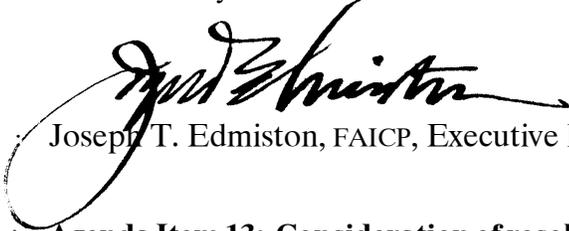


Memorandum

To : The Conservancy
The Advisory Committee

Date: January 22, 2007

From : 
Joseph T. Edmiston, FAICP, Executive Director

Subject: **Agenda Item 13: Consideration of resolution rescinding Resolution 06-91, adopted November 29, 2006, relative to adoption of the public works plan.**

Staff Recommendation: That the Conservancy adopt the attached resolution authorizing rescission of resolution No. 06-91, adopted November 29, 2006, relative to adoption of the Malibu Parks Public Access Enhancement Plan - Public Works Plan.

Legislative Authority: Section 33211 (c) of the Public Resources Code.

Background: The Malibu Public Parks Access Enhancement Plan-Public Works Plan (PWP) was prepared jointly with the Mountains Recreation and Conservation Authority. The PWP was adopted on November 29, 2006 at a joint meeting of the Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority.

The City of Malibu contends that the PWP is uncertifiable because it is inconsistent with the Malibu Local Coastal Program. The City has filed a petition for writ of mandate and declaratory relief to seek to set aside the adoption of the PWP.

The Santa Monica Mountains Conservancy, Mountains Recreation and Conservation Authority and City of Malibu have entered into a Memorandum of Understanding Agreement to attempt to resolve their differences through employing the provisions of the Coastal Act and Malibu Local Coastal Program.