



Council Agenda Report

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

Prepared by: Lisa Soghor, Assistant City Manager

Approved by: Reva Feldman, City Manager

Date prepared: August 7, 2020 Meeting date: August 24, 2020

Subject: Review of Fiscal Year 2020-2021 Budget

RECOMMENDED ACTION: 1) Receive an update on status of Fiscal Year 2020-2021 Budget; 2) Adopt Resolution No. 20-46 amending the annual budget for Fiscal Year 2020-2021; and 3) Adopt Resolution No. 20-47 rescinding Section 2 of Resolution No. 20-36 and approving the Authorized Positions and Salary Ranges for Fiscal Year 2020-2021 and approving the Associate Civil Engineer – Building and Safety Division Job Specification.

FISCAL IMPACT: The Adopted Budget totals \$54.32 million in revenue and \$63.79 million in expenses and includes General Fund annual revenue of \$30.20 million and General Fund annual expenditures for ongoing City operations of \$30.25 million.

If the staff recommendations in this report are approved, the General fund annual revenue will be reduced to \$29.99 million, and the General Fund annual operating expenditures will be reduced to \$29.54 million. Based on current information, staff projects that revenues will be decreased by \$206,300 from the Adopted Budget. Staff is proposing reductions in expenditures totaling \$709,161. This meets the \$500,000 reduction in expenditures directed by Council on June 22, 2020. Staff recommends that this \$500,000 be set aside to fund the City's increased debt service in Fiscal Year 2021-2022.

WORK PLAN: This item was included as item 6a in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: On June 22, 2020, the Council adopted the Fiscal Year 2020-2021 Budget. In consideration of the ongoing global pandemic and subsequent significant

impacts to the economy, the Council requested that staff return with a report on the status of the City's budget and to identify reductions in the City's budget including:

- Options for reducing Los Angeles County Sheriff's Department cost to the City
- Options for replacing some law enforcement services currently provided by the Los Angeles County Sheriff's Department with the California Highway Patrol
- Development of a retirement incentive program and calculations of the fiscal impact from the program
- Options to reduce \$500,000 in salaries and benefits
- Options to reduce Community Services programs and activities
- Options to reduce environmental sustainability programs

The Council also directed staff to return to Council with an item to place a measure on the November 3, 2020 ballot to increase Transient Occupancy Tax (TOT) from 12% to 15%. On July 13, 2020, the Council adopted Resolution No. 20-37 ordering the submission of a proposed measure that would increase the City's TOT from 12% to 15% at the General Municipal Election to be held on Tuesday, November 3, 2020. If the ballot measure is successful in November 2020, staff will include the projected additional revenue into future budgets at that time. The budget as currently presented does not include any additional revenue from an increase in TOT.

Update to Adopted Budget for Fiscal Year 2020-20201

Since the budget was adopted on June 22, 2020, staff has been monitoring the proposed phasing for the loosening of the Stay at Home orders by the State of California and the County of Los Angeles and the financial impact from the orders on the City's budget.

On March 19, 2020, the Governor issued Executive Order N-33-20 ordering all residents of California to stay home except as needed to maintain the operations of critical infrastructure sectors. The County issued a Health Officer Order and a series of revisions that mirrored and expanded on the Governor's Executive Order. The City is subject to the orders of the Los Angeles County Department of Public Health. On April 14, 2020, the State presented its Resilience Roadmap, a four-stage plan for modifying the State's Stay at-Home order. On May 4, 2020, the Governor issued Executive Order N-60-20, which informed local health jurisdictions and industry sectors that they may gradually reopen under new modifications and guidance provided by the State Public Health Officer on May 7, 2020. On May 26, 2020, as part of this phased reopening strategy, the County issued a new order easing restrictions on certain activities and on May 29, 2020, the State approved the County's application to move into advanced Stage 2. On June 12, 2020, the County issued a Revised Order, which allowed the re-opening of day camps, gyms and fitness centers, spectator-free professional sports, museums, tourist facilities, campgrounds, and entertainment production. On June 18, 2020, the

County Order was modified even further to allow for nail salons, tattoo shops, casinos, bars, and wineries to open with limited capacity and infection control safeguards.

As presented on June 22, 2020, the Adopted Budget for Fiscal Year 2020-2021 assumed that the County was in Stage 2 of the reopening process and would be in Stage 3 shortly.

However, on June 28, 2020, due to a spike in COVID-19 cases and hospitalizations, the State and the County amended the previous orders to require that all bars, breweries, wineries and tasting rooms close if they offered dine-in, sit-down meals. In addition to the amended order that closed bars and breweries, the County issued orders to close all beaches, beach parking lots, bike paths, piers, and access ways countywide, effective Friday, July 3, 2020, through Monday, July 6, 2020, to prevent crowding over the holiday and slow the spread of COVID-19. Surfing, walking, jogging, kayaking, paddle-boarding or any other recreational activities or gatherings were also prohibited at any State or County beach. The Revised Order also prohibited all private and public fireworks countywide. On July 1, 2020, the County backtracked even further, closing indoor dining, indoor museums, zoos and aquariums, and card rooms. On July 13, 2020, the Governor announced that counties on the State's Monitoring List for three consecutive days, which included Los Angeles County, must also close indoor operations at fitness centers, places of worship, indoor protests, offices for non-critical infrastructure sectors, personal care services, hair salons and barbershops, and malls, unless they could be modified to operate outside or by pick-up. The closure of these sectors, particularly the closure of beaches over the Fourth of July weekend, have negatively impacted multiple line items of the City's budget.

The summer season is typically the City's busiest time. The average number of visitors to local beaches is approximately 4 million people from June through August. This number does not include visitors to other non-beach areas. This summer, as a result of COVID-19 and the subsequent stay at home orders, records maintained by the Los Angeles County Lifeguards show beach attendance has been down approximately 30%. Local businesses are anecdotally reporting a drop in revenues of 75%, and local hotels are estimating that reservations are down by approximately 30% to 50%.

As discussed during the June 8, 2020 Public Hearing and the June 22, 2020 budget discussion, the Adopted Budget for Fiscal Year 2020-2021 relies on the one-time use of Southern California Edison (SCE) Settlement Funds in the amount of \$3.94 million. In anticipation that these funds will not be available in Fiscal Year 2021-2022 and due to the ongoing global pandemic, staff has analyzed the current year's budget, as well as the next fiscal year's budget. In an effort to be conservative and provide the City with an ongoing solid financial structure, it is recommended that the Council make certain reductions this fiscal year in anticipation of increased debt service costs in Fiscal Year

2021-2022 and an expected decline of General Fund revenues for at least a two-year period.

