

In five words or less, what is the theme of your campaign?

Safety, environment, fiscal responsibility

OK. Tell me about your history in Malibu and what prepares you to take on this role?

OK, so I've lived in Malibu for approximately nine years. And I had no intention, when I moved here, of being active in city politics whatsoever. And, in fact, for the first ... the majority of time I lived here, I wasn't. The Woolsey Fire was a major event to say the least and I was incensed after the fire at how little I perceived the city government to be doing to help the residents who lost their homes. Ah, after that, I began to look at all kinds of other things the city government was doing and became increasingly frustrated by what I perceived to be, um, a city council that I view to be fairly ceremonial. Um, I have prac-I practiced law for over 30 years in the corporate law arena. I had a very successful career as a lawyer. I worked on a committee for a decade or more that was responsible for drafting the corporate law bill which governs all the major corporations in the world. And I have been involved in very sophisticated, complicated disputes both as a transactional advisor and as a litigator. And I know how to think out of the box and get solutions to problems that people think are insurmountable. The city council has no member who's a lawyer. The city council hasn't had a member who's a lawyer for a decade or so. None of the other candidates that are running have a legal background. And I think it is essential that there be someone on that council that understands the law. And it's not enough that they have a city attorney. They need an actual—a decider-er, for lack of a better word (I think George Bush used to use that word), um, who has legal knowledge who can challenge the city attorney when the city attorney isn't necessarily giving, um, 100 percent accurate advice and who can, um, question the city attorney in a nuanced way, which I've seen no evidence of from city council. And who can assist the city attorney when the city attorney actually needs assistance from someone. So—and as I have counted off on my website—if you look, I did some research—and every single city around us has a lawyer on their city council. A member who's a lawyer. The list is pretty long.

Yeah, I've seen it.

Like, pretty much if you go up the canyon into the Valley, every city you drive through is gonna have a lawyer on council. If you go to Santa Monica and into Los Angeles and Hollywood, every city you go to is gonna have a lawyer on council. If you go South of here, every city you can find is gonna have a lawyer on city council and it just amazes me that they don't have one here. So, um, among other people—Jefferson Wagner and some other, some former council members and some commissioners—have asked me to run and, with some reluctance, I agreed to do it.

Hmm.

Last thing I'll say on that—last thing I'll say on that, I'm doing it out of civic obligation, not because I personally want to be doing this. It's exhausting and, um, it is not how I envisioned living this part of my life.

Interesting. Um, I wanna ask you why you think there's been that hole for so long without a lawyer. Just, just luck of the draw and we just didn't have anybody? Or is there something specific to Malibu?

Well, well, there obviously is something going on in Malibu, because, as I said, every other city—and I think this is historically the case—they have lawyers. If you look at Congress, Congress is full of lawyers. That's who usually are lawmakers. Um, it's my impression that the residents of Malibu for the most part elect their friends to city council. And like I said before, it's a ceremonial city council. The city is really run by the city manager and it shouldn't be. The city manager's job is to take directions from the council. It's been my experience that, for the most part, the city council takes directions from the city manager. And that needs to change.

OK. I wanna go back to the Woolsey Fire. I was reading your website and a lot of you—I feel like you kind of pick that event as something that galvanized you into public life. It's generally acknowledged in Malibu that the Woolsey Fire and its response were mishandled. Who do you think—I mean, do you agree? Ah, and who do you think was responsible for mishandling the Woolsey Fire and how would you prevent those same mistakes in the next fire?

So, you know, there's a lot of talk and it's easy to say that the fire department, state fire, county fire department, they did not handle the fire appropriately, the fire itself. And I'm not an expert, so I can't say that. But there are certainly enough stories of people who were pleading for help to put the fire out at their home under circumstances where the neighbors ended up having to work on it—unsuccessfully, in many cases—to question the efficacy of the fire department in this fire. In fact, in hindsight, had more people disregarded the evacuation and stayed, it does not seem to me, as I understand it, that the vast majority of the structures that burned, burned not as a result of the fire roaring through their neighborhood. They burned from embers that floated onto the homes and which could have been extinguished by people who were there with garden hoses. Um, but moving to Malibu itself, Malibu did not and still does not have a, um, well-publicized and effective evacuation plan. It's shocking to me that two years after the fire, we still don't have that. I know that at least one candidate said the other day, "Well, there is, you just don't know about it" or something like that. If there is and I don't know about it, that's a bigger problem is they're not being ... because I ought to know about it and I don't mean because I should have done the research, because it should be staring me in the face. It's the city's responsibility to make sure that all the residents know how to act if and when there's an emergency and that does not exist. In fact, I had looked a few weeks ago on the city's website to see what evacuation plan there was. Maybe I didn't do the research adequately—and again, that's not my fault, that's because it's not there to be seen—but I did find something that was, that purported to be the evacuation plan, and I clicked on it. It was five or six maps that I couldn't make heads or tails out of with no explanation. So if that's the city's evacuation plan, that's shocking. Maybe there's something else that I don't know about. Um, at a bare minimum, I remember the day of the fire I was one of the people who was stranded on PCH and, um, we were told at one point that the, um, lane coming into Malibu had been shut down to traffic and that we could therefore use the whole PCH. But, um, as I was driving towards Santa Monica and considering using the empty lanes, cars were still heading towards us. Some of them going fast. Um, so I don't know who's to blame for that, but that was a big failing. Um, the other major

