING THE MEETING: Members of the public may speak during the meeting in-person or through the Zoom application. In order to participate remotely, you must be present in the Zoom Webinar during the item that you would like to speak on and use the Raise Hand feature to request to speak when the Mayor calls the item. When you join the Zoom Webinar you may see a pop-up asking you to enter an email address, but a valid email address is not required. Be advised that those participating via Zoom do so at their own risk; remote participants should not expect the meeting to be cancelled or continued due the inability of some members of the public to access the remote meeting.

Malibu City Council **Special Meeting Agenda**

Monday, August 7, 2023

2:30 P.M. – CITY COUNCIL SPECIAL MEETING

**City Hall – Council Chambers
23825 Stuart Ranch Road**

Zoom Webinar Link:

<https://us02web.zoom.us/j/81615593056>

To the members of the City Council of the City of Malibu:

NOTICE IS HEREBY GIVEN that the Mayor has called a Special Meeting of the City Council of the City of Malibu to be held at Malibu City Hall, 23825 Stuart Ranch Road, Malibu, CA 90265, at 2:30 p.m. on Monday, August 7, 2023, for the purpose of holding a closed session and to consider approving findings required under AB 361.

Two-thirty p.m. Regular Session

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of AllegianceReport on Posting of Agenda – August 4, 2023Approval of Agenda**1. New Business****A. Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies, Meetings Under AB 361**

Recommended Action: Consider a motion to reaffirm Resolution No. 23-14, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

Staff Contact: City Clerk Pettijohn, 456-2489, ext. 228

Public Comment on Closed Session Items**Recess to Closed Session (to be held in the Westward Room)**

This time has been set aside for the City Council to meet in a closed session to discuss matters pursuant to Government Code Sections 54956.8 and 54956.9. Based on the advice of the City Attorney, discussion in open session concerning these matters would prejudice the position of the City in this litigation. The City Attorney will give an additional oral report regarding the Closed Session before adjournment of the Special meeting. At the conclusion of the Closed Session, the Council may continue any item listed on the Closed Session agenda to the Open Session agenda for discussion or to take formal action as it may deem appropriate.

Conference with Legal Counsel – Anticipated Litigation

1. Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) Development Agreement between the City of Malibu and La Paz Ranch, LLC, regarding the property located at 23465 Civic Center Way
Number of potential cases: (1)
2. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code section 54956.9
Number of potential cases: (1)

Conference with Real Property Negotiators

1. Properties: APN 4453-005-013
APN 4453-005-018
APN 4453-005-111
APN 4453-005-114
APN 4453-005-117
APN 4453-005-118
APN 4459-004-001
APN 4459-004-004
APN 4459-005-003
APN 4459-005-013
APN 4459-005-001

Agency Negotiator: Councilmembers Marianne Riggins and Doug Stewart

Negotiating Parties: EQ Property Holdings LLLP

Under Negotiation: Price and terms of payment

Reconvene in Open Session (Council Chambers)**Closed Session Report****Adjournment****Future Meetings**

Monday, August 14, 2023	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, August 28, 2023	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers
Monday, September 11, 2023	6:30 p.m.	Regular City Council Meeting	City Hall Council Chambers

Guide to the City Council Proceedings


Items in New Business are items, which are appearing for the first time for formal action. Each speaker is limited to three (3) minutes. Members of the public may speak during the meeting in-person or through the Zoom application. In order to participate remotely, you must be present in the Zoom Webinar during the item that you would like to speak on and use the Raise Hand feature to request to speak when the Mayor calls the item. In order to participate in-person, each speaker must complete and submit to the Recording Secretary a Request to Speak form *prior* to the beginning of the item being announced by the Mayor. In person participants may surrender their time by deferring one (1) minute to another speaker, not to exceed a total of eight (8) minutes. The speaker wishing to defer time must be present when the item is heard and their form must be submitted with the speaker form for the individual they are deferring time to. Speakers are taken in the order slips are submitted or hands are raised.

City Council meetings are aired live and replayed on City of Malibu Government Access Channel 3 and are available on demand on the City's website at www.malibucity.org/video. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California, and are available for public inspection during regular office hours, which are 7:30 a.m. to 5:30 p.m. Monday through Thursday and 7:30 a.m. to 4:30 p.m. Friday. Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office at 23825 Stuart Ranch Road, Malibu, California (Government Code Section 54957.5.b.2). Copies of staff reports and written materials may be purchased for \$0.10 per page.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Yolanda Bundy, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II].

Requests to show an audio or video presentation during a Council meeting should be directed to Alex Montano at (310) 456-2489, ext. 227 or amontano@malibucity.org. Material must be submitted by 12:00 p.m. on the meeting day.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Special meeting agendas may be amended up to 24 hours in advance of the meeting. Dated this 4th day of August 2023 at 11:45 a.m.



 Kelsey Pettijohn, City Clerk



Special Meeting
08-07-23

**Item
1.A.**

Council Agenda Report

To: Mayor Silverstein and the Honorable Members of the City Council

Prepared by: Steve McClary, City Manager
Kelsey Pettijohn, City Clerk
Trevor Rusin, Interim City Attorney

Date prepared: August 2, 2023 Meeting date: August 7, 2023

Subject: Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies, Meetings Under AB 361

RECOMMENDED ACTION: Consider a motion to reaffirm Resolution No. 23-14, re-authorizing remote teleconferencing/virtual meetings pursuant to AB 361.

