



Council Agenda Report

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

Prepared by: Reva Feldman, City Manager

Date prepared: January 8, 2021 Meeting date: January 11, 2021

Subject: Prioritization of Staff Resources

RECOMMENDED ACTION: Provide direction to staff on how to prioritize staff resources.

FISCAL IMPACT: To be determined by Council action.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: The agenda for the January 11, 2021 meeting has been amended to add this staff report as a result of numerous recent requests to the City Manager from Councilmember Silverstein. Councilmember Silverstein has demanded immediate responses to a considerable amount of work outside of the City's Adopted Work Plan for Fiscal Year 2020-2021. The City currently does not have sufficient resources to accommodate these demands without interrupting normal business and halting other previously established high priority Work Plan tasks.

The Council-Manager form of government provides that the City Manager works at the direction of the Council as a whole. The City Manager's role includes administering the Adopted Work Plan that the Council, as a whole, adopts each year as part of the annual budget process. The Council is being asked to provide direction on the amount of time per week that the City Manager and staff should provide on responding to requests from one Councilmember.

Due to the impacts of the Woolsey Fire and COVID-19, the Adopted Budget for Fiscal Year 2020-2021 reflected a significant reduction of both revenue and expenditures from the prior fiscal year. As a result of these reductions, many of the City's Work Plan tasks were put on hold. On June 22, 2020, the Council adopted the Fiscal Year 2020-2021 Budget and Work Plan, and on August 24, 2020, the Adopted Budget was amended to reflect further reductions in both revenue and expenditures as a result of the ongoing

COVID-19 pandemic and Stay at Home orders. The total number of full-time equivalent (FTE) employees was reduced from 97.52 FTEs in Fiscal Year 2019-2020 to 88.67 FTEs in Fiscal Year 2020-2021.

On December 14, 2020, the Council adopted Resolution No. 20-63 reflecting the results of the November 3, 2020 General Municipal Election and administered the oath of office to three new City Councilmembers.

Since the November 3, 2020 election, Councilmember Silverstein has requested a voluminous amount of information and records from the City Manager and the City Clerk. Due to the volume of these requests and other requests that the City regularly receives, the City Clerk's office and the City Manager's office are now unable to work on and complete other high priority Work Plan assignments.

The City typically receives approximately 50 to 100 public records requests pursuant to the California Public Records Act (PRA) a month. Since November 1, 2020, the City has received 147 (an increase of 58 over the same period a year ago) public records requests pursuant to the PRA, of which 26 were submitted by Councilmember Silverstein. The number of documents that have been provided to Councilmember Silverstein in response to his 26 PRA requests exceed 5,000 documents. The City is obligated to respond to all requests received pursuant to the PRA and is doing so and will continue to do so as mandated by the PRA.

Additionally, since December 14, 2020, Councilmember Silverstein has requested thousands of records and has demanded certain actions pursuant to his interpretation of Council Policy #8. Below are a few examples:

- 1) A request for documents pertaining to the City's purchase of the City Hall building, including, but not limited to, documentation that reflects the identity of any real estate professional, consultant or other person or entity who advised or represented the City in the purchase of the property and the terms of the engagement of any such person or entity, as well as the identification of the real estate professional who represented the seller in the transaction.
- 2) A copy of the telephone logs and any other documents within the possession or control of the City that reflect the time, duration, and telephone number of all calls and text messages made or sent to or from any phone or other device used by the City Manager for the past nine months.
- 3) Time records that reflect the work of the City Manager over the past nine months.
- 4) The total amount billed to the City of Malibu by the Malibu Times (or such other business entity through which the Malibu Times collects payments) in each of 2016,

2017, 2018, 2019, and 2020 and the amount that the City was charged by the Malibu Times in each month of each of the foregoing years.

- 5) Copies of the billing invoices, along with all purchase orders by the City and any contract(s) that exist(s) between the City and the Malibu Times (or a related entity).
- 6) Information of a loan guaranteed to the Malibu Times at any time over the past 5 years including the terms of the loan as it may have been amended from time-to-time and the status of all repayments made by the Malibu Times.
- 7) A copy of all loan documentation and any written communications in the possession or control of the City respecting the loan and/or its repayment from the Malibu Times.
- 8) The total amount, if any, paid by the City to any other publication that serves the Malibu community in 2016 through 2020 including the Patch and Malibu Surfside News.
- 9) Proposals for the provision of advertising, noticing or other publicity services by any publication that serves the Malibu community at any time in 2016 through 2020.
- 10) Any financial or other valuable benefits to Hans Laetz, 99.1 KBUU (or related entity) over the past 5 years.
- 11) The following: "I hereby demand that Steve Uhring and I both be included in any conversation or writing in which you communicate any information or view about either of our two proposals to any City Councilmember, as well as any communication in which you obtain information from any of the City's attorneys or anyone else respecting either of the proposals. The same goes for any communication you may have respecting any other matter that may come before the City Council on January 11, 2021. I also demand to be included in any communication you have with any of the City's attorneys prior to the commencement of the City Council meeting on January 11, 2021. If you fail or refuse to honor my demands, and it should later be established that your doing so was contrary to my rights as a City Councilmember, I intend to seek appropriate legal recourse."
- 12) All documents responsive to Public Records Requests Nos. 20-128, 20-294, 20-311, 20-312, 20-316, 20-323, 20-324, 20-329, 20-331, 20-335, 20-339, 20-342, 20-343, 20-348, 20-361, 20-367, 20-374, 20-375 and the requests made by letters dated February 19, 2019 and March 26, 2019, which were not produced based on a claim of privilege or exemption of exception from the production requirements of the California Public Records Act or otherwise.

- 13) All privileged communications between the City Manager or any Member of the City Council, on the one hand, and any attorney who has represented or does represent the City of Malibu (including, but not limited to the City Attorney and Assistant City Attorney) from the date that Reva Feldman became the City Manager until such time as Bruce Silverstein's term as a Member of the Malibu City Council expires.
- 14) All documents, whether or not privileged, that have any bearing on the allegations set forth in the Affidavit of Jefferson Wagner, dated December 12, 2020.
- 15) An explanation of any information known to or by any member of the City Staff, (including, but not limited to, the City Manager and Assistant City Manager), and/or any attorney who has represented or does represent the City of Malibu (including, but not limited to the City Attorney and Assistant City Attorney) that has any bearing on the allegations set forth in the Affidavit of Jefferson Wagner, dated December 12, 2020.

Councilmember Silverstein refuses to speak or meet with the City Manager without recording those conversations. Since November 4, 2020, Councilmember Silverstein has emailed the City Manager in excess of 100 emails. Currently, the City Manager is spending approximately 20 hours a week responding to matters from Councilmember Silverstein. Other staff members have also spent significant time looking for records as well. Councilmember Silverstein has refused to come to City Hall to review records that are not available digitally and is instead, demanding that the City scan every document and provide it to him digitally. Many of the records he is asking to review are stored in off-site storage and require a staff person to locate and then reproduce, which takes a considerable amount of staff time.

The Council is asked to provide guidance on the amount of time per week that the City Manager should prioritize on requests from one Councilmember.

ATTACHMENTS: Sample of Emails from November 2020 to January 7, 2021

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Thursday, December 31, 2020 7:05 PM
To: Reva Feldman
Cc: agyork@malibutimes.com; Heather Glaser; Steve Uhring; John Cotti
Subject: Arnold York Public Records Request

Reva:

I understand that Arnold York has submitted a public records request for every document I have sent to the City or received from the City. The request also references persons who may have sent or received public records on my behalf.

To the best of my knowledge, nobody other than myself has sent or received public records to or from the City on my behalf.

With respect to my own communications to and from the City, I am aware from my own experience with public record requests that the City often withholds multiple documents based on a claim of some exclusion or another pursuant to the CPRA. Please be advised that I do not view any document I have sent to or received from the City to be privileged or otherwise exempt from production pursuant to the CPRA. As such, there is no need for the City's lawyers to review the material responsive to Mr. York's request, and the City should make an unrestricted production of every single document responsive to his request.

This should make the review and production process easier for the City, as you can simply produce to Mr. York every document, whether in hard copy or electronic form, that was sent to me from the City or that the City received from me.

Stay Safe & Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Tuesday, December 29, 2020 8:58 PM
To: Reva Feldman
Cc: Steve Uhring; Heather Glaser; John Cotti
Subject: Demand to Participate in Conversations Respecting Camping and/or Transparency Proposals

Reva:

I hereby demand that Steve Uhring and I both be included in any conversation or writing in which you communicate any information or view about either of our two proposals to any City Councilmember, as well as any communication in which you obtain information from any of the City's attorneys or anyone else respecting either of the proposals. The same goes for any communication you may have respecting any other matter that may come before the City Council on January 11, 2021.

I also demand to be included in any communication you have with any of the City's attorneys prior to the commencement of the City Council meeting on January 11, 2021.

If you fail or refuse to honor my demands, and it should later be established that your doing so was contrary to my rights as a City Councilmember, I intend to seek appropriate legal recourse.