Revenue

As detailed in Attachment 1, based on the most recent available data and trends from the months of May, June, and July 2020, the following reductions in revenue projections are recommended:

Decrease in Documentary Transfer Tax due to decrease in real estate sales	\$40,000
Decrease in Transient Occupancy Tax for Hotels and Motels due to COVID-19 closures	\$100,000
Decrease in Sales Tax due to COVID-19 closures	\$200,000
Decrease in Parking Tax due to COVID-19 closures	\$4,000
Decrease in Film Permits due to COVID -19 closures	\$40,000
Decrease in Public Works reviews due to decrease in applications	\$75,000
Decrease in Building Plan Check fees due to decrease in applications	\$75,000
Decrease in Geology/Soils due to decrease in applications	\$40,000
Decrease in Environmental Health due to decrease in applications	\$20,000
Decrease in Planning Review fees due to decrease in applications.....	\$75,000
Decrease in Community Classes fees due to decrease in programs	\$4,800
Decrease in Special Event fees due to COVD-19 regulations	\$4,000

These reductions are partly offset by a \$350,000 increase in Property Taxes based on recent data received from the Los Angeles County Assessor’s office and a \$121,500 increase in Settlements from a Code Enforcement case and a Monsanto class action lawsuit. The changes in revenue for Fiscal Year 2020-2021 total a net decrease of \$206,300.

The Council directed staff to reduce \$500,000 in salaries and benefits. As part of this direction, a retirement incentive was offered to staff whereby eligible employees would receive \$2,000 per year of City service as an incentive to retire. No employees were interested in the incentive program. Staff has developed an alternative plan to reduce expenditures as presented below. This plan also takes into consideration the net decline in revenues of \$206,300. (Attachment 1).

The proposed changes to the budget rely on the City Council's continued commitment to maintain strong General Fund Reserves and a streamlined workplan that reflects limited resources.

1. **Staffing** – The Adopted Budget for Fiscal Year 2020-2021 provided funding for 91 full-time equivalent positions. The total of 91 full-time equivalent positions was a reduction of six full-time equivalent positions from the prior fiscal year. The Adopted Budget also included the elimination of a cost of living increase for City staff, which reduced expenses by \$265,000.

It is now recommended that 3.75 additional positions be eliminated, and one new position be established for a net reduction of 2.75 positions to reduce the City's budget for this fiscal year and future fiscal years. This would reduce the City's overall staffing number from 91.42 full-time equivalent position to 88.67 full-time equivalent positions, for a total savings of \$330,000 in Fiscal Year 2020-2021. These savings will continue in future years and be reflected in those budgets.

- Environmental Services – Due to budget constraints, the Council removed certain environmental tasks from the Fiscal Year 2020-2021 Adopted Workplan, resulting in a reduction of environmental-related tasks. As a result, the elimination of one full-time Environmental Coordinator is possible and will result in a net savings of \$66,000 for Fiscal Year 2020-2021 and a net savings of \$132,000 for each fiscal year thereafter.
- Community Services – The Council removed certain Community Services events and programs, resulting in a reduction of tasks for the department. As a result of the reduced workload, the elimination of one full-time Recreation Coordinator, which is currently vacant, is possible and will result in a net savings of \$77,000 for Fiscal Year 2020-2021 and a net savings of \$77,000 each fiscal year thereafter.
- Building Safety – The reductions in expenses can be achieved with a reorganization and a consolidation of certain functions, including replacing one full time, non-credentialed or licensed Environmental Sustainability Department position with a credentialed position that can assume some of the tasks currently being done by paid consultants, as well as the non-credentialed or licensed staff position. Replacing a non-credential Certified Plans Examiner with a Licensed Associate Civil Engineer and reducing the line item for Building Safety Professional Services will result in a net savings of \$148,000 for Fiscal Year 2020-2021 and a net savings of \$148,000 for each fiscal year thereafter. In Fiscal Year 2020-2021, the projected \$50,000 cost for the Civil Engineer is offset by a \$50,000 reduction in Professional Services.

- City Hall – Due to the COVID-19 pandemic, City Hall is anticipated to be open by appointment only for most of the calendar year. Additionally, staff does not anticipate that large events and other programs will happen in the building during the entire fiscal year. As a result, the elimination of the part-time City Hall Maintenance Worker is possible and will result in a net saving of \$39,000 for Fiscal Year 2020-2021 and a net savings of \$78,000 each fiscal year thereafter.

2. **Community Services Programming** – The Community Services Department has further reduced its programming and events offerings considering the latest COVID-19 guidance.

- Community Classes: Staff anticipates fewer in-person programs and workshops. Decreases in part-time staff hours, outside contractors and operating costs would yield a \$35,000 savings.
- Senior Adults: The original budget anticipated that the Senior Center would reopen in Fall 2020. Based on the latest information regarding COVID-19, City staff recommends keeping the Senior Center closed for the remainder of the calendar year. Staff will find new ways to serve the City’s senior population, including the Virtual Recreation Center. The reduction in in-person programming will provide a \$14,000 savings in contract personnel and part-time salaries.
- Special Events: Currently, staff is recommending cancelling all large special events for the 2020-2021 Fiscal Year. The impacted events include Bark in the Park, Cars and Coffee, Chumash Day, Spring Spectacular, Youth Commission events, CineMalibu, and Gold Hunt. The reduction in expenditures is anticipated to be \$59,000 from a decrease in part-time staff hours, outside contractors and operating costs.
- Cultural Arts: Staff is further recommending reductions in In-Person Art Exhibitions, some Arts and Education programming, Poet Laureate stipend, and Film Screenings for Fiscal Year 2020-2021. Staff would continue to produce virtual art exhibitions throughout the year. Decreases in part-time staff hours, outside contractors and operating costs would yield a \$19,500 savings.
- Skate Park: Opening the Temporary Skate Park under Los Angeles County COVID-19 regulations has proved to be very staff intensive. Additionally, staff recommends hiring a security guard to assist in monitoring behavior and safety compliance at the park. These costs were unanticipated at the time of the

original budget preparation. Staff estimates that an additional \$55,000 would be required to manage the Temporary Skate Park.

3. **Los Angeles County Sheriff's Department (LASD) Expenses** – With advocacy from the California Contract Cities Association, Los Angeles County has agreed to waive the .5% increase to the Liability Trust Fund in Fiscal Year 2020-2021. This results in a \$40,000 reduction from the budgeted amount.

Pursuant to Council direction, staff discussed the current LASD contract with Contract Law at the Sheriff's Department and, at this time, staff has determined that any reduction to the City's contract could compromise public safety. Due to budget reductions by the Los Angeles County Board of Supervisors that have reduced countywide staffing for targeted law enforcement services for homeless outreach services and other special services, staff does not recommend changing or reducing the current LASD contract.

4. **California Highway Patrol (CHP) Services** – The Fiscal Year 2020-2021 Adopted Budget did not include funding for on-call CHP services to provide assistance during emergency situations and Public Safety Power Shutoff (PSPS) events. Since Pacific Coast Highway (PCH) is a state-owned highway operated by Caltrans, the City can hire CHP officers to assist in managing traffic on PCH during planned power outages. Staff recommends adding \$100,000 to the budget to fund these services.

