



City of Malibu News

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Court Finds in Favor of the City of Malibu in Lawsuit by Malibu Township Council

(Malibu, CA) October 14, 2024 — On August 30, 2024, the California Court of Appeal affirmed in full a judgment in favor of the City of Malibu in a lawsuit brought in early 2013 by Malibu Township Council (MTC), represented by Frank Angel.

This case has a long history. MTC has been suing the City for 12 years over this matter, and the courts have repeatedly ruled in favor of the City. This recent ruling is the last, amounting to complete vindication of the City's actions that MTC challenged.

It started when MTC objected to a proposal by the City Council in January 2013 to explore whether it would serve the City's best interests to swap the City-owned Charmlee Nature Preserve for the State-owned portion of Malibu Bluffs Park (located in the heart of Malibu). Although the City was clear that the preliminary leases were solely for the purpose of evaluating the feasibility of a swap, MTC proceeded as if the City and the State had already decided to proceed with the exchange. MTC hired Frank Angel to challenge the City's actions, and he filed a lawsuit claiming that the City had violated the Public Records Act and the Brown Act, which govern the procedures by which cities may meet and take action and ensure transparency and the public's ability to participate in public meetings.

After extensive discovery in which the City provided thousands of documents, the Trial Court ruled in the City's favor on all six causes of action. MTC appealed the judgment with respect to the Brown Act and some discovery matters. The Appellate Court ruled that all the Trial Court's rulings in favor of the City over the park swap were correct, but that the Trial Court had failed to rule on one matter raised by MTC that was unrelated to the proposed park swap agreement. That issue was whether the City had properly considered in closed session a proposal to settle the City's attorneys' fee motion in a matter in which the City had prevailed against the California Coastal Commission and the Santa Monica Mountains Conservancy (SMMC). The Court of Appeal remanded that portion of the case back to the Trial Court for decision.

Regardless of that decision, MTC continued to litigate over the City's fee negotiation with the State and SMMC, even after the City had decided not to pursue the park swap. MTC appealed an adverse ruling on a partial summary judgment in favor of the City and appealed again after the trial on the remainder of the case. For 12 years, MTC legal actions required the use of a considerable amount of City resources, costing the City hundreds of thousands of dollars defending this case; the net result, as described in the Court of Appeal's 37-page opinion filed August 30, 2024, is that the City Council, then-City Attorney Christi Hogin, and then-City Clerk Lisa Pope all proceeded in the manner required by law.

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