Stay Safe and Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Thursday, December 17, 2020 7:53 PM
To: Reva Feldman
Cc: Steve Uhring; Heather Glaser; John Cotti
Subject: Documents Withheld from Public Records Requests

Reva:

Pursuant to City Council Policy No. 8, I hereby request that whatever department head is responsible for addressing my request herein provide me with the following information:

1. All documents responsive to Public Records Requests Nos. 20-128, 20-294, 20-311, 20-312, 20-316, 20-323, 20-324, 20-329, 20-331, 20-335, 20-339, 20-342, 20-343, 20-348, 20-361, 20-367, 20-374, 20-375 and the requests I made by letters dated February 19, 2019 and March 26, 2019, which were not produced based on a claim of privilege or exemption of exception from the production requirements of the California Public Records Act or otherwise.
2. All privileged communications between the City Manager or any Member of the City Council, on the one hand, and any attorney who has represented or does represent the City of Malibu (including, but not limited to the City Attorney and Assistant City Attorney) from the date that Reva Feldman became the City Manager until such time as my term as a Member of the Malibu City Council expires.
3. All documents, whether or not privileged, that have any bearing on the allegations set forth in the Affidavit of Jefferson Wagner, dated December 12, 2020.
4. An explanation of any information known to or by any member of the City Staff, (including, but not limited to, the City Manager and Assistant City Manager), and/or any attorney who has represented or does represent the City of Malibu (including, but not limited to the City Attorney and Assistant City Attorney) that has any bearing on the allegations set forth in the Affidavit of Jefferson Wagner, dated December 12, 2020.

The courtesy of your prompt reply is most appreciated.

Stay Safe & Stay Well,

Bruce

From: Bruce Silverstein <bsilvesq@gmail.com>
Sent: Thursday, November 12, 2020 11:29 AM
To: Reva Feldman
Subject: Email Protocol

Reva:

Please stop copying Mikke Pierson on your emails to me unless you also are going to copy every member of the City Council.

I view your copying one member of the City Council on your emails as an effort on your part to chill my ability to communicate with another Member of City Council of my choosing regarding any matter of City Business that might be touched upon in your email.

As you are well aware, once the Brown Act begins to apply to my communications, it will permit me to communicate privately with one other Member of the City Council respecting matters of City Business, but not more than one. By your writing to any two Members of City Council, you potentially preclude them from conferring with other Members of City Council about the subject matter of your email -- which I assume you are well aware. This causes me to wonder if this is a way you have sought to manipulate and control other Members of the City Council.

I suspect that you will claim that you have copied Mike Pierson because he is the "Mayor." If so, that will be a make-weight straw man, as we both know that Malibu has not "true" Mayor, and that the title is purely ceremonial, is passed along a public relations tool to every elected member of the City Council in the order of the votes they receive in the general election, and provides the title-holder only with the right to sit in the middle of the dais and act as a quasi-Chair of the City Council

(although not pursuant to any policy, resolution or ordinance that establishes that authority).

As best I can tell, the Brown Act does not apply to any candidate for City Council until the election results are certified by L.A. County -- which will occur following the next meeting of the City Council, and before the next meeting after that. Accordingly, it is essential that you limit your written communications to me thereafter to only me or to all Members at the same time. It is good to into that habit now.

If you elect to blind copy another member of City Council, that is your prerogative, By doing so, however, you may limit the ability of those you blind copy to interact with another Member of the City Council, which could be an issue for them. It is, however, of less concern to me than is your efforts to cabin my communications.

Separately, you "directed" me yesterday to refrain from making requests for documents to the City Clerk, and to make my requests to you directly. I will abide by that direction until I am elected. After that, in accordance with City Council Policy No. 8, I will exercise my legal right to request information directly from City Department Heads.

Stay Safe & Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Thursday, January 7, 2021 8:13 PM
To: Reva Feldman
Cc: Steve Uhring; Heather Glaser
Subject: Information Demand

Reva:

I have reviewed the production of material that was withheld from my CPRA requests, but produced pursuant to City Council Policy No. 8, and to my great surprise many of the documents are not the least bit privileged, and were improperly withheld by the City -- which makes me wonder whether the City has been complying with its CPRA obligations with other members of the public.

Also, I still do not have your timesheets and phone records that I require to assess your performance, among other things. I have been asking for this material for weeks, the City Attorney has told you that I am entitled to request them, and it is unacceptable that you abjectly refuse to produce them.

I demand that you complete the production of all material I have been requesting and answer (directly and not with equivocation or evasion) the questions I have asked of you. You have until close of business tomorrow to comply with your obligations that you have been deliberately and insubordinately refusing to satisfy.

If you continue to refuse to perform your responsibilities, I will be discussing this with the community on Monday evening.

Stay Safe & Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Thursday, January 7, 2021 2:02 PM
To: Reva Feldman
Cc: Steve Uhring; Heather Glaser
Subject: Information Request (not a new one)

Reva:

I repeatedly have asked you over the past few weeks to inform me of communications you have with other City Councilmembers. You have not informed me of a single such communication (beyond any emails that have been produced to me in response to formal information requests).

I have specifically asked to be informed of any communications respecting the various Agenda items for the January 11 meeting. I also have asked for specific information respecting your involvement in the preparation of Item 7.D and the Council Agenda Report -- including how much time you devoted, in total, to that Item (including conversations with Councilmember Grisanti and/or others) and when the Council Agenda Report was finalized (including final sign-off by Councilmember Grisanti).

Have you spoken with any City Councilmember since the December 14 meeting? If so, with whom did you speak and what did you speak about? And, what are the answers to my questions about Item 7.D?

Stay Safe & Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Tuesday, December 22, 2020 7:57 PM
To: Reva Feldman
Cc: Heather Glaser; Steve Uhring; John Cotti
Subject: Information Request Follow Up

Reva:

On December 8, I wrote to you and requested the answer multiple questions and also made the following request:

"[C]onsistent with your statement that you 'cannot provide something to one Councilmember that is not offered to all,' please regard this email as a standing request that I receive all information that you provide and/or cause to be provided, in writing or orally, to any other Member of the City Council concurrently with the provision of such information to such other Member of the City Council."

I have not received your answer to any of the questions in my email (or other emails), and the only information I have received from you that was provided to other Members of the City Council has been when I have received emails from you that are directed to all Members of the City Council.

Mikke Pierson has stated that he speaks with you multiple times each week, and I suspect that you also speak with other Members of the City Council. There is no reason for such oral communications to be occurring unless they pertain to City Business in some way or another. As such, by speaking with other Members of the City Council and leaving me and other Members of the City Council out of the loop, you are providing information to some, but not all, Members of the City Council.

Inasmuch as the Brown Act permits you to provide information to all five Members of the City Council outside the context of a meeting, so long as you do not learn how they view a subject, there is no reason for you to be providing any information to individual Members of the City Council without offering all Members the opportunity to receive the information concurrently. Additionally, because you do not take direction from any single Member of the City Council and answer only to the City Council as a body (as you repeatedly have told me), there also is no purpose in your having one-off discussions with Members of the City Council. Indeed, only mischief can come from your doing so.

I hereby reiterate my request that I receive all information that you provide and/or cause to be provided, in writing or orally, to any other Member of the City Council concurrently with your provision of such information to such other Member of the City Council. I also request that you answer the various questions I have asked that you have not answered.

I also would like to participate in any conversations you have with any attorney representing the City.

Lastly, and as I previously have noted, I believe it would be improper for the City Attorney to provide you with advice or guidance and/or for you to direct the actions of the City Attorney respecting any matter in which your interests are and/or may be adverse to those of the City -- which is the City Attorney's client.

Stay Safe & Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Wednesday, December 23, 2020 4:31 PM
To: Reva Feldman
Cc: Heather Glaser; Steve Uhring; John Cotti
Subject: Information Request

Reva:

Pursuant to City Council Policy No. 8, I hereby request that whatever department head is responsible for addressing my request herein provide me with a copy of the telephone logs and any other documents within the possession or control of the City that reflect the time, duration, and telephone number of all calls and text messages made or sent to or from any phone or other device you have used for the past nine months. Also, if there are any time records that reflect the work you have performed as City Manager over the past nine months, I would like to see that, as well.

Stay Safe & Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Saturday, December 19, 2020 3:47 PM
To: Reva Feldman
Cc: Steve Uhring; Heather Glaser; John Cotti
Subject: Information Request

Reva:

Pursuant to City Council Policy No. 8, I hereby request that whatever department head is responsible for addressing my request herein provide me with a copy of the file pertaining to the City's purchase of the City Hall building, including, but not limited to, documentation that reflects the identity of any real estate professional, consultant or other person or entity who advised or represented the City in the purchase of the property and the terms of the engagement of any such person or entity, as well as the identification of the real estate professional who represented the seller in the transaction.

Stay Safe & Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Tuesday, December 29, 2020 8:32 PM
To: Reva Feldman
Cc: John Cotti; Heather Glaser; Steve Uhring
Subject: Last Chance -- Demand for Prompt Production of Requested Information

Reva:

As a City Councilmember, it is my right and my responsibility to become fully informed of all information I require to make informed decisions respecting any matter that does or may come before the City Council, including any matter with respect to which I might wish to propose that any action be taken that is within the jurisdiction of the City Council.

I have made various information requests pursuant to City Council Policy No. 8 for the purpose of enabling me to make informed decisions respecting a host of matters that are within the jurisdiction of the City Council, including, but not limited to, (i) determining whether to propose various alterations to the City Budget, (ii) determining whether to propose various City Council Policies, Resolutions and /or Ordinances, (iii) determining whether to bring various financial matters to the attention of the full City Council, (iv) preparing for the City Manager's Performance Evaluation and considering whether to challenge a past such evaluation, and (v) generally educating myself as to the proper functioning of the City Council for the purpose of being the best City Councilmember I can be.

As a City Councilmember, I also am within the circle of privilege viz-a-viz the City's Attorneys -- even with respect to matters in the past. As such, it is not a basis for withholding information from me that you claim it to be privileged. Nor is the "deliberative process" a basis for withholding information from me because I am a part of the deliberative process. Moreover, even with respect to past actions, it is important for me to be able to understand their bases (including privileged and deliberative analysis) because all actions are capable of being revisited and all past actions are relevant to future actions.

City Government is not a game, and you lack the legal authorities to set the rules, which are laws that are binding on you whether you like them or not. If you persist in denying me access to the information I have requested to satisfy my responsibilities as a City Councilmember, I will be forced to explore taking appropriate legal action. Inasmuch as I already have reported John to the California Bar, I assume that you know that I am serious when I say this.