Staff also explored the possibility of replacing some LASD deputy hours with CHP officer time. Regular CHP officer hours are slightly more expensive than an LASD deputy, and while CHP overtime hours are less expensive, the City would not be ensured reliable staffing or coverage from the CHP as is provided by LASD. As stated above, staff recommends that the City continue to fully fund the LASD contract and use CHP services on an on-call basis for PSPS or other events, as needed.

5. **Film Permit Consultant** – Due to the projected \$40,000 decrease in Film Permit Fees, there is a correlating \$30,000 reduction in the costs for the Film Permit Consultant.
6. **Other Post-Employment Benefits (OPEB) Savings** – During the development of the Fiscal Year 2020-2021 Budget, staff used the actuarial valuation prepared in July 2018 for the City's estimated contribution. These actuarial valuations are prepared every two years for reporting to CalPERS. The City just received its new OPEB actuarial valuation, which reflects that aggressive funding in prior years has eliminated the City's unfunded liability. Based on the new valuation, the City can reduce its annual contribution by \$244,000 and remain fully funded.

7. **Suspension of Deferred Compensation Matching Program** – The City offers a deferred compensation matching program to employees pursuant to Resolution No. 06-53. Employees who contribute to their deferred compensation account through ICMA-RC are eligible to receive up to \$50 per paycheck in matching funds from the City. To reduce costs, it is recommended the City suspend this matching program. Suspension of the program from September 2020 through June 2021 will result in a net savings of \$77,000 for Fiscal Year 2020-2021 and a net savings of \$83,000 for the following fiscal year. It is recommended that the ICMA-RC Matching program be re-instated in Fiscal Year 2022-2023 if the City’s finances have sufficiently stabilized.

8. **Insurance Expenses** – California Joint Powers Insurance Agency (CJPIA), the City’s insurance company, sent the invoice for the City’s property insurance on July 30, 2020. The rates were slightly lower than had been anticipated at the time of budget preparation. There is a \$30,000 reduction to the property insurance costs attributable to the General Fund.

View Preservation Permit Fee – On July 13, 2020, the Council directed staff to bring back a discussion of the View Preservation Permit (VPP) Fee. Currently, the fee for a VPP processed through the Planning Commission is set at \$2,615. The fee for a VPP processed by the Planning Director is set at \$348. All applicants for VPPs to date have been able to work through the process with the foliage owner, and a Planning Commission determination has not been necessary. Staff has not received any feedback about the fee amount other than related to Big Rock area homeowners.

The reason for the difference in the fees is that there are significantly more staff time and resources involved in these two types of permits. Refer to Malibu Municipal Code (MMC) Section 17.45.060 (Attachment 4). For each type, the claimant must attempt to reach an agreement with the foliage owner through: 1) informal discussions; 2) mediation; and 3) binding arbitration. If these are successful, the Planning Director simply documents the agreement to memorialize the VPP, as described in the excerpt from MMC Section 17.45.060 (Attachment 5). No meetings, site visits, agenda reports, or hearings are required.

However, if the three steps above do not produce an agreement between the claimant and foliage owner, there are additional options for staff to process the VPP through the Planning Commission. Planners and administrative staff are involved. Staff takes in the application, arranges and conducts site visits at both the claimant and foliage owners’ properties, prepares a public notice for publishing and mailing (including the cost of postage and publishing), prepares a staff report and draft permit, prepares for and staffs a public hearing on the item, and finalizes the permit based on the Commission’s action.

General Fund Reserve – The Adopted Budget for Fiscal Year 2020-2021 reflected a projected General Fund Undesignated Reserve at June 30, 2021 of \$22.83 million. The August revisions would add \$500,000 for a projected reserve of \$23.33 million. This number will be further refined once the City’s auditors have audited Fiscal Year 2019-2020. The projected reserve is 70% of the annual operating budget. This exceeds the City’s goal of maintaining a minimum of 50% of the operating budget in reserves and exceeds the 65% goal necessary to retain the highest credit rating for the City. The total projected General Fund Reserve balance (including Designated and Undesignated Reserves, the SCE Woolsey Fire Settlement, and the FEMA/CalOES liability) at June 30, 2021 is \$24.4 million.

It should be noted that the projected reserve of 70% is based on the one-time use of SCE Settlement Funds, Special Revenue funds, and grants. If the use of these funds were eliminated, the projected General Fund reserve would be 64% of the annual operating budget.

The Administration and Finance Subcommittee (A&F) met on August 7, 2020 and recommended that the City Council approve the recommended budget adjustments. A&F also recommended the approval of the Associate Civil Engineer – Building and Safety Division Job Specification. Due to budget constraints, the Subcommittee did not recommend revising the View Preservation Permit fee at this time.

ATTACHMENTS:

1. August Revisions of Fiscal Year 2020-2021 Annual Budget
2. Resolution No. 20-46
3. Resolution No. 20-47
4. View Preservation Permit – MMC 17.45.060

2020-2021 PROPOSED BUDGET AMENDMENTS

Account	Description	Amount	Detail
REVENUE			
General Fund			
100-0000-3111	Property Tax	350,000	Increase per data from LA County Assessor's office
100-0000-3131	Documentary Transfer Tax	(40,000)	Reduce due to decrease in real estate sales
100-0000-3133	Transient Occupancy Tax - Hotels and Motels	(100,000)	Reduce due to COVID-19 Closures
100-0000-3137	Sales Tax	(200,000)	Reduce due to COVID-19 Closures
100-0000-3138	Parking Tax	(4,000)	Reduce due to COVID-19 Closures
100-0000-3202	Film Permits	(40,000)	Reduce due to COVID-19 Closures
100-0000-3431	Public Works Reviews	(75,000)	Reduce to to decrease in applications
101-0000-3410	Building Plan Check Fees	(75,000)	Reduce to to decrease in applications
101-0000-3412	Geo Soils	(40,000)	Reduce to to decrease in applications
101-0000-3414	Environmental Health	(20,000)	Reduce to to decrease in applications
101-0000-3421	Planning Review Fees	(75,000)	Reduce to to decrease in applications
100-0000-3470	Community Classes Fees	(4,800)	Reduce to correlate with decrease in programs
100-0000-3471	Special Event Fees	(4,000)	Reduce to correlate with decrease in events
100-0000-3901	Settlements	121,500	Settlements paid from Monsato Class Action Lawsuit & Code Enforcement
	Total Proposed General Fund Revenue Amendments	(206,300)	
	Total Revised General Fund Revenue Budget	29,995,550	
	TOTAL PROPOSED AMENDED REVENUE BUDGET	54,135,841	

EXPENDITURES			
General Fund			
	Total Adopted General Fund Operating Expenditures	63,787,919	
	Total Revised General Fund Operating Expenditures	30,251,541	
	TOTAL ADOPTED EXPENDITURE BUDGET	63,787,919	
	TOTAL PROPOSED AMENDED EXPENDITURE BUDGET	63,078,758	