issue—and this is one I do hold Malibu responsible for—was the mistreatment of the brave residents who stayed to valiantly fight the fire. Um, and for other reasons, but they stayed. The fire was not a danger after a day or two, not, not the kind of danger it was the day of the evacuation, anyway. But the evacuation remained and I get that. But the people that stayed, as I understand it, were pretty much treated like common criminals. And, um, private people had to find all kinds of ways—it was kind of like prohibition—to smuggle food and water and supplies to the people who stayed in Malibu. That was insane! The city should have been stepping up and going to bat vigorously with whoever was keeping the supplies from getting here. The city should have been doing what it could be to be supplying the supplies, and if the city was getting no, um, was making no progress with the authorities, the city should have been going to the press and making a stink about it, shaming the state and the county for stopping supplies from getting to the residents who needed it from getting to them.

I think on your website you mentioned something about your own legal volunteer efforts to help after the fire. Do you wanna tell me a little bit about that?

Well, I wouldn't say they were legal. Um, I think you're referring to The Lawyer Project—

Yes.

... Operation Recovery. Operation Recovery was actually *The Malibu Times*.

Uh-huh.

Um, so under the, uh, rubric or the heading of Operation Recovery, I did organize and, um, and to some extent lead what we call The Lawyer Project. Um, so the background for that was, days after the fire—and just, just days after the fire was over, the evacuation was ended—advertisements started swamping Malibu for lawyers who would represent people who had damages from the fire. And more offensive, even more offensively to me, a number of lawyers were holding what they were calling “town hall meetings” under the guise of “this is informational and we're here to help you.” But they were there to solicit business. And ... non-lawyers don't necessarily understand what's going on. And people who have what the, what a number of my friends who lost their homes call “fire brain” certainly didn't understand what was going on. And yet they were being basically sold under high pressure circumstances, um, a product! A lawyer who would represent them in the fire. Um, they were being sold it at a high interest rate so to speak, at a high, um ... contingency rate. And, um, I thought that was offensive and it needed to stop. And I also believed firmly at the time—and actually there work we did after that showed that I was right—that if we could get enough residents together, to ban together and deal with a firm, um, we could use collective bargaining and get a major discount. Um, in fact, my original belief, and I still believe this could've been done, was we could have had 600 or 800 homeowners ban together, we couldn't gotten the lowest rates anyone could imagine from lawyers. Because it costs the same thing to prosecute the liability piece of the case whether you have one client, ten clients, 100 clients or 1000 clients. Either SCE caused the fire or SCE didn't cause the fire. That's pretty much the issue there. Um, the work is done for establishing what the damages are. Um, so right off the bat, it was my view that if you have a lot of clients, you don't need the same kind of full contingency rate you would've gotten if you only

had a few clients because half of the work you're gonna have to do is being done the same thing for everybody. You don't have to keep repeating it.

Mm.

And even the damages piece of it, there was much overlapping commonality in what people lose and how to establish it that that becomes pretty much cookiecutter at some point. So it was my, my view that if we could've gotten 600 or 800 people together, probably could've gotten lawyers to work on a contingency rate of as low as 12 or 13 percent. But you can only help people who wanna be helped. And a number of people gave into the solicitations and hired lawyers, but we did manage to, um, find what I thought was a good firm and the firms that we interviewed at the price of being part of a presentation that Operation Recovery put on in 2019 all agreed to a substantial group discount. They agreed that, um, that they would reduce their rates to 25 percent just for the privilege of being among the few firms that would be presented to the city, to the residents. And they agreed then to further discount that would occur if 25 clients hired them, 50 clients hired them, or more than 100 clients hired them. And the lowest rate that they would agree to was 21 percent if they got to 100 clients, and, in fact, one of the firms did. And over 100 residents of the city are being represented at a 21 percent rate by a good firm. I believe that as a result of these efforts, when all is said and done, those clients, collectively, will probably save many tens of millions of dollars in not an excess of hundreds of millions of dollars in attorney's fees. And um, could've been substantially more if more people had held out.

Mm. Has enough been done by Southern California Edison to fix the issues that contributed to the fire in 2018?

I doubt it. Southern California ... Southern California Edison is a capitalist company. It has pretty much a government approved private monopoly. And, um, they make assessments of whether the costs of damages from fires are equal to or greater to the cost of repairs that would prevent fires and whatever their internal calculation tells them is how they make their decisions. My ... very high-level understanding is, um, they are less concerned with damages at this moment than they are about the exorbitant cost of making the delivery of power safe. And they have not done enough because it costs too much to do so.

OK. There's a rumor circulating, we had someone send it to us, that you were involved in selecting a law firm to represent fire victims that eventually was found to have a conflict of interest. Um, can you speak to that at all?

Sure! It's not a ru—it's not a rumor, it's a fact that one of the firms that we believed through Operation Recovery was one of the better—in fact, one of the best firms to represent the residents was Quinn Emanuel. And the reason—one of the reasons that we thought Quinn Emanuel was so well-suited was because the lead attorney who was going to be involved in this, Ken Chiate, a resident of Malibu who lost his home many years ago, um, had, had ex—had historical experience defending power companies in fire cases. So he knew the tricks of the trade, he knew what to expect from the defendants, and, um, he could turn that on them as plaintiff's counsel. Um, SCE, um, moved to disqualify him based on an alleged conflict that ... the word conflict is a legal term and it's confusing, so let me make this clear: they didn't have

any conflict that prevented them from providing Malibu residents with the absolute best and, and vigorous representation. What SCE claimed was that because they had a prior relationship with SCE, and I'll come back to what that was in a moment, they were conflicted from suing SCE because they had confidential information that could be used against SCE wrongfully.