I hereby demand the prompt production of the information I have requested in my capacity as a City Councilmember, and which you have sought to withhold and conceal. Inasmuch as much of the material likely exists in electronic format, and inasmuch as much of the material was recently reviewed by the City's counsel, much of the material should be readily accessible to be produced. The balance can be produced over the course of the next week or two.

Stay Safe & Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Thursday, December 31, 2020 12:48 PM
To: Reva Feldman
Cc: Steve Uhring; Heather Glaser; John Cotti
Subject: Re: Agenda for 1/11

Reva:

One more thing that I neglected to say -- when you finally relented to produce the information I requested but said that you would require some time to do so, your deceitfully neglected to note the fact that you had prepared the anti-transparency proposal for City Councilmember Grisanti. Accordingly, when I agreed that there was no urgency to your providing me the information I have been requesting for many weeks now, I was unaware that you were working behind the scenes to cut off my rights to that information. Hence, my demand that all information I requested be produced by January 4.

As evidenced by my agreement to wait until you had more time to produce the requested information, I was fully prepared to be reasonable and work with you to lessen whatever burden is created by my requests. In view of your deceitful efforts to curtail my information requests, however, my agreement to accommodate your request for time is withdrawn.

If you were a lawyer and you tried something like this, you would be sanctioned for your misconduct. As a public servant, you should be holding yourself to an equally ethical standard.

Stay Safe & Stay Well,

Bruce

From: Bruce Silverstein
Sent: Thursday, December 31, 2020 12:06 PM
To: Reva Feldman <rfeldman@malibucity.org>
Cc: Steve Uhring <suhring@malibucity.org>; Heather Glaser <hglaser@malibucity.org>; John Cotti <john.cotti@bbklaw.com>
Subject: Agenda for 1/11

Reva:

Your deceitful predictability is one of the few things that is transparent about the way you secretly conduct City business.

I have been asking for the past few weeks to be included in all communications between and among you, the City's attorneys and other City Councilmembers. I knew that you would be working to develop the types of proposals that now appear as Items 7.C and 7.D of the Agenda for the January 11 meeting of the City Council. Please immediately produce to me any written communications that are related to either of those two proposals and inform me of every oral communication in which you or a member of your staff was

involved with respect to either of these proposals. Also please state the total number of hours that you or any other member of the City staff devoted to the preparation of the Council Agenda Report for that item

Additionally, inasmuch as you are conspiring with other City Councilmembers to attempt to curtail the information rights of City Councilmembers, I demand that all the material John Cotti has instructed you I am entitled to receive be produced to me no later than January 4, 2021. That includes, among other things, all privileged and deliberative information I have requested, your phone logs, and the information requested in the prior paragraph of this email.

It is obvious that you have no desire to seek to demonstrate that I have been mistaken about your utter lack of integrity and disrespect for good governance during the 90-day cooling off period following the seating of new City Councilmembers. I suspect (but do not know) that Steve Uhring sees this the same way after following along everything you have been doing over the past two months to evade and avoid scrutiny and any potential change in the way you seek to rule the City.

I could be mistaken, but I suspect that you have overplayed your hand, and that you and City Councilmember Grisanti (who you have enlisted to help do your dirty work) will be met with the public's ire for your efforts to reduce the already non-transparent manner in which you secretly and clandestinely conduct the City's business, and Mayor Pierson and City Councilmember Farrer will be greeted with the same response if they vote with City Councilmember Grisanti to generally or specifically increase secrecy by voting to amend City Council Policy No. 8 in the manner proposed in Item 7.d.

Stay Safe & Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Tuesday, December 29, 2020 8:02 PM
To: Reva Feldman
Cc: Heather Glaser; Steve Uhring
Subject: Re: Document Retention Demand

Reva:

This email supplements my email below.

It appears to me that email to and from City Councilmembers fall under category CW-030 of the City-Council approved Document Retention Schedule of Resolution No. 19-48, which the City Council adopted on your recommendation late last year.

Documents, including email, that fall within the description of category CW-030 must be are required to be preserved until "no longer required" -- particularly if they are public records. I view all email in my account that I do not myself delete to be public records, which I require to be retained for the entirety of the time that I am a City Councilmember for the purpose of complying with my responsibilities as an elected official. As such, if you fail to take steps to turn off the auto-delete feature of the City's email system, you will be facilitating a violation of Resolution No. 19-48.

As I read category CW-030, it is a violation of the Resolution No. 19-48 even for the email of other City Councilmembers to be destroyed automatically on the short fuse you have had the City establish for that purpose -- without regard to whether a City Councilmember consents or objects to such destruction. The determining factor in each instance is whether the email is or is not a public record, and the indiscriminate wholesale destruction of all email in a City Councilmember's email account on the short fuse you have established is performed without any effort to determine whether the destroyed emails are or are not public records that are required to be retained.

In addition to turning off the auto-delete function of my email account, please produce to me **all** documents (broadly defined), whether or not privileged, that relate to the development of the Document Destruction Policy and/or its approval by the City Council. Among other things, I want to understand what, if any, legal advice the City Councilmembers were provided about Resolution No. 19-48 before adopting it, who was involve in the policy's development, and what each such person did in that regard.

Stay Safe & Stay Well,

Bruce

From: Bruce Silverstein
Sent: Tuesday, December 29, 2020 5:54 PM
To: Reva Feldman <rfeldman@malibucity.org>
Cc: Heather Glaser <hglaser@malibucity.org>; Steve Uhring <suhring@malibucity.org>
Subject: Document Retention Demand

Reva:

This is my formal demand that the email in my outlook account not be automatically deleted without my specific written consent.

I know that you have claimed multiple times that your hands are tied, but you are wrong. I could be mistaken, but I do not believe that the automatic deletion of emails is a part of the Document Retention policy adopted by the City Council. Rather, it is a function of your unilateral Administrative Guideline No. 5.1, which (i) is not binding on City Councilmembers (notwithstanding your inclusion of language to the contrary), (ii) is within your discretion to alter, and (iii) may be unlawful and is, in any event, improper. Even if the short-fuse deletion protocol were contained in the Document Retention Policy, it still would be inappropriate to delete my emails without first providing me with a mechanism for preserving them for my use as a City Councilmember.

Steve Uhring and I have raised the foregoing issues and others in our omnibus reform package and will be looking to discuss these issues and others with the full City Council on January 11. In the meanwhile, I demand that you take steps to ensure that my emails are not deleted without my consent (indeed, over my objection).

If the City does delete my emails without my consent, and it is later established that the City's doing so was wrongful, I intend to seek to hold you accountable for failing to honor my demand and put procedures in place to prevent their deletion pursuant to your oppressive Administrative Guideline.

Stay Safe & Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Tuesday, December 22, 2020 9:54 AM
To: Reva Feldman
Cc: Heather Glaser; Steve Uhring
Subject: Re: Email Retention

Reva:

The terse, non-responsive and passive-aggressive nature of your reply is unacceptable. Whether you like it or not, I have been elected to the City Council, and it is your professional responsibility to address me in the same cordial and professional manner as you address the other Members of the City Council.

Administrative Guideline No. 5.1 states that "Email messages are considered 'transitory' documents (work-in-progress) and therefore usually not subject to the City's record retention requirements. All email messages are deleted from the network's email server on a regular basis." As I understand matter, you unilaterally adopted Administrative Guideline No. 5.1 in March 2018, and this is not a document destruction protocol adopted by the City Council. Just as you adopted Administrative Guideline No. 5.1, you have the authority to cause its enforcement or to create exceptions.

Additionally, I do not understand that the City Council is required to act in order for you to place a hold on my email account to prevent the destruction of my email, as I have requested. I understand that to be within your administrative authority, which I know you continue to be very broad unless there is something you do not want to do.

Please consider the content of this email and provide a courteous and professional answer to my question.

Stay Safe & Stay Well,

Bruce

From: Reva Feldman <rfeldman@malibucity.org>
Sent: Tuesday, December 22, 2020 9:26 AM
To: Bruce Silverstein <bsilverstein@malibucity.org>
Cc: Heather Glaser <hglaser@malibucity.org>; Steve Uhring <suhring@malibucity.org>
Subject: RE: Email Retention

The City's document retention protocols are approved by the City Council. If you would like to have a different protocol, you can raise the matter at a City Council meeting.

Reva Feldman | City Manager
City of Malibu

From: Bruce Silverstein <bsilverstein@malibucity.org>

Sent: Monday, December 21, 2020 8:27 PM

To: Reva Feldman <rfeldman@malibucity.org>

Cc: Heather Glaser <hglaser@malibucity.org>; Alexander Montano <amontano@malibucity.org>; Steve Uhring <suhring@malibucity.org>

Subject: Email Retention

Reva:

For nearly 35 years, I have retained most of my email indefinitely so that I am able to search prior communications when issues arise with respect to which such prior communications may be relevant and/or helpful in formulating present plans, strategies and communications.

I understand that the City has a document destruction protocol (which I intend to press to change) that calls for the destruction of some emails immediately after they are read and many others within some relatively short period of time. This poses a problem for me with respect to email that I receive at and/or send from my City email address.

Is there a way for my emails to be saved indefinitely (or at least until such time as I am no longer a Member of the City Council), or do I need to make copies and/or forward copies of email I wish to preserve to another email account?

Stay Safe & Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Wednesday, December 23, 2020 5:20 PM
To: Heather Glaser
Cc: Steve Uhring; Reva Feldman; John Cotti
Subject: Re: Information Request

Thanks for the reply Heather.

I find it amazing that a "City" the size of Malibu, and with the budget of Malibu, lacks the resources to do this - even during a Pandemic -- but I recognize that it is what it is, and this is an issue to address with the City Manager who is responsible for maintaining a fully functional City.

