

## **City of Malibu, Tussles with Brown Act, California's Open Meeting Law**

May 16th, 2025

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PSS Correspondent

Canceled, postponed or adjourned is the question after a technological challenged, May 12th, 2025 Amended(1) [agenda] Malibu City Council Regular Meeting. The answer depends on who you ask. Councilwoman Haylynn Conrad said "...meeting was canceled." She was in attendance at the Mountains Recreation and Conservancy (SMMC) which also met on the evening of May 12th in Calabasas.

At issue, the reasoning behind The City's choice to cancel the chaotic May 12, City Council meeting or was required to do so per California's Brown Act.

The Ralph M. Brown Act, often simply called the Brown Act, is California's open meeting law. Enacted in 1953, it guarantees the public's right to attend and participate in the meetings of local legislative bodies. The primary goal of the Brown Act is to ensure transparency and accountability in local government by preventing secret meetings and promoting public access to the decision-making process. It's a vital piece of legislation often used by journalist, First Amendment advocates, State and County law enforcement and Public.

On May 13, at 8:51 a.m., request for comment regarding the cancelation of the City Council meeting was submitted to Matt Meyerhoff, The City of Malibu's Media Information Officer.

At 10:31 a.m., He indicated he was putting together a statement and the council meeting had to be adjourned due to audio technical issues. We asked if we would be getting a press release and was this was due to Zoom [online meeting] issues? His response was 'No press release, wer're just posting it on social media (FB, X and Instagram). Thanks'

Later that day at 3:01 p.m. The following was posted on City's facebook page, instagram and X [Twitter].

*'The 5/12 Malibu City Council meeting was interrupted by a technical malfunction. After Item 7C, the Council adjourned (cancelled) & rescheduled to Wed, 5/21, 2PM. Agenda & staff reports will be posted in advance: [www.MalibuCity.org/agendacenter](http://www.MalibuCity.org/agendacenter). We apologize for the inconvenience'* A slide on the same posts displayed.  
*'MALIBU CITY COUNCIL MEETING CANCELLED & RESCHEDULED DUE TO TECHNICAL MALFUNCTION'*

On May 14., Mayor Pro Tem, Bruce Silverstein cited severe audio/video issues for both in person and remote meeting participants all emanated from City Hall. 'The situation was embarrassing and disappointing, but canceling the meeting was the right thing to do.' He was responding to a news article written and later shared by this correspondent on the influential 'Friends of Malibu' private facebook page.

Councilwoman Conrad, using the same private facebook page, again reaffirmed the meeting was canceled. 'I was able to head over cause our meeting had technological difficulties and was canceled.' She was commenting on a Zoom meeting of the (SMMC) in which was broadcast live.

Hayley Mattson, Publisher, Editor in Chief of The Malibu Times published the follow in their May 15. edition. *'The meeting which began in closed session, was called off within minutes of opening to the public as repeated technical difficulties plagued the audio feed both inside City Hall and on the internet livestream. Despite efforts by city staff to restore the sound system, the issue could not be resolved, and the meeting was officially adjourned. The council has scheduled the meeting for Wednesday, May 22, at 2 p.m. in council chambers.'* Note: The May 22, date is incorrect. It should read May 21.

The City of Malibu does not agree with Mayor Pro Tem, Silverstein or Councilwoman, Conrad. On May 16., Mr. Myerhoff, sent the following via iPhone text messaging, requesting The City's statement be published in it's entirety.

***“The City conducted the May 12, 2025 meeting in accordance with the Brown Act, and made significant efforts to address the technical challenges that arose. Item 7C was properly handled. The city did take public comment, as confirmed by the City Clerk, before action was taken. The Council decided to adjourn the meeting and continue it to a future date in order to ensure that the public could participate. The technical problems are being addressed.”*** This statement, was not posted on facebook, Instagram or X (Twitter).

The City's statements and those of Mayor Pro Tem, Silverstein, Councilwomen, Conrad are not accurate. The May 12, City of Malibu meeting was not canceled.

In fact it did meet and took action. The Brown Act requirement for Public Comment, Section 1, was afforded prior to adjourning to their 4 p.m. closed session. Upon returning to their regular meeting at 5:30 p.m. The City did not hear Section 4., Item A. Public Comments not on the agenda. This would have been the time for the public including this correspondent to comment (and attempted) on the meetings, unintelligible in-house audio, Zoom webinar and YouTube stream. Requesting the meeting be adjourned and rescheduled.

On May14, a Public Record Request was filled with the City Clerks office, seeking unedited video/audio recordings both public and retained. That request has not been fulfilled. Deputy City Clerk, Jason Lawrence signature appears on the May 12, Amended (1) Agenda. Ensuring public records would be made available for public review during regular business hours.

