



Beverly Hills City Council Liaison / Sunshine Task Force Committee will conduct a Regular Meeting, at the following time and place, and will address the agenda listed below:

CITY OF BEVERLY HILLS
455 N. Rexford Drive
Municipal Gallery
Beverly Hills, CA 90210

IN-PERSON / TELEPHONIC / VIDEO CONFERENCE MEETING

Beverly Hills Liaison Meeting
<https://beverlyhills-org.zoom.us/my/bhliaison>
Meeting ID: 312 522 4461
Passcode: 90210

You can also dial in by phone:
+1 669 900 9128 US
+1 888 788 0099 Toll-Free

One tap mobile
+16699009128,,3125224461#,,,,*90210# US
+18887880099,,3125224461#,,,,*90210# Toll-Free

Monday, June 27, 2022
5:00 PM

In the interest of maintaining appropriate social distancing, members of the public can view this meeting through live webcast at www.beverlyhills.org/live and on BH Channel 10 or Channel 35 on Spectrum Cable, and can participate in the teleconference/video conference by using the link above. Written comments may be emailed to mayorandcitycouncil@beverlyhills.org and will also be taken during the meeting when the topic is being reviewed by the Beverly Hills City Council Liaison / Sunshine Task Force Committee. Beverly Hills Liaison meetings will be in-person at City Hall.

AGENDA

- 1) Public Comment
 - a) Members of the public will be given the opportunity to directly address the Committee on any item not listed on the agenda.
- 2) Resolution of the Sunshine Task Force Committee of the City of Beverly Hills Continuing to Authorize Public Meetings to be Held via Teleconferencing Pursuant to Government Code Section 54953(e) and Making Findings and Determinations Regarding the Same

Recent legislation was adopted allowing the Sunshine Task Force Committee to continue virtual meetings during the COVID-19 declared emergency subject to certain conditions and the proposed resolution implements the necessary requirements – Attachment 1

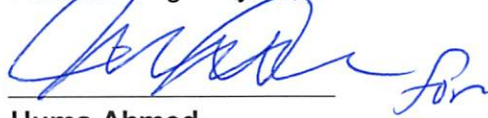
- 3) Establishment of Revocation Procedures for Developments – Attachment 2, Attachment 3, Attachment 4

- 4) Discussion by Councilmember Mirisch Regarding the Disclosure of Fees Paid to Legislative Advocates and the Notice of Termination Filed by Legislative Advocates – Attachment 5
- 5) Discussion by Councilmember Mirisch Regarding Campaign Advertisement Disclosure Requirements for Contractors, Developers, and Legislative Advocates – Attachment 6
- 6) Request by Councilmember Mirisch to Discuss a Local Ordinance Prohibiting Campaign Donations from Contractors, Developers, and Legislative Advocates Doing Business with the City – Attachment 7
- 7) As Time Allows:
 - a) Restricting “Continuances” – Attachment 8
 - b) Interested Party – Email Sign Up – Attachment 9
 - c) Limit on Contacts by Legislative Advocates
 - d) Allow Public to Observe On-Site Visits with Developers
- 8) Future Agenda Items
- 9) Adjournment

Links to Attachments Not Associated With Any Item:

- [Building Permit Report - May](#)
- [Current Development Activity Projects List](#)

Next Meeting: July 25, 2022



Huma Ahmed
City Clerk

Posted: June 24, 2022

**A DETAILED LIAISON AGENDA PACKET IS AVAILABLE FOR REVIEW AT
WWW.BEVERLYHILLS.ORG**



Pursuant to the Americans with Disabilities Act, the City of Beverly Hills will make reasonable efforts to accommodate persons with disabilities. If you require special assistance, please call (310) 285-1014 (voice) or (310) 285-6881 (TTY). Providing at least twenty-four (24) hours advance notice will help to ensure availability of services. City Hall, including the Municipal Gallery, is wheelchair accessible.