General Fund	All Departments - FT Salaries and Benefits	(330,261)	Elimination of FT Salaries and Benefits (3.75 FTE)
100-XXXX-4101	Community Classes - PT Salaries and Benefits	(5,000)	Elimination of PT Salaries for Community Classes due to COVID-19
100-4007-4102	Community Classes - Operating & Maintenance	(30,000)	Elimination of O&M for Community Classes due to COVID-19
100-4007-5000	Senior Adults- PT Salaries and Benefits	(4,000)	Elimination of PT Salaries for Senior Adults due to COVID-19
100-4008-4102	Senior Adults - Operating & Maintenance	(10,000)	Elimination of O&M for Senior Adults due to COVID-19
100-4008-5000	Special Events - PT Salaries and Benefits	(14,000)	Elimination of PT Salaries for Special Events due to COVID-19
100-4011-4102	Special Events - Operating & Maintenance	(45,000)	Elimination of O&M for Special Events due to COVID-19
100-4011-5000	Cultural Arts - PT Salaries and Benefits	(4,500)	Elimination of PT Salaries for Cultural Arts due to COVID-19
100-4012-4102	Cultural Arts - Operating & Maintenance	(15,000)	Elimination of O&M for Cultural Arts due to COVID-19
100-4012-5000	Skate Park - PT Salaries and Benefits	35,000	Add additional staffing due to COVID-19 regulations
100-4005-4102	Skate Park - Contract Personnel	20,000	Add security guard to monitor compliance with regulations
100-4005-5107	Public Safety LA County Sheriffs Services	(40,000)	Reduction of .5% of LTF Charge per LA County
100-7031-5115/5116	Public Safety California Highway Patrol Services	100,000	Add funding for CHP on-call services for emergency response
100-7031-5100	Finance - Film Permit Consultant	(30,000)	Reduction to costs for Film Permit Consultant
100-7054-5117	Other Post Employment Benefits	(244,000)	Reduce per Actuarial Valuation dated 7-21-2020
100-7059-4217	Deferred Maintenance Matching Program (ICMARC)	(62,400)	Suspend ICMARC Matching Program
100-XXXX-4210	City Property Insurance	(30,000)	Reduction per CJPIA bill dated 7-30-20
100-XXXX-4210	Building Safety - FT Salaries and Benefits	50,000	Add Associate Civil Engineer Position (1FTE)
101-2004-4101	Building Safety - Professional Services	(50,000)	Reduction of professional services due to addition of staff engineer
101-2004-5100	Total Proposed General Fund Expenditure Amendments	(709,161)	
	Total Revised General Fund Operating Expenditure Budget	29,542,380	

RESOLUTION NO. 20-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
AMENDING THE 2020-2021 ANNUAL BUDGET

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

SECTION 1. Since the adoption of the 2020-2021 annual budget on June 22, 2020, the City has determined that additional reductions, expenditures, and adjustments are necessary, which require amending the Adopted Budget for Fiscal Year 2020-2021.

SECTION 2. The 2020-2021 annual budget is hereby amended as shown in Exhibit A. The 2020-2021 annual budget adopted June 22, 2020, by Resolution No. 20-34 as modified by Exhibit A shall be the official municipal budget for the City of Malibu.

SECTION 3. The City Clerk shall certify the adoption of this resolution.

PASSED, APPROVED AND ADOPTED this 24th day of August 2020.

MIKKE PIERSON, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

CHRISTI HOGIN, City Attorney

Exhibit A

2020-2021 PROPOSED BUDGET AMENDMENTS			
Account	Description	Amount	Detail
REVENUE			
	TOTAL ADOPTED REVENUE BUDGET	\$ 54,342,141	
	Total Adopted General Fund Budget	\$ 30,201,850	
General Fund			
100-0000-3111	Property Tax	350,000	Increase per data from LA County Assessor's office
100-0000-3131	Documentary Transfer Tax	(40,000)	Reduce due to decrease in real estate sales
100-0000-3133	Transient Occupancy Tax - Hotels and Motels	(100,000)	Reduce due to COVID-19 Closures
100-0000-3137	Sales Tax	(200,000)	Reduce due to COVID-19 Closures
100-0000-3138	Parking Tax	(4,000)	Reduce due to COVID-19 Closures
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101-0000-3414	Environmental Health	(20,000)	Reduce to to decrease in applications
101-0000-3421	Planning Review Fees	(75,000)	Reduce to to decrease in applications
100-0000-3470	Community Classes Fees	(4,800)	Reduce to correlate with decrease in programs
100-0000-3471	Special Event Fees	(4,000)	Reduce to correlate with decrease in events
100-0000-3901	Settlements	121,500	Settlements paid from Monsato Class Action Lawsuit & Code Enforcement
	Total Proposed General Fund Revenue Amendments	(206,300)	
	Total Revised General Fund Revenue Budget	29,995,550	
	TOTAL PROPOSED AMENDED REVENUE BUDGET	54,135,841	
EXPENDITURES			
	TOTAL ADOPTED EXPENDITURE BUDGET	63,787,919	
	Total Adopted General Fund Operating Expenditures	30,251,541	
General Fund			
100-XXXX-4101	All Departments - FT Salaries and Benefits	(330,261)	Elimination of FT Salaries and Benefits (3.75 FTE)
100-4007-4102	Community Classes - PT Salaries and Benefits	(5,000)	Elimination of PT Salaries for Community Classes due to COVID-19
100-4007-5000	Community Classes - Operating & Maintenance	(30,000)	Elimination of O&M for Community Classes due to COVID-19
100-4008-4102	Senior Adults- PT Salaries and Benefits	(4,000)	Elimination of PT Salaries for Senior Adults due to COVID-19
100-4008-5000	Senior Adults - Operating & Maintenance	(10,000)	Elimination of O&M for Senior Adults due to COVID-19
100-4011-4102	Special Events - PT Salaries and Benefits	(14,000)	Elimination of PT Salaries for Special Events due to COVID-19
100-4011-5000	Special Events - Operating & Maintenance	(45,000)	Elimination of O&M for Special Events due to COVID-19
100-4012-4102	Cultural Arts - PT Salaries and Benefits	(4,500)	Elimination of PT Salaries for Cultural Arts due to COVID-19
100-4012-5000	Cultural Arts - Operating & Maintenance	(15,000)	Elimination of O&M for Cultural Arts due to COVID-19
100-4005-4102	Skate Park - PT Salaries and Benefits	35,000	Add additional staffing due to COVID-19 regulations
100-4005-5107	Skate Park - Contract Personnel	20,000	Add security guard to monitor compliance with regulations
100-7031-5115/5116	Public Safety LA County Sheriff's Services	(40,000)	Reduction of .5% of LTF Charge per LA County
100-7031-5100	Public Safety California Highway Patrol Services	100,000	Add funding for CHP on-call services for emergency response
100-7054-5117	Finance - Film Permit Consultant	(30,000)	Reduction to costs for Film Permit Consultant
100-7059-4217	Other Post Employment Benefits	(244,000)	Reduce per Actuarial Valuation dated 7-21-2020
100-XXXX-4210	Deferred Maintenance Matching Program (ICMARC)	(62,400)	Suspend ICMARC Matching Program
100-XXXX-4210	City Property Insurance	(30,000)	Reduction per CJPIA bill dated 7-30-20
101-2004-4101	Building Safety - FT Salaries and Benefits	50,000	Add Associate Civil Engineer Position (1FTE)
101-2004-5100	Building Safety - Professional Services	(50,000)	Reduction of professional services due to addition of staff engineer
	Total Proposed General Fund Expenditure Amendments	(709,161)	
	Total Revised General Fund Operating Expenditure Budget	29,542,380	
	TOTAL PROPOSED AMENDED EXPENDITURE BUDGET	63,078,758	