Given the limitations, please keep the material (and any other material that is added in the days to come) in a safe place, and I will make arrangements to come down to City Hall over the coming week to review the material.

Stay Safe & Stay Well,

Bruce

From: Heather Glaser <hglaser@malibucity.org>
Sent: Wednesday, December 23, 2020 4:54 PM
To: Bruce Silverstein <bsilverstein@malibucity.org>
Cc: Steve Uhring <suhring@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>; John Cotti <john.cotti@bbklaw.com>
Subject: RE: Information Request

Bruce:

We do not have the resources to duplicate these records and we do not allow original documents off site. Please let me know when you feel comfortable coming to City Hall.

In the meantime, we have pulled together what we had electronically:

https://www.dropbox.com/sh/jcc7p3kgafm6s2o/AADDzNnS_Fsz5XvCgEtjx72Ja?dl=0. I will leave any questions you may have about these documents to the City Manager and City Attorney.

Best,

-

Heather Glaser | City Clerk
[City of Malibu](#)
(310) 456-2489, extension 228

From: Bruce Silverstein <bsilverstein@malibucity.org>
Sent: Wednesday, December 23, 2020 10:53 AM
To: Heather Glaser <hglaser@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>
Cc: Steve Uhring <suhring@malibucity.org>; John Cotti <john.cotti@bbklaw.com>
Subject: Re: Information Request

Thanks Heather.

Were it not for COVID-19, I would be there today with bells on.

As you know (and as Reva knows), I am doing my level best to shelter in place -- as recommended (if not ordered) by health officials. I have even stopped going into the grocery store, and am now using curbside pick-up, as the Pandemic continues to swell out of control.

Because of the Pandemic, which appropriately has permitted and/or directed the City's employees to work from home, I request that I receive the materials collected for my review at my home. If you want to avoid copying charges, I can be trusted with original documents. If, however, Reva prefers to maintain all originals at City Hall (which is a reasonable and prudent approach), I request that copies be made for me -- which I would be pleased to return after I review them so that they can be available to other Members of the City Council (if multiple copies are not made at this time) and/or the public (to the extent they are not exempt from CPRA review).

Once the Pandemic is under control, I will be pleased to visit City Hall to conduct this sort of review to facilitate the performance of my responsibilities as a Member of the City Council.

Stay Safe & Stay Well,

Bruce

From: Heather Glaser <hglaser@malibucity.org>
Sent: Wednesday, December 23, 2020 10:26 AM
To: Bruce Silverstein <bsilverstein@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>
Cc: Steve Uhring <suhring@malibucity.org>; John Cotti <john.cotti@bbklaw.com>
Subject: RE: Information Request

Bruce:

Reva provided to me a box of information for your review. Please let me know when you want to come to City Hall to review these documents and we'll reserve the room next to my office for you to use.

Best,

-

Heather Glaser | City Clerk
[City of Malibu](http://CityofMalibu)
(310) 456-2489, extension 228

From: Bruce Silverstein <bsilverstein@malibucity.org>

Sent: Saturday, December 19, 2020 3:47 PM

To: Reva Feldman <rfeldman@malibucity.org>

Cc: Steve Uhring <suhring@malibucity.org>; Heather Glaser <hglaser@malibucity.org>; John Cotti <john.cotti@bbklaw.com>

Subject: Information Request

Reva:

Pursuant to City Council Policy No. 8, I hereby request that whatever department head is responsible for addressing my request herein provide me with a copy of the file pertaining to the City's purchase of the City Hall building, including, but not limited to, documentation that reflects the identity of any real estate professional, consultant or other person or entity who advised or represented the City in the purchase of the property and the terms of the engagement of any such person or entity, as well as the identification of the real estate professional who represented the seller in the transaction.

Stay Safe & Stay Well,

Bruce

From: Bruce Silverstein <bsilvesq@gmail.com>
Sent: Thursday, November 12, 2020 8:39 PM
To: Reva Feldman
Subject: Re: Information Request

Reva:

It has now been another 4 hours since I last wrote to you about this subject, and I still have not heard anything, whatsoever, from you about the subject of my email from 12:20 this morning or have I heard anything about my request for an agenda for a meeting you routinely have with new Members of City Council and for the materials you routinely provide in connection with and/or following that meeting -- which request I have now made to you three times over the past week.

I know you are capable of promptly responding to emails when they pertain to something of interest to you. For example, you wrote to me at 12:20 this afternoon to inquire about my interest in a League of CA Cities seminar, I replied with a question about your email, and you replied to my question 5 minutes later -- to which I replied "Thanks for the prompt response."

Notably, the foregoing exchange occurred in the same timeframe in which I wrote to you and asked about the putative privileged information that Jefferson Wagner alerted me to inquire about, and I have heard nothing from you on that subject, whatsoever. The foregoing exchange also occurred more than an hour after I asked you, for the third time in the past week, for the agenda and other materials referenced above.

I have to believe that you are capable of being more responsive than this, and that you are routinely more responsive with Members of City Council who pull the oar to your lead and do not rock the boat. If not, I cannot imagine why they have not replaced you by now. Accordingly, I can only assume that you are dealing with your difficulty addressing my emails by simply sticking your head in the sand and disregarding them. That, or you may believe that I will get tired of being repeatedly rebuffed and stop asking you to respond. I assure you that your approach will yield the result you desire.

Please answer my questions or let me know why you are unable to do so. Also, please explain why it is necessary for me to write to you multiple times to secure your reply to my inquiries, which should be addressed promptly following their receipt -- consistent with the salutary objectives of the Customer Service Principles of City Council Policy No. 9..

Stay Safe & Stay Well,

Bruce

On Thu, Nov 12, 2020 at 4:42 PM Bruce Silverstein <bsilvesq@gmail.com> wrote:

Reva:

I sent the email below 4 hours ago. I am not accustomed to having to wait 4 hours without receiving either (i) a substantive response to my inquiries, or (ii) at least a statement of when the substantive response will be forthcoming. Receiving neither of the foregoing is not acceptable.

Please respond to my inquiry before close of business today.

Stay Safe & Stay Well,

Bruce

On Thu, Nov 12, 2020 at 12:37 PM Bruce Silverstein <bsilvesq@gmail.com> wrote:

Reva:

I understand from Jefferson Wagner that he and other Members of City Council have received an important communication from Christi Hogin that is designated as privileged, and which (i) Jefferson does not believe (but does not know) to be privileged, (ii) Jefferson believes will have significant bearing on the work of the City Council following the Meeting of December 14 when new Members will be sworn in, and (iii) Jefferson

believes should be shared with Steve Uhring, Paul Grisanti and me, in any event.

Are you able to shed some light on this?

Stay Safe & Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Monday, January 4, 2021 11:42 AM
To: Reva Feldman
Cc: Heather Glaser; Steve Uhring
Subject: Re: Information Requests

Reva:

With respect to the City's responses to my personal CPRA requests, it is unacceptable for the City to "lard up" the response with mass emails and other material I explicitly excluded from the request. In litigation, that is what is referred to as a "document dump" -- and it is done to harass the party making a legally permissible document request.

Section 6253.1(1) of the CPRA requires that the City "assist" me "to identify records and information that are responsive to the request." Making a document dump that includes documents I specifically excluded from my request is the opposite of providing such assistance. Rather, it is obstructive.

I previously told Heather that the City could take as long as it needs to make production of the discrete material I have requested pursuant to the CPRA. There is no need to produce hundreds (if not thousands) of documents I did not request -- especially if your purpose is to try to falsely demonstrate that my requests are overbroad.

By contrast, you continue to evade and avoid production to me the material I have requested as a City Councilmember that is outside the purview of a CPRA request. If you are doing so intentionally, that is malfeasance on your part. And, if you do not understand that you are doing that, it is a completely different sort of problem.

Please direct the City staff to take as much time as it needs to produce the discrete material I have requested pursuant to the CPRA (and only that discrete material), and promptly produce the information I have requested pursuant to City Council Policy No. 8.

Stay Safe & Stay Well,

Bruce

From: Bruce Silverstein <bsilverstein@malibucity.org>
Sent: Monday, January 4, 2021 11:24 AM
To: Reva Feldman <rfeldman@malibucity.org>
Cc: Heather Glaser <hglaser@malibucity.org>; Steve Uhring <suhring@malibucity.org>
Subject: Re: Information Requests

Reva:

My email of this morning is not about my personal CPRA requests. I have already told Heather that she may take as she requires to address my CPRA requests.

My email of this morning is about my City Policy No, 8 Information requests -- which I am sure you already know and understand. The information I have requested pursuant to City Council Policy No. 8 is far more important and the only thing I have been writing to you (as opposed to Heather or anyone else) about, as you have instructed me to do so.

Stay Safe & Stay Well,

Bruce

From: Reva Feldman <rfeldman@malibucity.org>
Sent: Monday, January 4, 2021 11:15 AM
To: Bruce Silverstein <bsilverstein@malibucity.org>
Cc: Heather Glaser <hglaser@malibucity.org>; Steve Uhring <suhring@malibucity.org>
Subject: RE: Information Requests

We will be releasing all of the records you have requested for PRAs #20,367, 20-390, 20-391, 20-395, 20-396, 20-403 and 20-404 this morning. In the interest of time in getting you the records, some of the items that you asked be removed (such as mass emails, etc.) are included in what you are being provided.