RESOLUTION NO. CCL-STFC-08

RESOLUTION OF THE CITY COUNCIL LIAISON / SUNSHINE TASK FORCE COMMITTEE OF THE CITY OF BEVERLY HILLS CONTINUING TO AUTHORIZE PUBLIC MEETINGS TO BE HELD VIA TELECONFERENCING PURSUANT TO GOVERNMENT CODE SECTION 54953(e) AND MAKING FINDINGS AND DETERMINATIONS REGARDING THE SAME

WHEREAS, the City Council Liaison / Sunshine Task Force Committee is committed to public access and participation in its meetings while balancing the need to conduct public meetings in a manner that reduces the likelihood of exposure to COVID-19 and to support physical distancing during the COVID-19 pandemic; and

WHEREAS, all meetings of the City Council Liaison / Sunshine Task Force Committee are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code Sections 54950 – 54963), so that any member of the public may attend, participate, and watch the City Council Liaison / Sunshine Task Force Committee conduct its business; and

WHEREAS, pursuant to Assembly Bill 361, signed by Governor Newsom and effective on September 16, 2021, legislative bodies of local agencies may hold public meetings via teleconferencing pursuant to Government Code Section 54953(e), without complying with the requirements of Government Code Section 54953(b)(3), if the legislative body complies with certain enumerated requirements in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the

emergency, meeting in person would present imminent risks to the health or safety of attendees.

3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency in response to the COVID-19 pandemic (the “Emergency”); and

WHEREAS, the Centers for Disease Control and Prevention continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time; and

WHEREAS, the Los Angeles County “Responding together at Work and in the Community Order (8.23.21)” provides that all individuals and businesses are strongly encouraged to follow the Los Angeles County Public Health Department Best Practices. The Los Angeles County Public Health Department “Best Practices to Prevent COVID-19 Guidance for Businesses and Employers”, updated on September 13, 2021, recommend that employers take steps to reduce crowding indoors and to support physical distancing between employees and customers; and

WHEREAS, the unique characteristics of public governmental buildings is another reason for continuing teleconferenced meetings, including the increased mixing associated with bringing people together from across several communities, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public

meetings and the challenge of achieving compliance with safety requirements and recommendations in such settings; and

WHEREAS, the Beverly Hills City Council has adopted a resolution that continues to recommend steps to reduce crowding indoors and to support physical distancing at City meetings to protect the health and safety of meeting attendees; and

WHEREAS, due to the ongoing COVID-19 pandemic and the need to promote social distancing to reduce the likelihood of exposure to COVID-19, the City Council Liaison / Sunshine Task Force Committee intends to continue holding public meetings via teleconferencing pursuant to Government Code Section 54953(e).

NOW, THEREFORE, the City Council Liaison / Sunshine Task Force Committee of the City of Beverly Hills resolves as follows:

Section 1. The Recitals provided above are true and correct and are hereby incorporated by reference.

Section 2. The City Council Liaison / Sunshine Task Force Committee hereby determines that, as a result of the Emergency, meeting in person presents imminent risks to the health or safety of attendees.

Section 3. The City Council Liaison / Sunshine Task Force Committee shall continue to conduct its meetings pursuant to Government Code Section 54953(e).

Section 4. Staff is hereby authorized and directed to continue to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code Section 54953(e) and other applicable provisions of the Brown Act.

Section 5. The City Council Liaison / Sunshine Task Force Committee has reconsidered the circumstances of the state of emergency and finds that: (i) the state of emergency continues to directly impact the ability of the members to meet safely in person, and (ii) state or local officials continue to impose or recommend measures to promote social distancing.

Section 6. The Secretary of the City Council Liaison / Sunshine Task Force Committee shall certify to the adoption of this Resolution and shall cause this Resolution and her certification to be entered in the Book of Resolution of the City Council Liaison / Sunshine Task Force Committee of this City.

Adopted: June 27, 2022

ROBERT WUNDERLICH
Presiding Councilmember of the City
Council Liaison / Sunshine Task
Force Committee of the City of
Beverly Hills, California

Dear Sunshine Task Force,

I am very concerned that some attendees at the Revocation Ordinance subcommittee meeting want to include the words “willful” or “intentional”.

There is simply no way to prove intention. No matter the intention, the results are the same- the project possibly shouldn't have been approved as presented and warrants another look.

The goal of this ordinance is to install a mechanism to revoke R-1 permits from people who got permits they shouldn't have gotten because of false, or missing information. And also, to disincentive the Applicant team in the first place for those who wish to try and trick the Commission. If they think there is a chance to be caught out later, and get the R-1 revoked, this removes the huge incentive that currently exists to mislead. Because right now, they only have the 14 day Appeal window in which to get caught.