RESOLUTION NO. 20-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU RESCINDING SECTION 2 OF RESOLUTION NO. 20-36 AND APPROVING THE AUTHORIZED POSITIONS AND SALARY RANGES FOR FISCAL YEAR 2020-2021 AND APPROVING THE ASSOCIATE CIVIL ENGINEER – BUILDING AND SAFETY DIVISION JOB SPECIFICATION

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

SECTION 1. On June 22, 2020, the City Council adopted Resolution No. 20-36 approving the Authorized Positions and Salary Ranges for Fiscal Year 2020-2021.

SECTION 2. Since June 22, 2020, changes to the Authorized Positions and Salary Ranges for Fiscal Year 2020-2021 are needed.

SECTION 3. Section 2 of Resolution No. 20-36 is hereby rescinded.

SECTION 4. The Associate Civil Engineer – Building and Safety Division Job Specification, as set forth in Exhibit A, is hereby approved.

SECTION 5. The City Council has reviewed the updated Authorized Positions and Salary Ranges for Fiscal Year 2020-2021 as set forth in Exhibit B.

SECTION 6. The Authorized Positions and Salary ranges for Fiscal Year 2020-2021 incorporated by this reference are hereby approved.

SECTION 7. The City Manager has the authority to increase a salary range as needed for authorized positions that are required to be on call for emergency services by a maximum of three percent.

SECTION 8. This resolution shall become effective on August 24, 2020.

SECTION 9. 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 24th day of August 2020.

MIKKE PIERSON, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

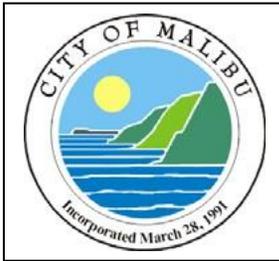
CHRISTI HOGIN, City Attorney

CITY OF MALIBU			
AUTHORIZED PERSONNEL			
PROPOSED AMENDED FY 2020-2021			
	2019-2020	2020-2021	2020-2021
	Adopted	Adopted	Amended
MANAGEMENT & ADMINISTRATIVE SERVICES			
City Manager	1.00	1.00	1.00
Assistant City Manager	1.00	1.00	1.00
Public Safety Manager	1.00	1.00	1.00
Fire Safety Liaison	1.50	1.00	1.00
Public Safety Specialist	1.00	1.00	1.00
Assistant to the City Manager	1.00	1.00	1.00
Executive Assistant	1.00	1.00	1.00
City Clerk	1.00	1.00	1.00
Deputy City Clerk	1.00	1.00	1.00
Human Resources Manager	1.00	1.00	1.00
Human Resources Technician	1.00	1.00	1.00
Media Information Officer	1.00	1.00	1.00
Sr. Media Technician	1.00	1.00	1.00
Media Technician	1.00	1.00	1.00
Graphic Artist	1.00	1.00	1.00
Finance Manager	1.00	1.00	1.00
Financial Analyst	1.00	0.00	0.00
Accounting Technician	0.00	1.00	1.00
Sr. Accounting Clerk	1.00	0.00	0.00
Accounting Clerk	1.00	2.00	2.00
Information Systems Manager	1.00	1.00	1.00
Information Systems Technician	1.00	1.00	1.00
Sr. PW Maintenance Worker	1.00	1.00	1.00
PW Maintenance Worker	0.75	0.75	0.00
Office Assistant	1.00	1.00	1.00
Office Assistant/Receptionist	1.00	1.00	1.00
Student Interns	0.50	0.00	0.00
Total	25.75	24.75	24.00
ENVIRONMENTAL SUSTAINABILITY			
ESD Director/Building Official	1.00	1.00	1.00
ESD Manager/Deputy Building Official	1.00	1.00	1.00
Environmental Health Administrator	1.00	1.00	1.00
Certified Plans Examiner	1.00	1.00	0.00
Supervising Building Inspector	1.00	0.00	0.00
Sr. Building Inspector	0.00	1.00	1.00
Engineer	0.00	0.00	1.00
Building Inspector	2.00	2.00	2.00
Environmental Program Coordinator	2.00	2.00	1.00
Environmental Sustainability Analyst	1.00	1.00	1.00
Administrative Analyst	1.00	1.00	1.00
Administrative Assistant	1.00	1.00	1.00
Sr. Permit Services Technician	2.00	2.00	2.00
Permit Services Technician	1.00	1.00	1.00
Wastewater Man. Program Specialist	1.00	1.00	1.00
Office Assistant	2.00	2.00	2.00
Total	18.00	18.00	17.00

PLANNING DEPARTMENT				
	Planning Director	1.00	1.00	1.00
	Assistant Planning Director	1.00	1.00	1.00
	Principal Planner	1.00	1.00	1.00
	Senior Planner	1.00	0.00	0.00
	Associate Planner	3.00	3.00	3.00
	Assistant Planner	4.00	3.00	3.00
	Planning Technician	3.00	4.00	4.00
	Senior Code Enforcement Officer	1.00	1.00	1.00
	Code Enforcement Officer	2.00	2.00	2.00
	Senior Administrative Analyst	1.00	1.00	1.00
	Senior Office Assistant	2.00	1.00	1.00
	Office Assistant	2.00	2.00	2.00
	Planning Intern (Part-time)	0.50	0.00	0.00
	Total	22.50	20.00	20.00
PUBLIC WORKS				
	Public Works Director/City Engineer	1.00	1.00	1.00
	Assistant Public Works Director/City Engineer	1.00	1.00	1.00
	Public Works Superintendent	1.00	2.00	2.00
	Associate Civil Engineer	1.00	1.00	1.00
	Assistant Civil Engineer	2.00	2.00	2.00
	Sr. Public Works Inspector	1.00	0.00	0.00
	Public Works Inspector	1.00	1.00	1.00
	Sr. Administrative Assistant	1.00	1.00	1.00
	Administrative Assistant	1.00	1.00	1.00
	Total	10.00	10.00	10.00
COMMUNITY SERVICES				
	Community Services Director	1.00	1.00	1.00
	Community Services Deputy Director	1.00	1.00	1.00
	Recreation Supervisor	2.00	2.00	2.00
	Recreation Coordinator	3.00	3.00	2.00
	Parks Supervisor	1.00	1.00	1.00
	Parks Maintenance Worker	1.00	1.00	1.00
	Administrative Assistant	1.00	1.00	1.00
	Pool Manager (Part-time)	0.89	0.73	0.73
	Lifeguards (Part-time)	2.19	1.77	1.77
	Recreation Assistants (Part-time)	8.07	6.11	5.11
	Recreation Assistants - Skate Park (Part-Time)	0.00	0.00	1.00
	Media Assistant (Part-time)	0.12	0.06	0.06
	Total	21.27	18.67	17.67
TOTAL EMPLOYEES		97.52	91.42	88.67