Mm.

So the alleged conflict had nothing to do with them being not the best people to represent the residents. The alleged conflict was they were too good to represent the residents. And, in fact, all that was discussed at the February 10, um, Operation Recovery meeting at which they presented. The potential for this motion was on the table and clearly disclosed and discussed. Um, so anyway, SCE claimed that because Quinn Emanuel had been interviewed to defend SCE in the Thomas Fire two year—a year before the Woolsey Fire, they had learned things in that interview that would've given them an unfair advantage in suing SCE on behalf of the residents of Malibu. And the judge agreed with that. I think the judge was wrong. I know that Quinn Emanuel took an appeal to the intermediary California appellate court and the court affirmed that decision that they knew too much, they would've been—basically would have had an unfair advantage for the people they represented in suing SCE. Um, I believe that there is a very good argument that ought to be presented to the California Supreme Court that that decision was wrong. And in fact, I'm pretty confident that if I were the litigator defending that disqualification motion, I would have succeeded. Um, but they've decided for whatever reason not to pursue further appeal. And as a result of that, nothing has—no harm has befallen any client because they were paired up with another fine law firm by the name of—I forget the three names for it. ELL is what they're called.

Mmhmm.

And yeah, the agreement from the beginning was that if Quinn Emanuel were disqualified, ELL would continue the representation basically without missing a beat. SCE didn't move to disqualify ELL and ELL continued to represent everybody and they got exac—everybody got exactly what they understood they were getting from the beginning which was: they started off with ELL and Quinn Emanuel, they understood there was a chance that there would be a disqualification motion for Quinn Emanuel because they had potential knowledge that could hurt SCE, that motion came, that motion did result in a disqualification and the clients continued with ELL.

OK.

That explain it all to you?

Yes, thank you for clarifying. Um, I wanna move back to questions that focus more on Bruce. Why jump straight into council instead of having experience on a commission or committees like almost every other candidate?

I don't believe that that's a prerequisite to being a member of city council and I believe city council urgently requires the assistance of a member who's a lawyer and they don't have

anybody that's, um, stepped up to the plate who has that experience. So I am, ah, applying for the job that I know I can do and which has a wide opening for me.

Mm. OK, you're also newer to Malibu than some of your competitors. Do you feel like you have the name recognition to win the election?

Well, I'll start off by saying—and my son said this to me, he's a brilliant young man—they're not competitors. We're all, um, running for three seats and, um, at the end of the day, the residents of Malibu will select the three people they believe are most qualified to help them and that's what we all want. If I'm not selected as one of those three, so be it. I'm not competing with these people. Um, but the answer to your question beyond that is ... um, so what if I've been here for nine years versus someone who's been here for 20 or 30 years? Um, Cricket Blake, one of the 50+ year residents of Malibu who was helped by Operation Recovery has repeatedly said on my behalf when people question the time I've lived in Malibu that I'm more of a local than many locals are. I've done a lot to help as best I could everyone in Malibu for the past two years. I've fought tirelessly, I've put in many, many hours uncompensated. And with a promise to not receive any compensation. I don't see what difference it makes how many years I've lived here.

Mmmm. OK. So in the nine years that you have lived here—

And let me, let me add, let me add, and let me add: I live here. This is, this is my home. I'm not a transient visitor. I purchased a ho—house, I purchased it years ago, I didn't purchase it so that I could run for city council. Um, this is my home and my home needs help. And that's why I'm running.

Thank you for clarifying that. OK, so in the years that you have lived here, do you feel like quality of life in Malibu has gotten better or worse?

Well, the occurrence of the Woolsey Fire and now the occurrence of COVID-19 precludes anyone from saying the quality of life has not gotten worse in Malibu; it's gotten worse everywhere. There's no way of knowing how much the deterioration of the quality of life is attributable exclusively to the Woolsey Fire and COVID-19 and how much of it is attributable to other things. Um, I will say that before the Woolsey Fire, in the, um, seven years or so that I lived here before then, um, I was disturbed by the, um, evolving construction, commercial construction and deterioration of open spaces in Malibu. Um, I did experience, as I—I lived on the beach for two years and I did experience a lot of tar and oil on the beach. Um, and I've seen other environmental degradation. I can't say whether that's been going on for the past 40 years or whether that's a new development, but that's certainly a disturbing development.

Hmm. On your website, you've described "Malibu's fragile environment" as "constantly threatened by commercial developers, transient visitors and others for personal gain." What are some examples of those threats and what would you do to protect the environment?

Well, examples of those threats which have already materialized are things such as the Whole Foods shopping center, the La Paz development which are water over the dam in the sense that

they're already approved and nothing can be done about them. The sewer system is another example of that and it's my understanding, actually, one of the reasons Malibu was incorporated as a separate government entity was to avoid the sewer system among other things, and here we are having it. So the city has not done a very good job of protecting the area from the things it was created to protect the area from. Um, I always come back to the mission statement and the vision statement which are codified in the law of Malibu and which set forth as the, um, purpose of Malibu, the government entity to protect and preserve this urban wilderness that people do live in, it's an urban paradise is what it is—I'm sorry suburban—rural! [Laughs] Please change that, I meant rural.