The only publicly available copy is a discombobulated version, currently viewable on the City's Youtube Channel. The City reserves the right to edit or delete. Total running time of the recording is approximately 2 hours and 45 minutes.

In a reply to an email in which Interim City Attorney, Trevor Rusin was CC'd ‘...*if you exclude the time the City Council was in Closed Session and the time the that the City Council was silent and/or in recess while the staff sought to correct the technical problems, there was less than 15 minutes of actual meeting.*’ Apparently that was all the time the City Council needed to push forward Section 7C without public comment or discussion.

The following surreal timeline is from the City's official YouTube Channel. It's difficult to follow even by seasoned journalists and members of the public who attempted to participate in the May 12, meeting.

Timeline references are approximate and in p.m. (Pacific DST). The City does not use a clock to time stamp their meetings.

10:23 City starts meeting and moves into closed session with no video/audio issues.

57:44. Video glitches observed, meeting still in closed session.

1:13:30 Video of dais, monitors in background are in and out. Still in closed session.

1:40:10 Mayor, Marianne Riggins calls meeting to order. Very poor audio.

1:42:06 Meeting abruptly switches to a test pattern (color bars) very poor audio.

1:43:25 Video switches -test pattern to chambers. Mayor Riggins leads pledge of allegiance.

1:44:54 Mayor, asked for closed session report. Audio remains garbled.

1:45:34 Mayor Pro Tem, Silverstein ask about audio. Audio is poor almost unintelligible.

1:46:42 Mayor, again asks for closed session report. **City attorney has nothing to report.**

1:47:33 Mayor, asks for approval of agenda. Moved and was seconded but no vote.

Mayor, Riggins asks if this is the point in the meeting to reorder the agenda. Mayor asks to move 7C before 5C and the consent calendar after 7C and before 5C. City Attorney, Trevor Rusin appears very confused. Stated “**wait I did not think we were going to do that.**” Note there is no item “5C” listed on the City's public agenda.

1:48:46 Councilman, Stevens asks [staff?] if audio is properly working for audience.

1:52:05 Meeting dissolves into a slide. 'Meeting will resume shortly.'

2:06:30 Mayor, Riggins is heard doing a mic check while meeting will resume... slide still up.

2:06:37 Mayor announces the meeting will resume at 6:30 p.m.

2:39:15 City Council meeting resumes.

2:39:10 No Public Comment or discussion, Mayor Riggins makes a motion to hear item 7C

2:40:15 Item 7C was seconded and voted in the affirmative.

2:40:23 Mayor, Riggins then admits a mistake and asks for public comments.

2:44:05 Mayor, Riggins adjourned meeting to May 21 at 2 p.m.

What occurred between 2:39:15 - 2:45:40 is under review.

The City did not approve the agenda prior to making their first decision on "item 7C" The correct description is Section 7., Item 7.C. This per a May 16, late afternoon telephone conversation with City of Malibu, City Clerk, Pettijohn. She was also unable to confirm if the City maintains a record of Zoom meeting participants who raise their hands to comment on particular sections and item numbers on the City's agenda.

On May 16, Interim City Attorney Trevor Rusin, did return our calls and email requesting comment on the May 12. meeting. He maintains the City Council vote on "Item 7.C." was made in accordance with the Brown Act. and public comments were allowed. None were made the entire length of the City Council meeting.

So what actually is Section 7., Item 7.C. on the City's agenda?

‘Appointment of Ambassador Candace Bond as Interim City Manager and Related Interim City Manager Employment Agreement.’ - Effective May 19, 2025

Ms. Bonds salary of ‘\$300,000 payable in installments at the same time as other employees of the City are paid.’ Other perks are as followed merit based increase base salary and or bonus's, \$625 per month car allowance, 80 hours of hours of available vacation upon execution of the agreement, full Medical Insurance (up to the PERS Platinum health plan level) for Ms. Bond and her dependents. ‘City shall pay the premium for a term life insurance policy with coverage not more than \$400,000.’ The perks go on in length.

Her controversial ‘appointment’ follows an ongoing investigation into whether members of the City Council engaged in Serial Meetings. And if the appointment of Ms. Bond was predetermined without public discussion and public comment. City Attorney, Trevor Rusin requested we share our source. We are not at this time obligated to do so.

What we do know about Ms. Bond, is that she previously served as the United States Ambassador to Trinidad and Tobago from December 8, 2022 to January 20, 2025. Appointed by then President, Joe Biden and sworn in by then Vice President, Kamala Harris.