CITY OF MALIBU AUTHORIZED POSITIONS AND SALARY RANGES		
FY 2020-2021		
Classification	Salary Range	
City Manager	248,000	
Assistant City Manager	157,868	205,980
Deputy City Manager	154,898	202,107
Environmental Sustainability Director/Building Official	150,386	196,220
Public Works Director/City Engineer	150,386	196,220
Community Services Director	139,810	182,419
Planning Director	139,810	182,419
Assistant Public Works Director/Asst City Engineer	120,780	157,588
Community Services Deputy Director	120,780	157,588
Environmental Sustainability Manager/Dep Building Official	120,780	157,588
Assistant Planning Director	120,780	157,588
Finance/Accounting Manager	117,832	153,745
City Clerk	109,545	142,931
Permit Services Manager	109,545	142,931
Senior Civil Engineer	109,545	142,931
Environmental Programs Manager	106,471	138,920
Public Safety Manager	106,464	138,912
Public Works Superintendent	106,464	138,912
Information Systems Manager	104,332	136,130
Associate Civil Engineer	94,626	123,466
Environmental Health Administrator	94,626	123,466
Information Systems Administrator	94,626	123,466
Principal Planner	94,626	123,466
Assistant to City Manager	90,512	118,098
Senior Planner	90,512	118,098
Recreation Manager	88,731	115,775
Certified Plans Examiner	86,205	112,479
Human Resources Manager	86,205	112,479
Senior Environmental Programs Coordinator	86,205	112,479
Senior Administrative Analyst	83,732	109,250
Supervising Building Inspector	83,732	109,250
Assistant Civil Engineer	81,747	106,661
Executive Assistant	79,469	103,689
Environmental Programs Coordinator	77,850	101,579
Environmental Sustainability Analyst	77,850	101,579
Financial Analyst	77,850	101,579
Associate Planner	77,672	101,344
Fire Safety Liaison	77,155	100,670
Media Information Officer	77,155	100,670
Recreation Supervisor	77,155	100,670
Parks Supervisor	76,090	99,280
Senior Building Inspector	75,951	99,099
Senior Code Enforcement Officer	75,950	99,097
Senior Public Works Inspector	75,855	98,974
Emergency Services Coordinator	74,503	97,209
Administrative Analyst	72,333	94,378
Human Resources Analyst	72,333	94,378
Senior Accounting Technician	68,442	89,301
Senior Recreation Coordinator	67,094	87,540
Assistant Planner	66,201	86,377

Building Inspector	65,615	85,611
Code Enforcement Officer	65,615	85,611
Deputy City Clerk	65,615	85,611
Environmental Programs Specialist	65,288	85,186
Wastewater Management Program Specialist	65,288	85,186
Public Works Inspector	64,046	83,565
Senior Parks Maintenance Worker	63,523	82,884
Planning Technician	62,492	81,539
Senior Administrative Assistant	62,492	81,539
Senior Media Technician	62,492	81,539
Senior Permit Services Technician	62,492	81,539
Senior Public Works Maintenance Worker	62,492	81,539
Recreation Coordinator	60,997	79,588
Accounting Technician	59,517	77,657
Human Resources Technician	59,077	77,082
Administrative Assistant	54,946	71,691
Parks Maintenance Worker	54,946	71,691
Public Works Maintenance Worker	54,946	71,691
Information Systems Technician	53,977	70,428
Media Technician	53,977	70,428
Permit Services Technician	53,977	70,428
Records Management Specialist	51,588	67,311
Public Safety Specialist	51,588	67,311
Wastewater Management Program Analyst	51,457	67,141
Senior Accounting Clerk	50,180	65,473
Senior Office Assistant	47,802	62,370
Graphic Artist	47,802	62,370
Accounting Clerk	46,992	61,315
Office Assistant	41,285	53,868
Pool Manager	36,526	47,658
<i>Part-Time Positions - Hourly Rates</i>		
Recreation Assistants I (Part-time)	15.38	20.06
Recreation Assistants II (Part-time)	18.25	23.80
Media Assistant (Part-time)	18.25	23.80
Office Assistant (Part-time)	16.76	21.87
Parks Maintenance Assistant (Part-time)	15.38	20.06
Pool Manager (Part-time)	17.57	22.93
Lifeguards (Part-time)	15.38	20.06
Intern (Part-time)	15.38	20.06
Student Intern	15.00	19.57



CITY OF MALIBU

ASSOCIATE CIVIL ENGINEER Building and Safety Division

Class Description
August 2020

FLSA: Non-Exempt

DEFINITION

Under direct or general supervision, performs various professional field and office engineering work related to the Building and Safety Division: performs a variety of professional duties involved in performing engineering reviews and plan check reviews of residential and non-residential grading and building construction plans for compliance with all state and City codes, ordinances and regulations; coordinates with other departments and agencies for necessary approvals; facilitates issuance of grading and building permits; provides professional assistance to the Environmental Sustainability Department, the City Council and others in areas of expertise; and performs related work as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direct or general supervision by the Environmental Sustainability Director/Building Official and/or other supervisor. May exercise technical direction and lead supervision over lower-level staff. May supervise technical, administrative, or clerical staff.

CLASS CHARACTERISTICS

This is the fully experienced class in the professional engineering series, with responsibilities spanning the entire spectrum of the City's engineering function. Positions at this level are distinguished from lower level classifications because they include more difficult plan checking duties, require a broader engineering knowledge, work independently, apply well developed program support knowledge, and exercise judgement and initiative. Positions at this level are fully aware of the operating procedures and policies of the work unit. Successful performance of the work requires an extensive professional background as well as skills in coordinating work with those of other City departments and public agencies as well as dealing with the public. This class is distinguished from the Senior Civil Engineer in that the latter is the highest-level class in the professional engineering series with managerial responsibility.

EXAMPLES OF ESSENTIAL JOB FUNCTIONS (Illustrative Only)

Management reserves the right to add, modify, change or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.

