



City of Malibu

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September 16, 2014

Ms. Sandra Lyon, Superintendent
Santa Monica-Malibu Unified School District
1651 16th Street
Santa Monica, CA 90404

RE: Malibu City Council Resolution No. 14-58

Dear Superintendent Lyon:

Enclosed is a copy of Resolution No. 14-58, adopted by the Malibu City Council at its regular meeting on September 8, 2014, urging the Santa Monica-Malibu Unified School District to take immediate action to conduct source testing for polychlorinated biphenyls (PCBs) at all Malibu school campuses and to remove all sources of PCBs in compliance with the Toxic Substances Control Act and PCB regulations.

The City Council is deeply concerned with the handling of this matter to date and wishes to offer whatever assistance the City may provide within the confines of the law to bring this matter to resolution.

If you have any questions, please contact me at 310-456-2489 x226 or jthorsen@malibucity.org. Thank you.

Sincerely,

Jim Thorsen
City Manager

Enclosure

cc: Mayor Peak and Honorable Members of the Malibu City Council
Board President Leon-Vazquez and Honorable Members of the Santa Monica-Malibu Unified School District Board of Education
The Honorable Senator Barbara Boxer
Arturo Delgado, Superintendent of Schools, Los Angeles County Office of Education
Dr. Michael Kirst, President, California State Board of Education
Tom Torlakson, State Superintendent of Public Instruction, California Department of Education

RESOLUTION NO. 14-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU URGING THE SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT TO CONDUCT SOURCE TESTING FOR POLYCHLORINATED BIPHENYLS (PCBS) AT ALL MALIBU SCHOOL CAMPUSES AND TO REMOVE ALL SOURCES OF PCBS

THE CITY COUNCIL OF THE CITY OF MALIBU RESOLVES AS FOLLOWS:

SECTION 1. Recitals.

A. Malibu is home to three elementary schools and a middle and high school. The City is proud of the excellent educational programs offered at Juan Cabrillo, Webster and Point Dume Elementary Schools and at Malibu High School. These schools are part of the Santa Monica-Malibu Unified School District (SMMUSD) and the families who send their children to these schools are part of the Malibu community.

B. In October 2013, school staff and parents raised concerns about PCB exposure in Malibu High School (MHS) and Juan Cabrillo Elementary School (JCS) after reported thyroid cancer diagnoses.

C. SMMUSD hired the environmental engineering firm Environ to prepare testing and cleaning plans to remediate any PCB exposure. The district enlisted experts from the U.S. Environmental Protection Agency (EPA) and Department of Toxic Substances and Control (DTSC) to ensure compliance with the Toxic Substance Control Act (TSCA).

D. Between July 18, 2014 and August 14, 2014, SMMUSD re-opened thirteen rooms or buildings at the MHS and JCS campuses, stating that PCB levels are either non-detectible or within health-based EPA threshold as safe for students and employees.

E. Despite the SMMUSD determination, residents and many school parents believe that the health and safety of their children, teachers and school staff is still at risk.

F. In July 2014, Malibu Unites, an organization formed by Malibu parents, teachers, and community members, as well as scientific and environmental experts, with assistance from Public Employees for Environmental Responsibility (PEER), a national environmental advocacy group, collected samples of caulk and dust from rooms at both MHS and JCS to be independently tested.

G. PEER stated the samples had been analyzed at an EPA-certified lab and reviewed by a qualified third party and were found to have PCBs at levels greatly exceeding the limits allowed under TSCA.

H. SMMUSD parents have brought these findings to the attention of the City and expressed frustration at their inability to elicit appropriate response from SMMUSD officials to this alarming information.

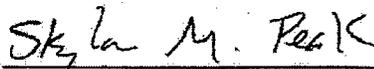
SECTION 2. Based on the information available to it at this time, the City Council concludes as follows:

- A. PCBs do not belong in our schools. No child should be exposed to the risk of PCBs.
- B. The best way to confirm the presence of PCBs is to test the source (caulking, building material, and light fixtures)
- C. SMMUSD has fallen short in its efforts to fully inform the community and appropriately address the serious concerns of parents and school staff.
- D. Continue to monitor periodically through the school year those rooms where the levels of PCBs exceeding TSCA and EPA standards were detected.

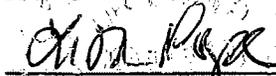
SECTION 3: The City Council hereby urges SMMUSD take immediate action to conduct source testing for PCBs at all Malibu school campuses and remove all sources of PCBs in compliance with the Toxic Substances Control Act and PCB regulations. We would recommend that the California Coastal Commission appeal be dropped so that the District can move forward with the BB projects and that the District quickly form the Measure ES Committee so those funds could also be used to clean up the schools.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions. The City Manager is hereby directed to deliver a copy of this resolution to the SMMUSD Board, Superintendent, Los Angeles County Office of Education, County Superintendent Arturo Delgado, President of the California State Board of Education Dr. Michael Kirst, State Superintendent of Public Instruction Tom Torlakson and Senator Barbara Boxer and with it convey the City's deep concern with the handling of this matter and offer whatever assistance the City may provide within the confines of the law to bring this matter to resolution.

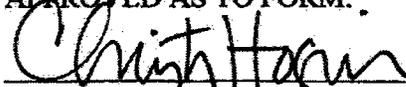
PASSED, APPROVED, and ADOPTED this 8th day of September, 2014.


SKYLAR PEAK, Mayor

ATTEST:

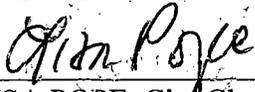

LISA POPE, City Clerk
(seal)

APPROVED AS TO FORM:


CHRISTI HOGIN, City Attorney

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 14-58 was passed and adopted by the City Council of the City of Malibu at the regular meeting thereof held on the 8th day of September 2014, by the following vote:

AYES: 5 Councilmembers: House, La Monte, Rosenthal, Sibert, Peak
NOES: 0
ABSTAIN: 0
ABSENT: 0



LISA POPE, City Clerk
(seal)