Reva Feldman | City Manager
City of Malibu
(310) 456-2489, extension 226

From: Bruce Silverstein <bsilverstein@malibucity.org>
Sent: Monday, January 4, 2021 10:24 AM
To: Reva Feldman <rfeldman@malibucity.org>
Cc: Heather Glaser <hglaser@malibucity.org>; Steve Uhring <suhring@malibucity.org>
Subject: Information Requests

Revs:

Because you are working through City Councilmember Grisanti to seek to extinguish my information rights as a City Councilmember pursuant to City Council Policy No. 8, and because there is an omnipresent danger that City Councilmembers Pierson and Farrer will join City Councilmember Grisanti to do your devious bidding and protect you from my scrutiny of your non-public information, I insist upon production of all information I have requested over the course of the past two weeks promptly, and in no event prior to such time as you are working to have my information rights cut off.

I previously had established a deadline of today, but I am willing to extend that deadline to Friday, so long as (i) you make a "rolling production" beginning today, (ii) you produce the telephone logs I requested (which should be easily accumulated) today, and (iii) you complete the production of all

material responsive to my various requests by Friday. If you produce anything less than all material to which I am entitled, I will pursue appropriate legal remedies.

I also would like to know everyone with whom you (or someone acting on your behalf) discussed revising City Council Policy No. 8 (whether or not the specific policy was referenced), when the discussion occurred, how long it lasted, and what was discussed. I have been told that you regularly circumvent the Brown Act by engaging in serial communications that skirt, of not cross, the edge of the Brown Act, and my casual observations thus far provide me cause for concern that what I have heard may be accurate. Whether or not your conduct has crossed the line to a Brown Act violation, I am confident that it is non-transparent, unaccountable and unethical -- which is one of the many reasons for the proposal Steve and I have put forward.

I understand that the Malibu Times and their blogger are working to assist your efforts to further insulate yourself from scrutiny by deflecting attention to the quantum of information I have sought and emails I have sent you. Over the past two weeks, I have sent to you or copied you on 73 emails, which break down as follows:

24 were copies of email to members of the public, staff and putative Interim City Attorney; 2 were a single sentence "thank you for your reply"; and 1 was a question about a zoom meeting protocol.

That leaves 46 emails, which included (i) 5 pertaining to a concerned resident's complaint about car club gatherings at the Country Mart (2 of which were of the nature of "when are you going to answer my question"); (ii) 3 pertained to the Kirk Cameron's Super-Spreader Event – including one email congratulating you on your success in defeating the event occurring in Malibu; and (iii) 1 of which related to you a concerned resident's report of a possible COVID-19 infection at a grocery store.

Additionally, I sent you one email forwarding the proposal to amend the No Camping Ordinance and another email forwarding the proposed Transparency Ordinance.

The remaining 35 emails break down as follows:

3 pertain to your initial wrongful refusal to place the proposal to amend the No Camping Ordinance on the Agenda

12 pertain to my Information Demands – which you wrongfully refused to honor, despite the City Attorney informing you of my right to the requested information

7 pertained to the City's unlawful destruction of public records – which you ultimately agreed to suspend pending review by the City Council

6 pertained to my demand that you either retract Mikke Pierson's unauthorized "Statement of the City of Malibu" or publish my Statements

1 was a reiteration of my demand that the City institute a Litigation Hold

6 addressed miscellaneous issues – including my H.R. Complaint against you.

I have all the emails collected and categorized and I would be pleased to produce copies to anyone who wishes to see them.

With respect to my information requests -- which you seek to cut off through City Councilmember Grisanti, it is the right and responsibility of every City Councilmember to become fully informed of all information they require to make informed decisions respecting any matter that does or may come before the City Council, including any matter with respect to which they might wish to propose that any action be taken that is within the jurisdiction of the City Council.

As I previously have written to you:

I have made various information requests pursuant to City Council Policy No. 8 for the purpose of enabling me to make informed decisions respecting a host of matters that are within the jurisdiction of the City Council, including, but not limited to, (i) determining whether to propose various alterations to the City Budget, (ii) determining whether to propose various City Council Policies, Resolutions and /or Ordinances, (iii) determining whether to bring various financial matters to the attention of the full City Council, (iv) preparing for the City Manager's Performance Evaluation and considering whether to challenge a past such evaluation, and (v) generally educating myself as to the proper functioning of the City Council for the purpose of being the best City Councilmember I can be.

As a City Councilmember, I also am within the circle of privilege viz-a-viz the City's Attorneys -- even with respect to matters in the past. As such, it is not a basis for withholding information from me that you claim it to be privileged. Nor is the "deliberative process" a basis for withholding information from me because I am a part of the deliberative process. Moreover, even with respect to past actions, it is important for me to be able to understand their bases (including privileged and deliberative analysis) because all actions are capable of being revisited and all past actions are relevant to future actions.

Please cease your obstructive behavior and produce the information I have requested to do my job as a City Councilmember.

Stay Safe & Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein <bsilvesq@gmail.com>
Sent: Thursday, November 12, 2020 5:24 PM
To: Reva Feldman
Subject: Re: Meeting

Reva:

I sent you the email below nearly 6 hours ago, and I have yet to hear back from you.

How long does it take for you to let me know when I will receive an agenda and other materials I have been requesting for nearly a week now -- requests that you have flat out ignored for that entire time, I might add.

Also, have you made any effort to determine whether Steve Uhring can join in the transitional meeting so that all three prospective Council Members can receive the same information at the same time?

Stay Safe & Stay Well,

Bruce

On Thu, Nov 12, 2020 at 11:43 AM Bruce Silverstein <bsilvesq@gmail.com> wrote:

Thank you.

I will participate remotely. What video conferencing service will you be using, and will you commit to record the meeting?

Also, when will I receive an agenda and the other materials I have requested?

Lastly, is it the case that Steve Uhring cannot also be a participant in this meeting? As I have said, I do not understand there to be any legal preclusion to that occurring, and I would like to have a formal legal opinion from the City Attorney if she claims otherwise.

On Thu, Nov 12, 2020 at 11:36 AM Reva Feldman <rfeldman@malibucity.org> wrote:

Hi Bruce,

I just spoke to Paul and he is happy to have you join our meeting next week. We are scheduled to meet on Thursday at 2:00 pm.

I will send you a calendar invite. If you are not comfortable meeting in person, which I certainly understand, we can put you on remotely.

Reva

Reva Feldman | City Manager

City of Malibu

(310) 456-2489, extension 226

From: Bruce Silverstein <bsilvesq@gmail.com>

Sent: Thursday, November 12, 2020 10:47 AM

To: Reva Feldman <rfeldman@malibucity.org>

Subject: Re: Meeting

Reva:

Thanks for your email this morning.

I respectfully decline your invitation to meet in person at City Hall. As I am sure you know from my various public statements about the COVID-19 situation, I am not physically interacting with anyone outside of my family for any non-essential purposes, such as grocery shopping, medical appointments, and the like. Despite being advised that it would impair my ability to be elected, I conducted my campaign for City Council entirely and exclusively in a "virtual" manner, and I intend to continue my activities in that manner until advised by reliable health experts that it is safe to conduct my affairs otherwise. Plainly, our interactions are less "essential" than are meetings of the City Council. To the extent that the City Council is able to function in a virtual meeting setting, there is no reason that our interaction cannot be conducted in the same manner.

I am surprised that you would even suggest a physical meeting that involves a risk of exposure -- however great or slight it may be. It is my understanding that the City has been allowing, and continues to allow, employees to work from their homes in order to minimize the risk of exposure. And even when the need arises to work from an office, it is important to be isolated from physical contact with others, which can be accomplished by staying in one's office and communicating by phone and video-conference technology. In that regard, perhaps you can let me know how many days and for how many hours you have worked at City Hall over the past six months, and how many days and for how many hours you have worked from home.

Without out regard to the physical setting of our initial conversation (and all others), I insist in recording the conversation in the interest of full transparency that you, the City Attorney and others repeatedly tout as a central objective of Malibu City Government. I don't care whether you share my perception of the need to do so. It is going to occur.

Inasmuch as you have not yet met with Steve Uhring or Paul Grisanti, I insist that the initial meeting occur with all three of us at the same time unless the City Attorney is prepared to provide a formal, written opinion that doing so violates the Brown Act -- which I do not believe to be the case. And, if doing so would violate the Brown Act, I demand to have my indoctrination occur along with Paul Grisanti, and I will make myself available at whatever time Paul is available. Whether or not Paul meets with you in person, I will participate by zoom.

As I have now stated three times -- with no reply from you, whatsoever - - before we meet, I want an agenda and copies of any materials you provided to prior newly-elected Council Members in connection with your "transitional" meetings with them. This is a common protocol that competent and professional managers follow all of the time, and I insist that you do so, as well. I want to be as prepared as possible for our initial conference, and I require documentation to do so.

You state that "[i]t is a time for us to get to know each other on a professional level and hopefully put us on a good path to a successful working relationship." I agree. And, everything I have requested of you is in the interest of building a professional and successful working relationship -- which you seem dead set on preventing. As you know, I did not run for City Council to make friends. To the contrary, I was elected to City Council because I already have many friends who elected me to bring my legal background to bear on City Council matters, to help City Council to deal with the City

Attorney's failings (which the public will learn much more about in the weeks to come), and to deal with your "handling" of City Council (which you are trying to do in your recalcitrant communications with me) when you are supposed to be the servant of the City Council.

If the preliminary election results hold up through the count of the final ballots, my election will be certified on November 30 and I will be sworn in on December 14. I am confident that I will be able to work well with the members of the City Council, and even with you and the City Attorney if you remain in your positions. But you are going to need to stop playing the sophomoric game you are playing, because it is not going to end well for you otherwise. If you continue to treat me the way they have, you are going to be publicly embarrassed, as is anyone who defends your misbehavior, and your ultimate departure from the City will be much different than if you were to work to amend your ways (if you are capable of doing so). I have honestly stated that I am capable of being shown that my current impression of both you and the City Attorney is inaccurate and that you are capable of providing valuable services with professionalism and integrity – but you are doing nothing to demonstrate that to me so far. To the contrary, you are confirming my worst suspicions and concerns.