- Reviews the full range of construction plans including complex and difficult projects, single and multiple-family dwellings, residential additions, alterations, and repairs, commercial tenant improvements as well as additions, alterations and repairs, and other projects
- Reviews plans of consulting engineers and private contractors; reviews grading plans; checks plans for conformance with regulations regarding line, grade, size, elevation and location of structures; reviews engineering calculations of other engineers or engineering technicians

- Reviews and verifies engineering calculations and architectural plans, soil engineering recommendations, and related items to ensure compliance with applicable codes and ordinances as well as seismic design provisions; indicates corrections for both plans and calculations; communicates in writing with engineers, architects, and others regarding plan review findings and proposed correction
- Explains, interprets, and provides guidance regarding applicable codes, regulations, hand outs, and related materials to the public, architects, engineers, contractors, developers, owners, co-workers, and other interested parties; answers questions regarding building codes and requirements and interprets plans for field inspectors; resolves complex and sensitive customer service issues, either personally, by telephone or in writing; maintains records and documents of customer service issues and resolutions
- Coordinates activities and plan review processing with City staff and staff from other agencies including counter technicians, planners, inspectors, building officials, fire inspectors, health department plan checkers and others; assists other Divisions and Departments, including Planning, Public Works, and Finance, in providing information and answering inquiries regarding various projects, fees, plans examination, code interpretations, internal divisional policy and procedures, determination and calculation of valuations, permit costs, and related fees
- Assists customers and counter technicians in permit processing; establishes valuations and fees; reviews and signs plans; provides assistance at the public counter by answering questions and providing over the counter assistance or plan review
- Performs document research and filing; enters data; prepares and maintains records and produces correspondence and documentation as necessary
- Performs field inspections and site visits as necessary; visits building and construction sites to make determinations on code compliance, answers inquiries related to plans, and resolves problems
- Maintains current knowledge of new trends and innovations related to area of assignment including new and revised codes as well as new materials and products; attends and participates in job related seminars and professional group meetings
- Meets with property owners, engineers, contractors, architects, and the general public concerning interpretation and application of City and Departmental policies and procedures
- Makes technical decisions regarding appropriate application of both Structural and Non-structural for new development and significant redevelopment projects; reviews engineering calculations to determine adequate sizing and appropriate application on priority projects
- Coordinates assigned activities with consultants, engineers, developers, contractors, other City departments and divisions, and with outside agencies
- Provides technical and professional engineering support services relative to assigned area of responsibility; prepares difficult special engineering studies and reports; performs special assignments on engineering problems as necessary
- Coordinates the review of funding applications and analysis of engineering fee structures
- Assists in the selection and supervision of consultant professional engineers for the development of plans, specifications, studies and reports; administers professional service contracts
- Prepares City Council agenda items on Building and Safety/Grading matters and attends meetings as required
- Assists in the preparation and administration of budgets
- Performs other duties as assigned

QUALIFICATIONS**Knowledge of:**

- Engineering procedures, terminology, principles and theories as related to the structural components of buildings and structures
- Civil engineering principles, techniques, policies, and procedures
- Pertinent federal, state, and local building, construction, and fire safety codes and requirements including disabled access, energy, general construction, and uniform plumbing, electrical, and mechanical codes
- Structural engineering procedures, design, and calculations
- Architectural design procedures
- Applicable laws and regulatory codes relevant to assigned area of responsibility
- Basic principles of supervision and training
- Computer applications related to the work, including computer-aided drafting concepts and applications, including Geographical based Information Systems (GIS) programs
- Methods, materials and techniques used in grading and building construction
- Modern developments, current literature and sources of information regarding engineering
- Principles of advanced mathematics and their application to engineering work
- General principles of risk management related to the functions of the assigned area
- Techniques for effectively representing the City in contacts with governmental agencies, community groups, various business, professional, educational and regulatory organizations and with property owners, developers, contractors and the public
- Techniques for dealing effectively with the public, vendors, contractors and City staff, in person and over the telephone
- Techniques for providing a high level of customer service to public and City staff, in person and over the telephone
- Subdivision engineering and plan review practices
- Project management principles and techniques
- Engineering plan types, review practices, and permit filing and approval procedures

Skill in:

- Performing detailed analysis and design examination of buildings and construction documents and plans
- Reading, interpreting, and explaining architectural, structural, and civil engineering plans, construction specifications, and procedures to ensure conformance with building codes and other related regulations
- Checking engineering/architectural computations and calculations with the codes related to structural stability of buildings and structures
- Making sound judgments and decisions regarding a variety of job related queries and problems
- Learning the organization, operation, and services of the City and of outside agencies as necessary to assume assigned responsibilities
- Learning to correctly interpret and apply general administrative and departmental policies and procedures
- Reading and interpreting data, information, and documents.
- Analyzing and solving complex problems
- Providing effective and courteous customer service to external and internal customers
- Working under steady pressure with frequent interruptions and a high degree of public

- contact by phone or in person
- Planning and organizing work to meet changing priorities and deadlines
 - Understanding and carrying out oral and written directions
 - Understanding, and interpreting engineering construction plans, specifications, and other contract documents
 - Assisting in, and developing and administering contracts for professional services and construction in a public agency setting
 - Interpreting, applying, and ensuring compliance with applicable federal, state, and local laws, codes, and regulations
 - Effectively representing the department and the City in meetings with governmental agencies, community groups, various business, professional, and regulatory organizations and individuals
 - Directing and reviewing the work of support staff on a project or day-to-day basis
 - Instructing staff in work procedures
 - Preparing clear and concise reports, correspondence, policies, procedures and other written materials
 - Making effective public presentations
 - Maintaining accurate records and files
 - Operating modern office equipment including computer equipment and software programs
 - Using English effectively to communicate in person, over the telephone and in writing
 - Using tact, initiative, prudence and independent judgment within general policy, procedural and legal guidelines
 - Establishing and maintaining effective working relationships with those contacted in the course of the work
 - Interpreting and applying Building and Grading Engineering policies and procedures
 - Tracking the status of projects
 - Issuing permits in accordance with established procedures
 - Responding and performing assigned duties in the event of a City-declared emergency

Education and Experience:

Any combination of training and experience that would provide the required knowledge, skills and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to graduation from an Accreditation Board for Engineering and Technology (ABET) accredited four-year college or university with major coursework in civil engineering or structural engineering or a related engineering field. Possession of an advanced degree is desirable. Four (4) years of professional engineering design, plan review and project administration experience, preferably in a public agency setting.

License:

Must possess and maintain a valid California class C driver license and have a satisfactory driving record. Must possess a valid California registration as a Professional Civil Engineer (PE) at time of appointment. An E.I.T. certification will be accepted but a P.E. registration must be obtained within one year from date of employment with the City. With the lack of a P.E. registration, the class' title will be Associate Engineer until such certification is obtained. Possession of, and ability to maintain, ICBO certification as a Plans Examiner.