If I understood the folks who want the word intentionality in there correctly, they don't want someone punished for making a mistake. Well, mistake or not, the same damaging results would occur, so does it really matter if it was intentional or not? And being able to claim it was a mistake, will give cover to each and every Applicant error, because now all someone has to do is to say “sorry, we made a mistake”, and it will essentially render the ordinance powerless.

Now while I appreciate that the Coastal Commission was able to enforce their ordinance a few times, and the example given was removing an illegal 3rd story of a home, which is clearly a very obvious, and easily provable, violation. The real life examples my group experienced are far less obvious, but at the same time, still very substantial.

I would like the proponents who want these words included to demonstrate for us exactly how we could have proven intentionality or willfulness, in the examples from the Loma Linda and Lago Vista projects I list below.

It's not like we will have the Applicant team on tape saying “oh boy, I hope they don't catch us purposely understating our hauling figures by 600 cy.”

With these two projects, the residents caught many “errors” that were significant and substantial. Do you think the Applicant team ever once said – “yes, we did that willfully.” They did not.

In fact, the opposite is true. When caught, the Applicant teams from Loma Linda and Lago Vista tried to discredit us and our expert witnesses, said “oops, it was a clerical error” or doubled down and sued the City.

Here are some examples that Residents (not Staff), brought to the Planning Commission and City Council's attention. All of these are substantial, and all of these would have failed to meet the intentionality threshold if discovered after the hearing.

Please remember that some Applicant teams are very adept at submitting things last minute, a trick Ben Reznik himself told me they do, and present things for the first time at the hearings.

How in the world are we supposed to get to the bottom of, and discredit something brought for the first time at a Planning Commission hearing? Some of our analysis took weeks, or months, needing public records request data that often takes months to obtain, and would put us way past the 2 week appeal

window that currently exists. Or, like in Steve Mayer's examples, they simply do not come to light until long after the hearings, and construction is actually occurring.

And claims that Staff will catch these things is incorrect. All of the below, and more, Staff failed to catch. The burden fell on the residents.

- 1- Loma Linda submitted incorrect plans which falsely showed hauling figures 600 cubic yards less than the figure my expert and GeoKinectics showed. If they got away with it, they would have falsely retained their by right status, when they needed an R-1 permit and Planning Commission hearing.

Loma Linda has since sued the City claiming that their figures are correct. Please explain how we could have proven they intentionally submitted false figures.

- 2- Loma Linda "forgot" to submit to Staff a geologist report that said they had to remove an additional 200 cy – again, placing them over the by right limit into R-1 territory.

Please explain how we could have proved they "willfully" did not send this in when the Applicant team says it was an oversight.

- 3- Lago Vista submitted false numbers that if unchallenged, would have allowed them to illegally build an entire huge basement exempt from the square footage calculations.

Anne Ostroff's in depth analysis proved these numbers were false. I encourage you to watch the hearing- you don't see Jason Somers and Ben Reznik admitting intentionality or willfulness. You actually see them tripping over each other to try and defend these false numbers and discredit Anne.

- 4- Again, with Lago Vista- we were able to prove that the Applicant teams submitted inaccurate hauling times which falsely understated the large truck traffic on the street, and thus the substantial adverse impacts.

The Applicant team did not admit they fudged the numbers, they doubled down and still tried to claim the "extra" time was not significant.

It is worth noting that both Lago Vista and Loma Linda proceeded with legal action against the City.

Therefore, if any of the above significant items were discovered after the Planning Commission hearings, they would fail to meet the threshold to trigger the review under the Revocation Ordinance if one needed to prove willingness or intentionality.

Including this wording will essentially render the Ordinance meaningless and unenforceable.



CITY OF BEVERLY HILLS
OFFICE OF THE CITY ATTORNEY
455 North Rexford Drive, 2nd Floor, Beverly Hills, California 90210
Telephone 310.285.1055 Facsimile 310.285.1056

MEMORANDUM

TO: The Sunshine Task Force

FROM: Laurence S. Wiener, City Attorney

DATE: June 24, 2022

SUBJECT: Coastal Commission interpretation of the word "intentional"

In light of our upcoming discussion regarding whether to include the word "intentional" in our revocation ordinance, Chelsea Straus called the Coastal Commission to find out how the Coastal Commission interprets this word.

Chelsea was referred to the attached material as an example of how the Coastal Commission interprets the word "intentional." Therefore, I am providing this material to the Sunshine Task Force to inform our discussion on Monday.