My interaction with you is and has been stern and direct, which I understand to be new and different from the way in which prior Members of City Council have interacted with you. But my requests have not been outside the bounds of what is appropriate for my position – especially given the platform on which I ran for election. I am hoping that you and the City Attorney to come to understand your role in City Government is to assist the Members of City Council and to respond to their reasonable and lawful requests and not be uncooperative and obstructionist.

Lastly, and so you can't say I didn't say so, if you refuse to cooperate with my reasonable request, you will be obstructing my smooth transition to City Council, and this will be added to the list of transgressions I intend to present at your net

Performance Evaluation -- which I intend to press for the City Council to conduct in a public setting, and not in secrecy behind closed doors as you and the City Attorney have unilaterally arranged to occur in the past.

Please let me know when is the best time for a zoom video conference with you and Paul (and hopefully Steve), and please get me the materials I have now requested three times at your soonest convenience.

Stay Safe & Stay Well,

Bruce

On Thu, Nov 12, 2020 at 10:08 AM Reva Feldman <rfeldman@malibucity.org> wrote:

Bruce,

I am in receipt of your request to meet via Zoom. I think it would be more productive if we can meet in person at City Hall, with COVID-19 standards in place, with Mikke to discuss the various onboarding items for you as a new councilmember. There is no need for us to record anything.

This meeting is typically informal where we will discuss a variety of "housekeeping" items, such as what information you would like on your business cards, important meeting dates, what you can expect for the first few council meetings, how I provide information to councilmembers (such as the Mayor and City Councilmember email group), how you get your mail, how you get your agenda package, and an opportunity for me to provide you with documents such as the City budget, the City CAFR, the Council policies, and more. It is a time for us to get to know each other on a professional level and hopefully put us on a good path to a successful working relationship. I'm sure you have many questions and I am here to answer them for you.

I am available next week on Tuesday after 11:00 am, on Wednesday after 3:00 pm and on Thursday between 12:00 pm and 2:00 pm. I hope one of these times works for you and also for Mikke. I have a similar meeting scheduled with Paul next week and a date pending for a meeting with Steve.

In response to your question about the email I sent to you on the fire the other night – I should have provided you with context on that. I provide the City Council with information about a variety of issues via email. When there is a fire or other emergent situation, we typically push out information on our various channels and I send an email to the Council to keep them directly updated on the status of the emergency. Because it was 4:00 am, I did not want to put out messaging if the fire was going to be quickly extinguished, which it was. However, I did want the Council to know that there was a fire and that I did not direct staff to message anything. I then forwarded the email to you, to Steve and to Paul to keep you all in the loop. In hindsight, I should have explained that to you, however, due to the late (early) hour, I did not.

Please let me know if these times work for you. I look forward to getting to know you better and to providing you with a smooth transition into your role as a Council member.

Reva

Reva Feldman | City Manager

City of Malibu

(310) 456-2489, extension 226

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Wednesday, December 30, 2020 3:30 PM
To: Reva Feldman
Cc: Steve Uhring; Heather Glaser
Subject: Re: Records Request

Reva:

By way of follow up to John's email below, I am writing to request, Pursuant to City Council Policy No. 8, that I receive the following information (in real time):

(1) all information communicated to any about either of the two proposals co-sponsored by Steve Uhring and me that is provided in writing or orally (including by videoconference) to any other City Councilmember

(ii) all information communicated to you from any of the City's attorneys or anyone else respecting either of the two proposals co-sponsored by Steve Uhring and me.

(iii) all information communicated to or by you respecting any other matter that may come before the City Council on January 11, 2021.

(iv) all information communicated to or by you with any of the City's attorneys prior to the commencement of the City Council meeting on January 11, 2021.

(v) all information communicated to or by you to any other City Councilmember prior to the commencement of the City Council meeting on January 11, 2021

Stay Safe & Stay Well,

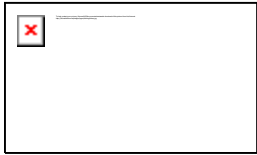
Bruce

From: John Cotti <John.Cotti@bbklaw.com>
Sent: Wednesday, December 30, 2020 1:24 PM
To: Bruce Silverstein <bsilverstein@malibucity.org>
Cc: Steve Uhring <suhring@malibucity.org>; Reva Feldman <rfeldman@malibucity.org>
Subject: Records Request

Bruce,

I have advised the City Manager that you may request the documents pursuant to City Council Policy No. 8 and that there is no legal impediment to providing them to you. As you know, any attorney-client privileged material retains its character as such as the Council is the holder of that privilege. You have also requested a large volume of documents. The City Manager supervises the administration of the City; I suspect the City's production might take some time.

Let me know if you have any questions.



John Cotti

Partner

john.cotti@bbklaw.com

T: (310) 220-2171

www.BBKlaw.com 

BB&K Kids Art Gallery: We are Thankful You are Part of our CommUNITY!

Stay at home and public health orders issued in multiple counties across the U.S. require our offices to be physically closed. Because all staff are working remotely, all documents (including correspondence, pleadings, and discovery) will be served via e-mail until further notice. Because we may not receive regular mail or other deliveries during this period of time, please e-mail copies of anything you send by regular mail or delivery. Send all e-served documents in your case to the e-mail addresses for any Best Best & Krieger LLP attorney who has appeared in your case, or who has communicated with you by e-mail on your matter.

This email and any files or attachments transmitted with it may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe that you may have received this communication in error, please advise the sender via reply email and immediately delete the email you received.

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Monday, December 28, 2020 9:08 AM
To: Reva Feldman
Cc: Heather Glaser; Steve Uhring; rquinto@malibucity.org
Subject: Re: Request for Information -- CORRECTION

Reva:

Item 2 in my information request of December 24 is based on my mistake respecting the facts. I now understand that the loan was not made in connection with the Woolsey Fire, but in connection with a landslide that occurred in 2005. Accordingly, I hereby amend Item 2 of my information request as follows:

I understand that the City made and/or guaranteed a loan or other payment to the Malibu Times following a landslide in 2005. I would like to know if that is correct. If the City has made and/or guaranteed a loan to the Malibu Times at any time over the past 15 years, I would like to know the terms of the loan as it may have been amended from time-to-time and the status of all repayments made by the Malibu Times. I also would like to see a copy of all loan documentation and any written communications in the possession or control of the City respecting the loan and/or its repayment.

Stay Safe & Stay Well,

Bruce

From: Bruce Silverstein
Sent: Thursday, December 24, 2020 9:56 AM
To: Reva Feldman <rfeldman@malibucity.org>
Cc: Heather Glaser <hglaser@malibucity.org>; Steve Uhring <suhring@malibucity.org>; rquinto@malibucity.org <rquinto@malibucity.org>
Subject: Request for Information

Reva:

Pursuant to City Council Policy No. 8, I hereby request that whatever department head is responsible for addressing my request herein provide me with the following information:

1. What is the total amount billed to the City of Malibu by the Malibu Times (or such other business entity through which the Malibu Times collects payments) in each of 2016, 2017, 2018, 2019, and 2020. In addition to the total annual billings, I would like to know how much the City was charged by the Malibu Times in each month of each of the foregoing years. I also would like to see copies of the billing invoices, along with all purchase orders by the City and any contract(s) that exist(s) between the City and the malibu Times (or a related entity).
2. I have heard that the City made and/or guaranteed a loan to the Malibu Times following the Woolsey Fire. I would like to know if that is correct. If the City has made and/or guaranteed a loan to the Malibu Times at any time over the past 5 years, I would like to know the terms of the loan as it may

have been amended from time-to-time and the status of all repayments made by the Malibu Times. I also would like to see a copy of all loan documentation and any written communications in the possession or control of the City respecting the loan and/or its repayment.

3. What is the total amount, if any, paid by the City to any other publication that serves the Malibu community in 2016 through 2020. Among others, this includes the Patch and Surfside News.
4. Has the City received any proposals for the provision of advertising, noticing or other publicity services by any publication that serves the Malibu community at any time in 2016 through 2020? If so, I want to understand the proposals that were received.
5. Has the City provided and/or arranged for any financial or other valuable benefits to Hans Laetz, 9.1 KBUU (or related entity) over the past 5 years. If so, I want to understand the details of such benefits.

Stay Safe & Stay Well,

Bruce

From: Bruce Silverstein <bsilvesq@gmail.com>
Sent: Wednesday, November 11, 2020 5:53 PM
To: Reva Feldman
Subject: Re: Request for Information

Reva:

I know that today is a City Holiday, but in my experience Executives have no days off. I know that I have always been available 365 days a year (and 366 days on a Leap Year) to respond to my clients' needs and inquiries.

I would appreciate the courtesy of a reply to the request I have now made three times over the past week for an agenda for our initial video conference, along with copies of the materials you have provided to others you have concluded are likely to be elected to City Council when the vote is certified by L.A. County -- specifically whatever you have now provided to Steve and Paul, as well as whatever you provided to Jefferson, Rick, Skylar, Mikke and Karen before they took their oaths of office.

I also am still waiting to learn when you will be available after providing those materials to me to conduct our video conference.

Finally, I have now received at least one email addressed to "MayorandCityCouncil." Does that mean that Steve, Paul and I will now be receiving emails sent to all Members of City Council -- like a transition team?

Please respond at your soonest convenience.

Stay Safe & Stay Well,

Bruce

On Wed, Nov 11, 2020 at 10:17 AM Bruce Silverstein <bsilvesq@gmail.com> wrote:

Reva:

I created a Zoom account for use for quasi-City Business until the election is certified. At that point, if I am elected, I intend to establish an account with a service that will not only record, but also transcribe calls and meetings.