PHYSICAL DEMANDS

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; to inspect City development sites, to operate a motor vehicle and to visit various City and meeting sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups and over the telephone. This is primarily a sedentary office classification although the

job involves field inspection work requiring frequent walking at inspection site areas to monitor performance and to identify problems or hazards; standing in work areas and walking between work areas may be required. Finger dexterity is needed to access, enter and retrieve data using a computer keyboard, typewriter keyboard or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push and pull drawers open and closed to retrieve and file information. Positions in this classification occasionally lift and carry objects that typically weigh less than 40 pounds.

ENVIRONMENTAL ELEMENTS

Employees work in an office environment with moderate noise levels, controlled temperature conditions but may occasionally be exposed to loud noise levels, cold and/or hot temperatures, vibration, confining workspace, chemicals, mechanical and/or electrical hazards. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.

View Preservation Permits

Excerpted from MMC Section 17.45.060

D. View Preservation Permit (Planning Director). If the provisions of subsections A, B and C of this section produce a satisfactory result to the claimant or foliage owner, either party may submit a view preservation permit to memorialize the agreement and seek city enforcement of a decision by submitting the following documents:

1. Authorization from claimant and foliage owner to submit a view preservation permit; and
2. Decision made in informal discussion, mediation or binding arbitration.

Such permits shall be approved at the discretion of the planning director if the planning director finds that mediation or binding arbitration decisions are in compliance with this chapter and shall not be appealable to the planning commission or city council. Such approval does not require a public hearing.

E. View Preservation Permit (Planning Commission). If the provisions of subsections A, B and C of this section are exhausted and do not produce a satisfactory result to the claimant, the claimant may submit a view preservation permit application to the city requesting preservation of a primary view corridor documented by staff on or after February 13, 2012.

1. Application. An application for a view preservation claim shall include each of the following information:

- a. The name(s) of the foliage owner(s) and the address(es) of the property where the foliage is located;
- b. Primary view determination photographs taken by staff demonstrating photographic evidence of the primary view prior to obstruction. As such may exist, photographs, prints, negatives, and/or slides must be date-stamped. The claimant may provide supporting evidence such as, but not limited to, arborist statement of foliage's age, property descriptions prepared in connection of the sale of the property, such as, but not limited to, multiple listing service (MLS) information, newspaper advertisements, real estate flyers, etc.;
- c. Evidence confirming the ownership and the date of acquisition of the claimant's property;
- d. Evidence of attempt at informal discussion;
- e. Evidence of attempt at mediation;
- f. Evidence of attempt at arbitration;
- g. Tree survey, at the discretion of the planning director. A description of the nature and extent of the alleged obstruction, including the location and height of all foliage alleged to cause the obstruction on a tree survey. The tree survey shall be prepared in conjunction with a land surveyor and signed or stamped by a registered landscape architect or arborist. If a foliage owner does not grant access to his or her property for the purpose of conducting a tree survey, the tree survey shall be prepared with as much of the above information as possible, using other information sources such as photographs taken from other properties, satellite photographs, public record permit information for work performed on foliage owner's property, and other similar information sources. The survey must indicate the boundaries of the one thousand (1,000)

radius as measured from the point of the main viewing area from which the claimant's primary view corridor has been assessed;

- h. Restorative actions proposed by the claimant to preserve the primary view;
- i. Declaration of the claimant's willingness to bear the cost of the restorative actions;
- j. Any supporting documents, such as arborist reports or any private agreements reached in mediation or non-binding arbitration decisions, etc.; and
- k. Associated fees, as set by resolution of the city council.

2. Site Visits.

a. Upon receipt of a complete view preservation permit application, planning department staff will conduct a site visit to the claimant's property and document the alleged obstruction of the previously documented primary view.

b. Planning department staff shall make reasonable attempts to conduct a site visit to the foliage owner's property, subject to the foliage owner's authorization. If the foliage owner does not permit access to the foliage owner's property, planning department staff shall review the case using other information available, including, but not limited to, information provided by the claimant.

3. Public Hearing and Notice. The view preservation permit shall be considered by the planning commission at a noticed public hearing, unless said permit is approved at the discretion of the planning director to memorialize a decision made in mediation or binding arbitration. Not less than ten (10) days before the date of the public hearing, public notice shall be given of such hearing in the following manner:

a. A public notice shall be published in a newspaper of general circulation within the city. Such notice shall state the nature of the request, the claimant's property address, the addresses of all properties on which the foliage at issue is located, and the time and place of the scheduled hearing.

b. A public notice shall be mailed to the claimant and the record owners and occupants of all properties on which the foliage at issue in the view preservation permit application is located.

4. Findings. The planning commission may issue a view preservation permit to require removal or alteration and maintenance of foliage at the designated maximum height, including trimming, thinning, or reducing the height or width of foliage, on a foliage owner's property if it makes all of the following findings:

a. The claimant has provided evidence of attempt at informal discussion, mediation, and binding arbitration to resolve view dispute;

b. The claimant has a primary view that has been significantly obstructed by foliage that is not exempt pursuant to Section [17.45.130](#);

c. Alteration or removal of the foliage will not have a substantial adverse impact on a hillside, drainage or erosion control;

d. If the recommended restorative actions include removal, that all other restorative actions are ineffective in restoring the primary view while preserving the health of the foliage; and

e. The recommended restorative action is the minimum required to restore the claimant's primary view, unless restorative action will result in future stump growth in which case, more aggressive action is preferred.

5. Conditions. In approving a view preservation permit, the planning commission or planning director may impose such restrictions or conditions, including restorative action, as deemed necessary or proper to restore a primary view; protect the foliage owner's privacy; protect the public health, safety or welfare; or any combination thereof. Every view preservation permit shall include the following condition:

The Claimant(s), and their successors in interest, shall indemnify and defend the City of Malibu and its officers, employees and agents from and against all liability and costs relating to the City's actions concerning this project, including (without limitation) any award of litigation expenses in favor of any person or entity who seeks to challenge the validity of any of the City's actions or decisions in connection with this project. The City shall have the sole right to choose its counsel and property owners shall reimburse the City's expenses incurred in its defense of any lawsuit challenging the City's actions concerning this project.

The claimant must sign an affidavit of acceptance of conditions of approval prior to commencement of any restorative actions.

6. Effective Date. Any decision of the planning commission made pursuant to Section [17.45.060](#) takes effect ten (10) calendar days from the date of adoption of a resolution unless an appeal is filed. If appealed, the effective date is the date on which final action is taken by the city council.

7. Appeal. Any decision made by the planning commission may be appealed to the city council. Appeals shall be addressed to the city council on a form prescribed by the city and shall state all grounds for the appeal. Any appeal must be filed with the city clerk within ten (10) calendar days of the planning commission's adoption of its resolution regarding the view preservation permit. Appeals shall be accompanied by the filing fee as adopted by resolution of the city council, and shall be processed and noticed in the same manner as the original view preservation permit application. Public notice of an appeal hearing shall be given in the manner required by subsection (D)(3). (Ord. 378 § 3, 2014)