OK, I will.

Um, this is a paradise and—you know, if you want an urban area that's at the beach, you can live in Santa Monica, you can live in Manhattan Beach, you can live pretty much any—many places on the California Coast. Even though Malibu sits just outside of the city of Los Angeles, the second largest city in the country, its relatively undeveloped and its relatively undeveloped because, um, the residents are committed to it being relatively undeveloped. But development makes money for people that are able to do it and there's a constant effort by developers to transform this rural area into a suburban if not urban area, because, you know, as far as they see it, Santa Monica does just fine. Why not have Santa Monica another seven miles up the road? Um, so what I would do—and I've advocated this to city council for as long as I've gone to the meetings—is you need to use the vision statement and the mission statement as your guiding light for every decision you make. I mean, if the decision has nothing to do with the mission statement and the vision statement, then that's fine, you've thought about it and it doesn't apply and you go on and make your decisions based on other things. But, if when it comes to development as an example, um, you need to be protecting the environment, the, the rural nature qual—character of this area, um, with every legal tool that's available, and it's only when as a legal matter you're prohibited from protecting it ... even then you let it occur in the least damaging way that you're capable of having it occur. And I don't believe—this is, this comes back to I'm a lawyer and you're not. I don't believe that the members of city council—first of all, a lot of them don't care about that. That's not their guiding principle. In fact, I had a conversation with one member of city council a year or so ago, I'm not gonna say who it was, but that person told me, "Nah, the mission statement, the vision statement are aspirational. They're not the law." Um, that person was, first of all, absolutely factually wrong: it is the law. And two, it was the wrong attitude, even if it weren't the law. Um, but they don't have the ... the legal ability to understand all the things they can do to prevent, um, development and it's my belief that the city manager doesn't care about protecting the, um, the quality of life here. She cares more about bringing money into the treasury and making this a vibrant economic place. And it's my belief that the city attorney does not go out of her way, or their way, to give the city council all the tools they need to say no.

Mm. I might push back a little bit: could you explain to me how it's city council as opposed to the planning commission that is the right fit to take care of these issues? I feel like the planning commission is where commercial development really becomes an issue. I understand city council and planning commission work together, but I feel like if

you wanted to protect the environment, you would be better suited to running, or rather to being appointed, there.

Well, first off, I'll say the planning commission only deals with one of the multiple prongs of my platform. That's the, um, what we've just been talking about. They don't deal with public safety, they don't deal with, um, economic issues and they don't deal with ... the other issue which I am—you know, I said this the other day—

You know what, I think it's fiscal responsibility, is it? Is that what you're talking about?

No, I mention—I mentioned that already.

OK.

Gimme a second here ... oh! Government reform! [Laughs] How could I forget that? Government reform, because you know, that's like, it's like the elephant in the room. They don't deal with any of those things. So that's one, that's one thing. So first of all, they have very limited jurisdiction. And by the way, I think government reform is a huge one, which I'm sure we'll be talking about, and again, they have nothing to do with government reform and we need government reform. The second reason is, um, doesn't really matter at the end of the day what the planning commission says or does because the city council is where the buck stops. And there have been many instances where the planning commission, the current planning commission, has been overruled by the city council. So, um, city—the planning commission ... basically, the, you know, they're the subordinates of the city council. They can say no 'til they're blue in the face to something, but if city council wants to let it go forward, they just say yes.

OK. In just a little bit, I'd like to get into, ah, the government reform that you've talked about already and is on your website a lot, but I first have two other questions for you.

Sure!

Can you afford to do this? City council takes up a lot of time and it generally skews toward people who are retired and people who have a lot of money because, you know, it just takes up a lot of your times, it's almost like a job ... can you afford to do this? Do you have the time to do it?

Well, the answer's yes. Um, and let me say two things about what you just said. Um, first of all, I don't believe it's the case that the members of city council over the past four years, eight years or more, have been all retired people or, um, independently wealthy people; a lot of them have responsibilities beyond city council. Um, but beyond that, I have been semi-retired for the past four years. I, um, I have not worked full time for the past four years. I work on discreet matters from time to time for some of my former clients, but beyond that, I'm living a pretty easy, peaceful life in Malibu. And as I said earlier, I don't relish the responsibility but I feel that I'm obliged to take it. But I certainly have the time. I probably spend as much time as a non-member of government working on The Lawyer Project, some appeals of what I believe to be improvidently approved projects and I've appealed to Coastal and various other things in Malibu ... I've probably spent—I'm not gonna say the same amount of time as I would have been on

city council doing those things, but I've spent a substantial, a substantial portion of the time I would be responsible for on city council as someone who's not a member of anything.

OK. Um ... all right! Reforming City Hall is something that you've said you'd prioritize during your term on council. You wrote that "in the past, you pressed city council to exert greater authority over the city manager and staff." Specifically, what did that pressure look like and did any results come of that?