As a member of City Council, I intend to establish a protocol whereby I will not engage any unrecorded ex parte communications involving City Business -- not with you, the City Attorney, any member of staff, other members of City Council or members of the public. I also intend to encourage others to establish the same protocol voluntarily, and I intend to propose a City Council Policy, a City Council Resolution and/or an Ordinance that will require such a protocol to promote full transparency of Malibu's government.

I intend to have the recordings maintained in multiple locations to ensure their protection from destruction (intentional or accidental), and I also will provide copies to the City to be maintained as a Public Record that may be reviewed by members of the public pursuant to appropriate public record requests (subject, of course, to any applicable privileges or immunities from public disclosure the City might claim -- which will be subject to appropriate judicial challenge that any member of the public elects to pursue).

I want to have the initial conversation with you that you have now had with Steve Uhring and Paul Grisanti, and I am prepared to do so once you have provided me with the materials I have now asked you to

provide three times -- which requests you have abjectly ignored without so much as an acknowledgement of my requests. As I have repeatedly stated, this is an unacceptable and untenable manner of interacting with me on your part, and it will not serve you well if it continues.

Please provide me with an agenda for our initial call, along with the other documentation I have now requested three times.

You also have ignored my repeated requests to have another person on the call with us. Please respond to my request at your soonest convenience.

Inasmuch as you already have begun your indoctrination of Paul and Steve, your foot dragging on proceeding with our initial conversation -- which exists because of your refusal to honor my simple and reasonable requests -- is placing me at a disadvantage.

I know that you copy Mikke Plerson on all of our communications. Perhaps, when Mikke focuses on this matter, he will be the adult in the room and help you understand that your role in City Government is to assist the Members of City Council and to respond to their reasonable requests. I believe that my requests for an agenda for our call and for the same materials you already and previously have provided to other members of the community who you perceive to be likely to be elected to City Council are imminently reasonable -- and neither you nor anyone else has suggested otherwise since I requested the materials last. I suspect that is why you failed to mention the requests when you provided your misleading response to Karen Farrer's question to you during the City Council Meeting on Monday evening.

I have documentary evidence of other misrepresentations you have made to City Council and the public, which I intend to discuss publicly

and at your Performance Evaluation, which I intend to press to have conducted at a City Council Meeting that is open to the public and not secretly conducted behind closed doors. You may be able to continue to stick to your one-sided and materially incomplete (and, therefore, inaccurate) version of the facts while the current Members of City Council have your back and I am limited to speaking for three minutes before you are provided an open ended and non-rebuttable opportunity to spin your version of the facts, but that will end soon enough.

Please provide me with the materials I have requested at your soonest convenience (which ought to be very promptly) and let me know your availability for a recorded zoom conference call.

Stay Safe & Stay Well,

Bruce

On Tue, Nov 10, 2020 at 11:15 AM Bruce Silverstein <bsilvesq@gmail.com> wrote:

Reva:

Thank you for your note this morning.

As you are well aware, I have now twice specifically requested that you provide me with any written material pertinent to the discussion you propose to have in advance of that discussion. Please provide me with

the materials identified in my previous emails to you so that I can review them in advance of our discussion.

Your public comments last night when asked about your dealings with me over the past few days were materially incomplete to the point of being misleading. Fortunately, there is a public record of the details of our communications and of your description of those communications, and it is an easy matter to compare them.

Since you have refused to answer my questions or accommodate my requests, I am going to create a zoom account to use exclusively for City Business, and I will meet with you and others using that account. I will record the meetings and maintain them for inclusion within the public records of the City of Malibu in the event that someone should make a public records request to which the recordings are responsive.

As I noted last night, and previously, I intend to be entirely transparent as a member of the City Council and I intend to press for City Council Policies, Resolutions and/or Ordinances that endure the utmost transparency in our City's Government. While claiming to promote the objective of transparency, the City (through you and the City Attorney) have used many discretionary exceptions built into the Brown Act and Public Records Law to avoid public scrutiny of matters that could be far more transparent than they have been. I intend to focus on each and every example of such evasion and avoidance of true transparency and invite a public discussion designed to improve the manner in which our local government serves the interests of our residents.

At this time, you appear to have the continued support of Mikke Pioerson and Karen Farrer, and you likely will have the support of Paul Grisanti based on his comments when he was campaigning for election to City Council. As such, your position as City Manager may be secure

for now. Personally, I will not accept as appropriate the manner in which you have interacted with me, and the manner in which I have witnessed you interact with others, and I will continue to make a public record of your actions if they do not improve to the point where I am satisfied that they are appropriate for a person in your position. We will then see whether the public is supportive of my approach or to your continued support by other members of City Council. I believe that the overwhelming rejection of Rick Mullen's reelection bid provides an indication of where the public will come out on this subject.

I believe that I received substantial support for my election bid because I will bring to City Council my 30 years of experience as a corporate attorney with a concentration in "Governance" matters, and because I am willing to speak truth to power. I have witnessed consistent and systemic problems with Malibu's government, which include multiple problems with the way in which you and the City Attorney conduct yourselves -- both publicly and behind the scenes. I also have heard many rumors of even more serious problems, which I have consistently discounted, but which I am coming around to having concerns about.

I hope to have our initial conversation on Thursday or Friday afternoon. After we schedule the conversation, I will send you the zoom meeting details. Before we meet, however, I reiterate my requests for the following:

1. an agenda for the call / meeting.
2. any written materials you intend to use during the call / meeting, that you have or are providing to other new Members of City Council, and that you previously provided to Mikke, Karen, Jefferson, Rick and/or Skylar when they were elected.

Also, as I have twice before stated, I would like for Mikke Piercon (who you have consistently copied on your emails) to be present on the call. I had preferred that you provide the same information to all incoming members of City Council (whoever they may turn out being) at the same time, in order to ensure equal treatment, and also to permit all such individuals to hear the answers to any questions any one of them might have. That, too, would have promoted transparency and has been evaded by your series of private one-off conversations.

Please provide me with the materials I have requested at your soonest convenience so that we can proceed with our initial conversation.

Stay Safe & Stay Well,

Bruce

On Tue, Nov 10, 2020 at 10:50 AM Reva Feldman <rfeldman@malibucity.org> wrote:

Bruce,

This is the type of information that I provide incoming councilmembers when they meet with me.

As I stated at the Council meeting last night, and as I state in my emails to you, I am available to meet with you to go over these matters.

In the future, please direct all requests for city information or assistance to me and not to Heather.

Thank you,

Reva

Reva Feldman | City Manager

City of Malibu

(310) 456-2489, extension 226

From: Heather Glaser <hglaser@malibucity.org>
Sent: Tuesday, November 10, 2020 10:32 AM
To: Bruce Silverstein <bsilvesq@gmail.com>
Cc: Reva Feldman <rfeldman@malibucity.org>; Lisa Soghor <lsoghor@malibucity.org>
Subject: RE: Request for Information

We can get those to you. Resolutions printed out fill about 30 binders. The policies would be provided in a separate binder. I would recommend providing them to you in blocks due to the time it will take to compile. Do you prefer to get older ones first or newer ones first?

-

Heather Glaser | City Clerk

[City of Malibu](#)

(310) 456-2489, extension 228

From: Bruce Silverstein <bsilvesq@gmail.com>
Sent: Tuesday, November 10, 2020 10:20 AM
To: Heather Glaser <hglaser@malibucity.org>
Cc: Reva Feldman <rfeldman@malibucity.org>; Lisa Soghor <lsoghor@malibucity.org>
Subject: Re: Request for Information

Great. Thanks for the update.

Assuming the preliminary election results hold up, and I am elected, will I be able to get a binder (or binders) with a printed copy of all Resolutions and all City Council Policies?

On Tue, Nov 10, 2020 at 10:15 AM Heather Glaser <hglaser@malibucity.org> wrote:

Bruce:

[The Public Portal is back up.](#) You can use the [resolution index linked on the City's website](#) to look up specific resolution numbers by date of adoption. Adoption dates are listed to the far left of each resolution number.

To find resolutions you would select from the dropdown: CC – Council Documents>Resolution, and then enter the date range(s) you are looking for.

Welcome to the City of Malibu's Public Records Portal

As the compliance officer for the Public Records Act, the City Clerk manages access to public records utilizes OnBase, a specialized software product that allows for the scanning and storage of City documents and access to those documents by City staff and the public.

Note: In order to view PDF files, you must have a PDF document viewer.

CC – City Clerk

ESD – Environmental Sustainability Department

PW – Public Works

PLN – Planning

Search:

Please Select Document Type(s):

Select Search:

Select Search:

CC - Commissions & Boards

CC - Council Documents

CC - Recorded Documents

ESD - Geology Files

ESD - OWTS Files

ESD - Street Files/Building Permits

ESD - Recycling Files

PW - Capital Improvement Programs

PW - Engineering Permits

PW - Reports & Studies

PLN - Records

Let me know if you have questions in using the system.

Best,

-

Heather Glaser | City Clerk

[City of Malibu](#)

(310) 456-2489, extension 228

From: Heather Glaser

Sent: Monday, November 9, 2020 1:22 PM

To: Bruce Silverstein <bsilvesq@gmail.com>

Cc: Reva Feldman <rfeldman@malibucity.org>; Lisa Soghor <lsoghor@malibucity.org>

Subject: RE: Request for Information

Bruce:

The portal was taken down to upgrade the version of OnBase the City was using to something newer. I believe it was last operational on the evening of Thursday, November 5, though I cannot say for sure.

As to the Resolutions in Dropbox, I have you started with 1991-1994 [here](#).

Best,

-

Heather Glaser | City Clerk

[City of Malibu](#)

From: Bruce Silverstein <bsilvesq@gmail.com>
Sent: Monday, November 9, 2020 1:00 PM
To: Heather Glaser <hglaser@malibucity.org>
Cc: Reva Feldman <rfeldman@malibucity.org>
Subject: Re: Request for Information

Thanks Heather,

Let's go with chronological order beginning with the first resolution.