Ms. Candace Bond's January 20, 2025 departure from her [Ambassador] assignment coincided with President Donald J. Trump's 2nd Inauguration.

A May 14, request made to Mr. Myerhoff for on camera interview with Ms. Bond was denied because ‘Ms. Bond is not available for an interview at this time.’ Mr. Myerhoff wanted to view our questions prior to the interview. Which were provided.

If actions (business) at the May 12, City Council Meeting was conducted in error or omission. The Brown Act provides for remediation.

The Brown Act provides mechanisms for members of the public and interested parties to enforce its provisions. Individuals can submit written demands for the legislative body to correct an alleged violation, which gives the agency an opportunity to cure or correct the action.

If the agency fails to address the issue, legal action may be taken in the form of a lawsuit. Courts have the authority to issue injunctions, order the release of records, and require public agencies to comply with the law. Additionally, Los Angeles County, District Attorney's Office, Public Integrity Division or The California Attorney General has the authority to investigate and prosecute.

When a legislative body violates the Brown Act, several consequences can result. First, any action taken during an improperly noticed or conducted meeting may be declared null and void. In addition, individuals who believe the Act has been violated may seek legal remedies, including filing a lawsuit to force compliance, compel the release of meeting records, or prevent future violations.

In some cases, intentional violations of the Brown Act may lead to criminal penalties, such as fines or misdemeanor charges. Public agencies may also face scrutiny and damage to their reputation, which can erode trust with the community they serve.

Any interested party may bring an action to enforce the Act, ensuring that public meetings remain open and accessible.

In a May 16 telephone conversation, Councilwoman, Haylynn Conrad indicated she was open to Section 7., Item 7.C. revisited.

May 14, Mayor Pro Tem, Bruce Silverstein responding to a member comment on the 'Friends of Malibu' private facebook page. *'thanks. I also believe we ought to ratify the Interim City Manager vote out of an excess of caution.'*

On a May 16, email from Mayor Pro Tem, Bruce Silverstein with City Attorney, Trevor Rusin copied. He issued a response and answered questions. He also clarified that in his facebook reply, he meant to say [type] adjourned not canceling.

Questions:

3. As a council member, would you consider items 7.C. to be reconsidered?"

*'Although I believe that the meeting was properly conducted, I also believe that the City Council should "ratify" (not "reconsider") the decision to approve the Interim City Manager's proposed contract, and I intend to move to do so when the City Council meeting reconvenes on May 21.'*



4. In a rather detailed response to question: 'Do you find it odd that not one single public comment was made or heard?

*'Pursuant to the published Agenda, the Regular Meeting of the City Council commenced at 4:00 p.m. to address multiple Closed Session matters. Although there occasionally is public comment prior to the Closed Session portion of a Regular Meeting, it is relatively rare for that to occur.*

*Pursuant to the published Agenda, the meeting reconvened following the Closed Session at 5:50 pm. The published Agenda for the meeting had deferred Item 4.A. (General Public Comment) until after the conclusion of Items 5.C (which had been continued from a prior meeting), 1.A & B, ) & 3.*

*As explained above, when the time came for the City Council to approve the Agenda, the Mayor moved to reorder the Agenda to move Item 7.C. to be heard first and the Consent Calendar (i.e., Items 1.A & B) to be heard second before hearing Item 5.C.*

*Also as explained above, when Item 7.C was then called to be heard, the City Clerk reported that there were no public speakers in person or by zoom...**Based on the foregoing, I understand why there was no public comment during the meeting.** I both hope and trust that you find my answers responsive to your questions.*

*Stay Well,*

*Bruce'*

While two council members are in agreement Section 7, Item 7.C. should be readdressed, [ratify] perhaps reversed. The City remains with Acting City Manager, Joseph Toney until May 22.

While this is just the latest tussle for The City of Malibu with the Brown Act. It does not appear to be the last.

Matt Myerhoff, City's Media Information Officer, while responsive to our numerous requests for comment on this report. Has often interfered with coverage of public meetings and questioning who is a member of the Press.



In a May 1, broadcast: KBUU, Radio reporter Hans Latz. Summed up what all print, radio, television, 'new media', journalist, social media content creators and public face in reporting on City business in Malibu. "...the Government [City of Malibu and Los Angeles County (BOS)] does not want you to know what was said in a public meeting in a public place."

The City of Malibu, is reminded, the Power of the Press belongs to those who can afford one. Fortunately this correspondent is afforded one.

Errors, omissions, request for corrections & comments are welcome:

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Link to City of Malibu May 12, Council meeting. <https://www.youtube.com/live/CUdA5pl7uO8?si=82Gy4UhMLJSldE2n>

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