No results have come of it because the, um, city council doesn't perceive a need for reform. And in fact, um, if you look at the resumes and who is endorsing many of the other candidates, um, I guarantee you that if many of them are elected, there will be no reform—to the extent you agree the reforms are needed—because they're backed by what I'll call the establishment, the same people who ran the city that is in need of reform. But the reform I have pressed for includes a number of things. I have pressed for the city council to, um, demand that the city manager and the city staff, um, actually do the things they are directed to do by the city council when they're directed to do them by city council whether they like them or not. A great example of that is the short term rental ordinance, which city council directed the city manager and the city attorney to have, um, put together a long, long time ago and which is still floating around because they just didn't do what they were directed to do. And I believe, despite the fact that there are some city council members who claim otherwise, that the reason for the foot dragging is because the city manager does not want the short term rental ordinance because it will reduce taxes. And as I said before, her focus as I understand it is on the budget and really not much on the quality or character of life here. Because she's not a resident here! She's just a ... employee. The city attorney, I don't get why the city attorney takes the positions that the city attorney takes, but they're often contrary to the best interests of the city. I mean, even if the law is as she sometimes describes it and prohibits the city from doing certain things the city wants to do or requires the city to do certain things the city doesn't want to do, no good lawyer should ever be publicly stating that, um, at a city council meeting. That's the kinda thing you tell your client behind closed doors. Because, one, you could be wrong, two the issue's probably more nuanced than you're making it and three, it could always change. But you just don't publicly proclaim advice that's adverse to your clients interest. And I see that all the time and I don't get it. I don't understand it. Um, I also see the city attorney giving advice that, that is portrayed as black and white when in fact it's very gray, there are contrary arguments that are powerful ones. Um, so the city council's basically told, "No, you have to do this," or "No, you can't do that" when the real answer is, "That's difficult to accomplish, maybe it can be done but probably not," or "that's not something you have to do but maybe if you'd be required to do it, maybe you would," so I see that all the time. That needs to change. Um, there are very few, if any, residents of Malibu that are employed by the City of Malibu. I understand that California law, constitutional law, precludes an actual requirement of residence for city employees, but it may permit preferences. I, that's something I'd want to explore, not my area of expertise, it may permit preferences and in any event the city could do a better job of trying to find qualified residents for employment. The city council meetings themselves—and this is not different than a lot of other places but I actually find it problematic—the city council meetings, the way it runs is, um, if there's something the city staff is recommending, the city staff can go on and on and explain why it's recommending it and give a ten, fifteen minute presentation if it wishes to and if there's

a resident that's opposed to it, they get three minutes. I think that the residents collectively should get at least the same amount of time that the staff gets to present the contrary position. The city council then—after everybody speaks, the city council deliberates and, and, um, gives their various views often stating things—often misstating positions that have been stated, um, often making statements that are just inaccurate, and there's no opportunity whatsoever to correct them. And they have hearings on things like permit applications, these are literally, they're called hearings, and yet testimony is not under oath. Um, basically people just come in and say whatever they wanna say, they look at what the city council considers documents and the contents of documents that may or may not be, um, truthful, and they make decisions—it's, it's like a kangaroo court. That troubles me.

OK—

And then, um, lastly, I have been hearing rumors for years about corruption, about bribery, about kickbacks. I am always—my view always—I, I like to presume goodwill. I, I often think people don't do a good job because they're just not capable. I don't tend to believe people don't do a good job because they're purposely doing the wrong thing. Um, but, I've heard too many rumors to ignore them and I believe that it's time to take a look at them. Not pre-judge them, but take a look at them. And one of the powers that city council has, which I don't see it exercising—in fact, I spoke to one city council member about it and he told me that he'd never even been told that they have this power—um, is the power to issue subpoenas. Just like Congresspeople, they can conduct investigations just like congressional investigations.

Interesting. You just hit on a lot of different points. I think one thing that's really pressing is that there are voices in town calling on you to pledge to fire certain staff members, namely Reva Feldman, if you're elected. Is that something you're willing to pledge to do?

With some reluctance, I actually did agree to it. Um, it's, it's been my view for the past year to two years that that's probably the right result but until I'm actually in city council, if I were in city council, I wouldn't be able to make that assessment. Um, I don't think anyone from the outside can completely understand what's going on on the inside. But, you know, you can terminate the city manager or replace the city manager for one of two different categories of reasons. You can do it without cause. Basically means you just don't have confidence in the city manager and you terminate the city manager and there's some payment obligations when that happens. Or you can terminate the city manager for cause. An example of cause would be corruption. One of many, many different examples. I certainly have no basis to believe as I stand here today, or sit here today, that there is such a basis to terminate the city manager so I would never commit to terminate the city manager for cause because I don't know what that cause would be at this point. But I believe that the residents of the city deserve what they want. I believe the government should be responsive and responsible to the residents and there are too many residents that are dissatisfied at the bare minimum with the city manager. So I actually, with some reluctance, did make a commitment that, if I'm elected, I would vote to replace the city manager, at least without cause, and I will view my election as a mandate from the population that that's what they want done. If I'm not elected, I absolutely won't be moving to remove her,

and if I am elected it will be with the public's knowledge that that is my commitment and therefore, that'll be one of the things they voted for.

OK. Current council has not removed Reva. You may—if you were to win, you might not be able to remove her for a number of reasons and you might have to work with her. If you do have to work with her, how will that impact the effectiveness of your tenure on council? Do you think you'll be able to govern well when you have, ah, I would characterize them as contentious relationships with city staff? One of the emails that you sent us about, ah, having to do with Heather Glaser and Christi Hogin, that's where I'm getting the word contentious from. Do you think that's gonna be an issue for you?

