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April 13, 2021

**VIA ELECTRONIC MAIL**

David A. Soldani  
Atkinson, Andelson, Loya, Ruud & Romo  
10 River Park Place East, Suite 240  
Fresno, CA 93720  
Email: dsoldani@aalrr.com

***RE: City of Malibu's Counter Proposal to the  
Santa Monica-Malibu Unified School District***

Dear Mr. Soldani:

This letter represents the City of Malibu's ("City") response to the Santa Monica-Malibu Unified School District's (the "District") counter-offer dated April 9, 2021, as both relate to the City's petition ("Petition") before the Los Angeles County Office of Education's County Committee on School Reorganization ("County Committee").

The City notes with appreciation and agreement the District's assertion that it wants to "deliver separation of SMMUSD into SMUSD and MUSD." This statement provides the City great hope that both parties can find common ground as we move through this County Committee's process. However, given the District's history of bad faith—including walking away from both the unanimously approved MUNC agreement of 2016 and from the recent efforts to sponsor special legislation to secure both districts' parcel tax—you can understand why the City must decline any offer that requires us to withdraw our Petition from the County Committee process. The City does see opportunity in most other aspects of the District's counter-offer and, therefore, presents the following counter-proposal for the District's consideration.

- (1) Both parties go on record with the County Committee as supporting the City's Petition to create an independent Malibu Unified School District, pending the financial terms of separation;
- (2) Both parties agree that the County Committee is well-suited to decide the financial terms of separation;



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- (3) Both parties agree in advance to be bound by the financial terms of the separation as developed by the County Committee and/or by the County Committee-supervised consultant, School Services of California, Inc.; and
- (4) Both parties agree that they will not engage in any ex-parte communications with any part of the County Committee, their staff, or any consultants regarding the split while the financial terms of the separation are being developed by the County Committee and/or the County Committee-supervised consultant, School Services of California, Inc.

Since the City did not receive your counter-offer until 4:47pm on Friday, April 9, 2021, the Malibu City Council was not able to consider it at its regularly scheduled meeting on Monday, April 12, 2021. However, the Malibu City Council has scheduled a special meeting on Wednesday, April 14, 2021, at which time these terms will be presented to the full City Council. Since time is of the essence, the City would request that the District, likewise, schedule a meeting of its Board of Education to consider the aforementioned terms. The goal of this counter proposal is for the District and the City to present these terms to the County Committee at the Preliminary Public Hearing as both parties' on-going effort to do what is in the best interest of both Santa Monica and Malibu students.

The City believes this addresses both our mutual desire for a locally controlled, independent Malibu School District and for financial conditions in the two successor districts that will be fair and equitable, in fact and by definition. **We request that you present these terms to your Board on or before April 16, 2021, in order to allow us to appear in a unified fashion before the County Committee.** We look forward to your response.

Regards,

Christine N. Wood  
for BEST BEST & KRIEGER LLP

cc: Reva Feldman, City Manager, City of Malibu  
Ben Drati, Superintendent, Santa Monica-Malibu Unified School District