When I was actively practicing law in Delaware, I reviewed every version of the corporate law from its origins in the nineteenth century, and it was extremely instructive as to the meaning and operation of the current law. Assuming that I end up being certified as having been elected at the end of the month, I intend to request a binder (or multiple binders) with hard copies of all resolutions in chronological order. I intend to read them all -- including those that have been repealed, as that likely will provide interpretive guidance to subsequent resolutions.

I am extremely appreciative of your professional, courteous and responsive conduct and communications throughout the election cycle, and I am confident that we will have a good working relationship if I am elected to City Council. If other members of the City Staff are even close to your level of competence, it will be my pleasure to interact with them as a Member of City Council. I sincerely wish I could say the same about the City Manager and City Attorney, but I am

unable to do so at this time, and I have seen no effort from either of them to change that situation.

Before closing, I ask if you can let me know when the OnBase portal was last available for use by the public, and what is the reason for the portal's lack of availability?

Stay Safe & Stay Well,

Bruce

On Mon, Nov 9, 2020 at 12:44 PM Heather Glaser <hglaser@malibucity.org> wrote:

Bruce:

The OnBase Public Portal is currently down for upgrades. I can start making some stuff available to you through Dropbox if you would like. Is there a particular order you would like to go in for Resolutions? Old>new? New>old?

Best,

-

Heather Glaser | City Clerk

[City of Malibu](#)

(310) 456-2489, extension 228

From: Bruce Silverstein <bsilvesq@gmail.com>

Sent: Saturday, November 7, 2020 11:47 AM

To: Heather Glaser <hglaser@malibucity.org>

Cc: Steve Uhring <steve.uhring@gmail.com>

Subject: Request for Information

Heather:

I hope you are having an enjoyable Saturday, and there is no need for you to respond to this email until sometime on Monday.

I want to review all Resolutions of the City Council, but I can find only an "Index" of the Resolutions on the City's website at <https://www.malibucity.org/DocumentCenter/View/9/City-Council-Resolutions?bidId=>. It may be that I can plough through the information using the OnBase Portal, but that is "CURRENTLY UNAVAILABLE DUE TO SYSTEM MAINTENANCE" (see <https://www.malibucity.org/794/OnBase-Portal>), and I also do not know how efficient that will be.

How can I obtain a copy of all Resolutions identified on the Index (without regard to whether they have been amended, superseded or repealed)?

If I am "elected" when the vote is certified on November 30, I am going to want to receive a hard copy of all City Council Resolutions and City Council Policies, as well as a printed copy of the Municipal Code and the Coastal Act. For now, however, I will be satisfied to have an electronic copy of the Resolutions, as I already have electronic copies of the other materials.

I suspect that Steve and Paul also will want these items, but I do not know that for certain as I have not spoken to them about this subject.

What, if anything, do I need to do to obtain the documentation identified above?

Stat Safe & Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Monday, January 4, 2021 3:24 PM
To: Reva Feldman
Cc: Heather Glaser
Subject: Re: The Grisanti Anti-Transparency Policy

Reva:

If you have further information beyond the paltry statement in your email, and you are not providing it, then you are violating City Council Policy No. 8.

The fact that you collaborate so much with individual City Councilmembers in a clandestine manner (and, in this case with a yet-to-be City Councilmember) is precisely why some of the proposals are included in the Transparency proposal Steve and I are co-sponsoring. I suspect that you cannot recall all that you and City Councilmember Grisanti spoke about, and it is inconceivable that he can do so either -- hence, the need for recordings. At this point, I, the other City Councilmembers, and the public will have to deliberate based on a deliberately opaque and incomplete record.

In any event, only you can state how much time you devoted to the preparation of the Council Agenda Report you prepared and misdated -- including whatever time you spent talking about the proposal. That is one of the many things I have asked about, which City Councilmember Grisanti cannot answer. You also can state when you received City Councilmember's definitive sign-off on the otherwise draft Council Agenda Report. Please provide that information.

Lastly, I believe, but am not sure, that you may have violated the Brown Act by copying City Councilmember Grisanti on my email to you, which also copied City Councilmember Uhring.

Stay Safe & Stay Well,

Bruce

From: Reva Feldman <rfeldman@malibucity.org>
Sent: Monday, January 4, 2021 3:12 PM
To: Bruce Silverstein <bsilverstein@malibucity.org>
Cc: Paul Grisanti <pgrisanti@malibucity.org>
Subject: RE: The Grisanti Anti-Transparency Policy

Bruce,

Councilmember Grisanti asked for a council item to be placed on the agenda regarding Policy #8 in November. He and I have spoken about it multiple times since then.

I suggest you discuss it with him in public during the council meeting on January 11 if you would like more information about what he is trying to accomplish.

I do not have any records to provide you on this matter.

Reva

Reva Feldman | City Manager
City of Malibu
(310) 456-2489, extension 226

From: Bruce Silverstein <bsilverstein@malibucity.org>
Sent: Monday, January 4, 2021 3:02 PM
To: Reva Feldman <rfeldman@malibucity.org>
Cc: Heather Glaser <hglaser@malibucity.org>; Steve Uhring <suhring@malibucity.org>
Subject: The Grisanti Anti-Transparency Policy

Reva:

In the course of reviewing material the City produced in response to my public records requests (as a member of the public), I came across the attached text from you to City Councilmember Grisanti that establishes that the Council Agenda Report you prepared for the Item you designated 7D and which you dated December 16, 2020 was not yet finished being drafted as of December 21.

I have not yet received the documents I requested for dates beyond December 22. Accordingly, I have no way of knowing whether there is subsequent correspondence between you and City Councilmember Grisanti respecting Item 7D. I also still have not received your explanation of the background of the item, what work you did to prepare the proposal, etc., which I have requested pursuant to City Council Policy No. 8 -- which you and City Councilmember Grisanti are seeking to alter to cut off your obligation to respond to City Councilmember information requests.

Please provide the information I am seeking respecting the genesis of Item 7D so that I can prepare my remarks pertaining to that proposal for the January 11 meeting of the City Council. Also, in accordance with City Council Policy No. 8, please produce immediately any material that pertains to City Councilmember Grisanti's anti-Transparency Proposal without regard to whether it is excluded from the City's production obligations pursuant to the CPRA.

Stay Safe & Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Wednesday, December 23, 2020 2:05 PM
To: Reva Feldman
Cc: Heather Glaser; John Cotti; Steve Uhring; Scott Steepleton; michele willer-allred; Michael Wittner
Subject: Reiteration of Demand for Litigation Hold

Reva:

During the City Council meeting of December 14, 2020, I publicly demanded that the City place a Litigation Hold on all material that may, in any way, touch upon the issues raised in Jefferson Wagner's Affidavit (the "Wagner Affidavit") or any other potential matter of wrongful conduct that might be the subject of a proper investigation.

As I explained, at a bare minimum, the City should (i) place a moratorium on the destruction of data on the computers, email accounts or text message logs of Councilmembers Wagner, Mullen or Peak, as ordinarily would occur following the expiration of their terms, (ii) suspend City's document destruction policy (euphemistically called a "retention policy") that mandates the deletion of email, text messages, and other communications, and (iii) direct all members of the City Staff from the City Manager down to the clerical staff to refrain from continuing with routine document destruction activity.

I have not seen any memorandum or other communication implementing a Litigation Hold or other alteration of the City's document destruction policies. As you know, the putative Interim City Attorney has (without proper authorization) forwarded the Wagner Affidavit to the Deputy District Attorney and requested the conduct of an investigation, and (ii) "Mayor" Pierson has purported to speak for the City, stating that "We welcome the scrutiny."

Under the totality of the circumstances, your failure to institute a Litigation Hold jeopardizes the City's legal interests in multiple ways. As such, I encourage you to act post haste in performing your responsibility to protect the City's interests by, among other things, instituting the Litigation Hold I have requested.

Stay Safe & Stay Well,

Bruce

Kelsey Pettijohn

From: Bruce Silverstein
Sent: Thursday, December 24, 2020 9:57 AM
To: Reva Feldman
Cc: Heather Glaser; Steve Uhring; rquinto@malibucity.org
Subject: Request for Information

Reva:

Pursuant to City Council Policy No. 8, I hereby request that whatever department head is responsible for addressing my request herein provide me with the following information:

1. What is the total amount billed to the City of Malibu by the Malibu Times (or such other business entity through which the Malibu Times collects payments) in each of 2016, 2017, 2018, 2019, and 2020. In addition to the total annual billings, I would like to know how much the City was charged by the Malibu Times in each month of each of the foregoing years. I also would like to see copies of the billing invoices, along with all purchase orders by the City and any contract(s) that exist(s) between the City and the malibu Times (or a related entity).
2. I have heard that the City made and/or guaranteed a loan to the Malibu Times following the Woolsey Fire. I would like to know if that is correct. If the City has made and/or guaranteed a loan to the Malibu Times at any time over the past 5 years, I would like to know the terms of the loan as it may have been amended from time-to-time and the status of all repayments made by the Malibu Times. I also would like to see a copy of all loan documentation and any written communications in the possession or control of the City respecting the loan and/or its repayment.
3. What is the total amount, if any, paid by the City to any other publication that serves the Malibu community in 2016 through 2020. Among others, this includes the Patch and Surfside News.
4. Has the City received any proposals for the provision of advertising, noticing or other publicity services by any publication that serves the Malibu community at any time in 2016 through 2020? If so, I want to understand the proposals that were received.
5. Has the City provided and/or arranged for any financial or other valuable benefits to Hans Laetz, 9.1 KBUU (or related entity) over the past 5 years. If so, I want to understand the details of such benefits.

Stay Safe & Stay Well,

Bruce