I don't think it's gonna be an issue for me. But I sorta—back—I have no, um, ill will whatsoever towards Heather Glaser. In fact, a couple weeks ago, I spoke, I commended her performance at a city council meeting. I spoke well of her voluntarily, nobody else was talking about it, because I think she's an excellent employee. Um, I think what you're talking about is a letter I sent about the decision that was made to preclude Alia Ollikainen from running for city council—

Yes.

Heather Glaser did not make that decision; she was told it was not her decision to make, which I think is wrong, legally. Um, and, um, Christi Hogin, um, interjected herself into that issue which is really not an issue for Christi Hogin to weigh in on, but it's one of many things that I think Christi Hogin does wrong. Um, and in fact, at a city council meeting a couple weeks ago, the, the, one of the city council members, it might have been Mayor Pierson, asked Christi Hogin to explain why she was not actually working on behalf of the city to help the ballot issue be fixed and she said it would be inappropriate for the city's attorney to get involved in a dispute over who goes on the ballot, people should understand that—that was her words. And yet, many years ago—and you've run this story in The Malibu Times—many years ago, when a court held that a sitting member of city council was ineligible to run again, Christi Hogin defended that city council member and took an appeal of that decision without even asking permission from city council and got it reversed and got that person on the ballot. This is, this is the kinda thing I see all the time: If the city manager or the city attorney wanna get something done, they will be able to get it done. If they don't wanna see something done, doesn't matter if they're supposed to, they don't work to get it done. Um, but I can work with people that I, um, think are acting inappropriately. Let me give you an example: I practiced law in Delaware for many years. Delaware's got a very small legal community and, um, it was often the case—and a lot of people outside that area don't get how this could be done—but it was often the case that in the morning, you would appear in court against an attorney whose office across the street, and in the afternoon you would appear with them as co-counsel in another matter. So, um, you know, you get over that stuff if you have to work together, and you do! But it's always good to have somebody, um, in a pow—in a position of review who is skeptical.

OK. You were endorsed by Jefferson Wagner. Would you consider your time on council to be a continuation of his term?

No, I'm my own person. I wouldn't be a continuation of Jefferson Wagner. Jefferson Wagner and I share, um, similar views on a number of matters but we don't see eye-to-eye on everything and I'm not Jefferson's person. Jefferson has been impressed, he's told me, with the times I've appeared and spoken and, um, that's why he asked me to run and that's why he's endorsing me, but, um, I'm not Jefferson Wagner, I'm Bruce Silverstein.

OK. Um, I asked that question to Andy Lyon, as well, and so there's a similar question comin' up. On your website, you wrote that "no other candidate has the same experience speaking truth to power," but locally, Andy Lyon has really made a name for himself as, in his words, an obstructionist, and Steve Uhring also seems to be running a campaign against the status quo. I assume your law background sets you apart. Is that what you see as setting you apart from those two?

I will be happy to say, first of all, that I think that Steve and Andy have no problem speaking truth to power. So to the extent that I said anything that suggests that I do it more or better than they do, that's not, that's not the case, I'll tell you that right now. Um, I think what I did say on my website is that the combination of my legal experience and my ability to speak truth to power and my proven track record of doing so is unparalleled.

OK. Um, council members are more and more becoming targets of both national and local disdain. Are you ready to field the level of scrutiny that council members can expect in this role at this point?

Sure. I, I experienced some of that as a corporate litigator in nationally significant matters. Um, and, um, I, I was the target of a false accusation in a matter that—false rumors had been spread about me by some people. And I, um, I had lots of adverse publicity throughout the country at the time. Um, but I persevered and I actually prevailed and it's part of my past and I can go through it again if I have to.

OK. I was hoping you'd bring that up. I think what you're talking about is, if you Google the name—if you Google your name, the top hit is a story about a treasure ship with allegations about sunken treasure fraud. For any voters in Malibu who see that when they search for you, uh, here's your chance to clear the air. What was that all about?

Well, I do discuss this in great—in some detail on my website and I actually provide a copy of the court's opinion that cleared me of any doing. I was falsely—I had a client who was accused and found guilty of fraud. Um, he was my client. I was falsely accused of knowingly helping him commit a fraud and, um, the discovery records showed that the other side didn't believe that I knowingly did anything wrong. The discovery record showed that they believed that I and my firm had a lot of money and would rather settle the case than suffer the adverse publicity. Um, and I said no and we went to trial and we won and the court said there was no evidence—not insufficient evidence, no evidence—that I knowingly did anything wrong. And, um, they appealed that decision and the eleventh circuit court of appeals affirmed that decision that I was not responsible. And people who like to, um, throw mud at me don't look at the actual result, they look simply at the fact that I was accused and people can be accused of anything. I was wrongly accused, I defended myself in court, I withstood the judicial process and I otherwise have an unblemished, very positive career. Oh, and if you look at my website, a number of the

judiciary who I had [inaudible] before for 20 years served as character, um, witnesses on my behalf, and there's some quotes on the website from him, as did a lawyer that I appeared against in many cases. So it's, it's water over the dam. It's not anything I ever did wrong. Ah, but people can make it whatever they wanna make of it.