FISCAL IMPACT: There is no fiscal impact associated with the recommended action.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2021-2022.

DISCUSSION: On March 17, 2020, in the face of the COVID-19 pandemic, Governor Gavin Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means, including allowing councilmembers to not have to post an agenda at their teleconference location, not have to identify their location on the meeting agenda, not have to ensure public accessibility at the teleconference location, and the legislative body did not need a quorum in the jurisdiction. The suspension of certain provisions of the Brown Act was further extended by the Governor on June 11, 2021 by the issuance of Executive Order N-08-21, which continued to allow for complete virtual meetings until September 30, 2021.

On September 16, 2021, the Governor signed AB 361, which allows legislative bodies to meet virtually provided there is a state of emergency declared by the Governor, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees. Although the states COVID-19 state of emergency ended on February 28, 2023, AB 361 will remain in

effect until January 1, 2024. As noted above, AB 361 authorizes public meetings to be held virtually if specified conditions are met. These conditions include when state or local officials have imposed or recommended measures to promote social distancing.

Research by staff indicates that officials continue to recommend social distancing. Specifically, California Division of Occupational Safety and Health (“Cal/OSHA”) regulations—at Title 8 Section 3205—recommend physical distancing in the workplace as precautions against the spread of COVID-19 and impose certain restrictions and requirements due to a “close contact” which occurs when individuals are within six feet of another in certain circumstances. Relatedly, the Centers for Disease Control and Prevention continue to recommend avoiding contact and keeping a safe distance from a person who has a suspected or confirmed case of COVID-19.

In order to continue to qualify for the waiver of in-person meeting requirements under AB 361, the Council must, every 30 days, make the required findings. Thus, this item will continue to appear on the agenda to satisfy this requirement during the duration the City Council can make the required findings.

ATTACHMENTS:
Resolution No. 23-14

RESOLUTION NO. 23-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
MAKING FINDINGS AND DETERMINATIONS UNDER AB 361 FOR THE
CONTINUATION OF VIRTUAL MEETINGS AND AUTHORIZING VIRTUAL
CITY COUNCIL, COMMISSION, BOARD, AND OTHER CITY MEETINGS
PURSUANT TO AB 361

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. The Ralph M. Brown Act (Gov. Code § 54950 et seq.) generally requires local agencies meeting via teleconference, including through other virtual or electronic means, to provide public access at each location in which members of the legislative body are teleconferencing;

B. On September 16, 2021 the Governor signed AB 361 (in effect as of October 1, 2021 — Government Code Section 54953(e)), which allows legislative bodies to meet virtually provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees;

C. The Governor’s COVID-19 state of emergency ended on February 28, 2023;

D. AB 361 remains in effect until January 1, 2024;

E. AB 361 authorizes legislative bodies to continue meeting virtually if specified conditions are met. These conditions include when state or local officials have imposed or recommended measures to promote social distancing;

F. Among other measures to promote physical distancing, the California Division of Occupational Safety and Health (“Cal/OSHA”) regulations—at Title 8 Section 3205—recommend physical distancing in the workplace as precautions against the spread of COVID-19 and impose certain restrictions and requirements due to a “close contact” which occurs when individuals are within six feet of another in certain circumstances;

G. The Centers for Disease Control and Prevention continue to recommend avoiding contact and keeping a safe distance from a person who has a suspected or confirmed case of COVID-19;

H. To allow for physical distancing and remote meeting attendance in accordance with these recommended measures, the City Council does hereby find that the City Council and all other City bodies shall conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the City Council and all other City bodies shall comply with the requirements to provide the public with access to the meetings electronically as prescribed in paragraph (2) of subdivision (e) of section 54953

SECTION 2. All of the above recitals are true and correct and incorporated herein by reference.

SECTION 3. The City Council has considered the above circumstances and hereby recognizes that state and local officials continue to recommend social distancing measures, which can impact the ability of the City and the public to meet safely in person.

SECTION 4. The City Council and all other City bodies shall conduct public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act for remote only meetings.

SECTION 5. This Resolution shall take effect immediately upon its adoption and remain in effect for 30 days or until such time as the City Council reaffirms this resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the City Council and all other legislative bodies of the City of Malibu may continue to teleconference without compliance with Government Code §54953(b)(3).

SECTION 6. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 7. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 13th day of March 2023.



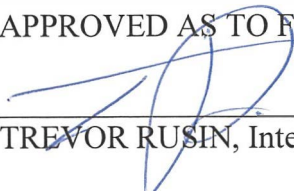
BRUCE SILVERSTEIN, Mayor

ATTEST:



KELSEY PETRI, City Clerk
(seal)

APPROVED AS TO FORM:



TREVOR RUSIN, Interim City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 23-14 was passed and adopted by the City Council of the City of Malibu at the Regular meeting thereof held on the 27th day of March 2023 by the following vote:

AYES: 5 Councilmembers: Grisanti, Riggins, Stewart, Uhring, Silverstein
NOES: 0
ABSTAIN: 0
ABSENT: 0


KELSEY PETTIJOHN, City Clerk
(seal)