Um, we're comin' up on the 50 minute mark. I have, uh, I wanted to ask you about the budget, crime, short term rentals and then that's all I got. If you wanna—

I can take as much time as you need.

Awesome, sounds good. Uh, fiscal responsibility is also something you've said you'd prioritize during your term on council. On your site, you wrote that the city's "bloated budget is battered and bruised." I love the alliteration, um—

[Laughs]

The city manager is predicting that there's gonna be a crisis in the budget next year because of the economic downturn caused by the pandemic. Where would you cut from the budget?

I don't know the budget line by line. I, that's not something I've studied as a citizen. [Laughs] I've been doing enough, one of the things I didn't do was take a magnifying glass and read all the line items in the budget. So the answer is: I don't know. What I do know is that as a member of city council, I would look very hard at the budget and nothing is off the table. I'd be a pair of fresh eyes. I would, at my law—the law firm that I was at for 30 years, I was a member of the management committee of that firm for the last decade that I was there. There were seven of us and we managed a budget that was larger than the budget of Malibu. So this is something I have the capacity to do. And we suffered through significant downturn in the economy which resulted in many law firms around the country significantly shrinking. And we actually made a commitment that our firm was gonna progress and move forward and that the last thing we were gonna do was let our employees go. And I'm not saying that's something I would, ah, say for Malibu; the reason I say that is we didn't. We didn't let our employees go, we got through the storm, we thrived and we grew.

I know you just said you don't know the budget line by line but I do wanna ask you about this because it relates to crime, which is something you've addressed on your website: would you consider cutting the sheriff's department budget? Do you think it's reasonable that Malibu increased it's sheriff's department budget when LA County decreased it?

Well, I think the LA County decrease in the sheriff's budget, if I understand it from what I learn in the press, was a reaction to, um, issues around the country having to do with police. I'm not sure that that was a true budgetary decision so much as it was a political decision. I think it's very difficult when you've got a city which has a rising crime rate to go to the people who are responsible for protection and tell them you're not willing to pay them as much and you want more protection. Uh, you know, it's nice to think you can do that, but as a practical matter I don't think you can succeed in doing that. I think we need to be working with the sheriff if the sheriff is who we have for our protection. Um, I can envision that we might even have to pay more for

protection if what we have currently contracted for is inadequate. So first thing I'd wanna do is actually read the contracts and, you know, I guess I could've done that by now, but, you know, again, there's only so much you do as a citizen. I'd wanna read the contracts, I'd wanna understand the contracts, I'd wanna examine our city attorney and the people that negotiated them about them. I'd wanna understand if we're actually getting the protection that we've contracted for because, hey, if we're not getting the protection we've contracted for, that's an issue that needs to be addressed and we should be getting the protection. But if we are getting the protection we've contracted for and it's not good enough, we need to contract for more protection. And the money has to come from somewhere. But you can't just not have protection because you don't have money. You need to have protection. The very first obligation of government is to protect the health, safety and welfare of the citizens.

OK. On your site, you note a rising crime rate in Malibu. I haven't fact-checked that yet. I do know we have a rising homelessness rate. I don't know about the crime rate. But I'm not saying that it's wrong or right either way, I just haven't looked at it. Um, and you proposed to reverse the crime rate. One of the ideas was: "City council should consider whether to supplement protection of the residents with some form of private security service." Can you explain that a little bit more?

Well, I know there are private security services that individuals contract for in Malibu that supplements the government security and I don't know whether a government can do that or not, but it's—again, nothing's off the table, it's worth looking into. If the government security that we are receiving is insufficient and if we've gotten what we're paying for, then we'd have to examine what alternatives are available for more security. And by the way, I appreciate what you said about not having fact-checked the crime rate having risen and I'll be the first to admit the fact that when I said that, I don't know for a fact that the crime rate has risen in whatever way it's recorded. I do know that in the years I've lived here, when I first moved here, it was my perception—and I thought I did research when I moved here, as well—that Malibu was a relatively crimeless place. And, certainly, violent crimes and, and, um, break-ins and robberies are constantly being reported in the public these days and I don't recall hearing about them over the past decade like I'm hearing about them now. So it certainly appears the crime rate has increased. Whether statistics will bear that out, I don't know, but you do know the saying that there's lies, lies and damn statistics.

[Laughs] OK. I got one more question about an issue and I know you've written about it, I've received an email about it, and then I have just a finishing question. Next question is: City council just made some short term rental decisions. I wanna know what you think of them. Do you think they're workable? If the city's new plan was in place at the time that you moved here and you lived on the beach, how would that have affected your experience with short term rentals?

Well, first of all, I ... I watched intently that entire meeting the other night, as I also watched the prior meetings on this subject. And I participated in that meeting, I spoke. I have to tell you, after watching that meeting, when it was over, I wasn't clear what they had approved and what they hadn't approved. So I don't know how effective it'll be because I don't really fully pre—understand what they actually approved, I need to see it in writing and read it carefully.

OK.

But it was my understanding that one of the big issues was the, um, whether you could rent on a short term basis a, um, a residence that you were not—you were not, if you, the owner, the physical individual, were not living in. And, um, I believe they reached some sort of compromise on that. That was what was unclear to me. And I don't completely understand the compromise. I think some analyses would say the compromise is an exception big enough to swallow the rule and I've seen other analyses that say it's a—it is in fact a compromise and it may be workable. Um, the beauty of the fact that it's gonna be a law is it can always be amended, so we'll find out as we go forward once it gets approved by Coastal—if it gets approved by Coastal—how it's working and there's always the opportunity to amend it and if I'm elected, I'll be there when it's time to review it again. But I, I did think that the law that they, um, even before the compromise, the law that they were proposing wasn't sufficient to satisfy what I understood to be the desire of the vast majority of the residents. And I understand there were some residents who were against it and one might think from watching the city council meetings that a lot of the residents were against it but pretty much I think it was a vocal minority. And I also believe that there were ways to, um, ameliorate the concerns that were being voiced by the vocal minority that weren't adequately considered and I've written to city council about them, um, and those I think should be explored further. I do have some empathy for the local residents who will be deprived of income from this. I think the vast majority of short term rentals are by wealthy investors and entities that have nothing to do with Malibu; that needs to stop. You asked me, would it have made a difference in the condo I lived in when I first moved here?

Yeah.

Actually, I think it would have because, um, the rule is at most you're gonna be able as the owner of a property to rent it out without being there 60 days. Um, so if that had been the law when I was living in my condo, then the most I would have had to deal with was 60 days of nuisance from the people above and not a whole year of it. So it would have been a lot better. Would that have been sufficiently better to keep me there? [Laughs] I don't know.

OK. All right, last question: What do you think is the number one issue facing Malibu today? In this interview, we've talked about ... we just talked about short term rentals, we've talked about crime, talked about the environment. If you could pick one, what's the number one issue and what would you do in your first year in office to tackle it?

They're all important. You, you can't hierachichize—you can't create a hierarchy of critically important issues. I identified those four as my platform because I think those four are critical issues. You can make all kinds of arguments as to why one is more critical than the other, but then you can make all the same arguments about the other one that you just said wasn't as critical, so they're all critical, they all need to be addressed.

Mmm. I think that's interesting. The way that I would differentiate between some of those things is maybe not how critical they are but how quickly they can be addressed because some things are long-term fixes and some are not.

That's a different question.

Yeah. Do you have an answer to that one?

If you, if I understand you correctly, maybe what you're asking is, which ones are capable of being addressed on day one, like when you're president and they always say, "What's your day one plan?" versus the things that would be more long-term, like your first four months or five months. Um, well, the government reform-type things can be done day one. I, ideally, if I were elected and if two other reform-minded candidates were elected, um, we can have an agenda at the very first city council meeting at which we are seated—where we have proposals for the next agenda, I should say, the way it works—where we have proposals for implementing a lot of changes that the council has the power to implement so long as they're promulgated, subjected to a meeting and voted on. So there's a lot of things that can be done ASAP. I think most of the other things that are identified on my website, I have identified a number of very concrete initiatives but none of 'em can be done overnight.

Mm. I now have one more question. I just wanna ask, I think what is tough with city council is, like you said, if you were elected and two other candidates who are reform-minded are elected, also. That helps you get stuff done. But if that doesn't happen, then you might be stymied there. Did you ever think about running on a slate? I feel like that's really tough to get around. City council is a position of power, but it is just one vote.

There are benefits and detriments to running as a slate and as of now, at least, nobody's running as a slate. Doesn't mean it won't happen before the election's over but it's not the case now. I think that people who are paying attention have noted that there's a pretty clear dividing lines between the candidates or among the candidates as to who have like opinions about all these issues in different directions. Like I said during the candidate forum the other day, I have no doubt that everyone running for council is running to do what they believe to be is in the best interest of Malibu. We just all have different views on what that means. I think it's pretty clear, and this isn't a slate, but I think it's pretty clear that Steve Uhring and Andy Lyon have views on many of these issues that are very similar to mine. And I have views that are similar to theirs. We have different approaches to getting they're, but we've got similar objectives. And I think it's pretty clear that the other candidates have different objectives. I think it's very clear that the other candidates are, um, perfectly happy with the status quo or at least see things around the edges that might be nibbled on, but otherwise wanna build on the status quo. And there are three of us who wanna see meaningful reform. And I think this election is a referendum on whether you're happy with Malibu, with the way Malibu's been run and you wanna see it run the same way, or you wanna see it run differently. If you wanna see it run differently, you'd vote for me, and I think you'd also vote for Steve and Andy even though we're not running together, and if you wanna see the same-old, same-old, you'd vote for the other five.

Yeah. I appreciate that answer. I wanna go back to something that you said right at the beginning that I thought was interesting. I think you said people in Malibu tend to vote for

their friends. Are you worried about that and what makes you think that won't happen again in this election?

Well, I don't worry. I think the word worry is way overused in society and people would be a lot better off if we just thought about things and didn't worry about them.

OK. [laughs]

But it's certainly a possibility! I don't have as many friends as some of those other people do and I'm banking on, well, I'm not banking on, you know, I'm just depending on people looking at the issues, thinking about what they want and uh, voting based on what they think is the right answer, not based on who they like. But if they vote—if they wanna vote for who they like, there's a good chance I won't get elected. And that's fine!

Mm. Really interesting year to run, especially because of COVID. Campaigning looks completely different. So let's see what happens.

Yup. Because I am staying to my house. You know, I've said any candidate that's out there meeting with people even socially-distanced I think is disqualified off the bat from running. I really believe that. Because they're demonstrating a lack of concern for the health and safety of the people they're campaigning to.