Attachment(s)

B0785-0001\2684337v1.doc

Test 2: If the applicant included inaccurate, erroneous or incomplete information, was the inclusion of such information intentional?

Test 2 Analysis:

Neither the Coastal Act nor the Coastal Commission regulations define the term “intent” for purposes of determining whether an applicant has intentionally submitted inaccurate, erroneous or incomplete information to the Commission. In general, the Commission may review the evidence on a matter and conclude there was intent based on "the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs." (14 C.C.R Section 13065). The law related to fraudulent misrepresentation, however, explores the definition of intent in the context of misrepresentation of facts, which is what is at issue in a revocation hearing. As a result, this area of law is instructive to the Commission when it considers a revocation request.

One element of a claim for fraudulent misrepresentation is the intent to defraud or induce reliance. *Cicone v. URS Corporation* 183 Cal. App. 3d 194, 200 (1986). In establishing this element, “the only intent by a defendant necessary to prove a case of fraud is the intent to *induce reliance*. Moreover, liability is affixed not only where the plaintiff’s reliance is intended by the defendant but also where it is *reasonably expected* to occur.” *Lovejoy v. AT&T Corp.* (2001) 92 Cal. App. 4th 85, 93 (emphasis in original). Thus, a defendant may be liable for fraud even for unanticipated reliance by a plaintiff. *Id.* at p. 94. In addition, a party’s intent to induce reliance may be inferred from his or her failure to disclose facts as required by statute. *Lovejoy v. AT&T Corp.* (2004) 119 Cal. App. 4th 151, 161. Thus, the Commission may infer that the applicant intentionally submitted inaccurate, erroneous or incomplete information if it finds that the applicant failed to disclose facts as required by the Coastal Act.

ORDINANCE NO. 20-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
ESTABLISHING REVOCATION PROCEDURES FOR
DEVELOPMENTS AND AMENDING THE BEVERLY HILLS
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS
FOLLOWS:

Section 1. Article 49 (“Revocation of Permits”) is hereby added to Chapter 3
 (“ZONING”) of Title 10 (“PLANNING AND ZONING”) to read as follows:

“Article 49. Revocation of Permits for Developments

Section 10-3-4900. Definitions.

For the purposes of this Article, unless it is plainly evident from the context that a different
 meaning was intended, the following definition shall apply:

“Ultimate Reviewing Authority” means the decision-making body who made the final
 decision, including appeals, on the underlying project application.

Section 10-3-4901. Grounds for Revocation.

The inclusion of inaccurate, substantially incomplete or erroneous information in an application,
 or in a presentation at a hearing, including supporting material, for development of a new
 building or for a remodel of an existing building by more than fifty percent (50%), that was made
 intentionally or with gross negligence or reckless disregard, shall be grounds for revocation
 pursuant to this Article, where the Ultimate Reviewing Authority finds that accurate and

Deleted: the

complete information would have caused the Ultimate Reviewing Authority to require additional or different conditions on a permit or to deny the application of the permit.

Section 10-3-4902. Initiation of Proceedings.

The application for revocation of the permit shall be made to the Director of Community Development on a form supplied by the City and attested to under penalty of perjury. The application shall be accompanied by a fee specified by resolution of the City Council. The application must be submitted prior to issuing a Certificate of Occupancy for the project for which the permit was issued.

The Director of Community Development shall initiate revocation proceedings unless the request is patently frivolous and without merit. The Director of Community Development may initiate proceedings on his or her own motion, pursuant to the provisions of this Article, when the Director believes that grounds for revocation have been established.

If the applicant for revocation disagrees with the Director's determination not to process the application for revocation because the request for revocation is patently frivolous and without merit, then the applicant for revocation may submit the applicant's application to the Planning Commission Liaison Committee, using a form supplied by the City. The Planning Commission Liaison Committee shall determine, de novo, whether application is patently frivolous and without merit or whether the application should be forwarded to the Ultimate Reviewing Authority for a hearing on the revocation. If the Planning Commission Liaison Committee determination results in a tie vote, then matter shall be forwarded to the Ultimate Reviewing Authority for a hearing on the revocation. The Planning Commission Liaison Committee's

decision shall be final and there shall be no appeal from that Committee's decision. However, the City Council may order review of whether application is patently frivolous and without merit. If the application is forwarded to the Ultimate Reviewing Authority for a hearing on the revocation, then that hearing shall be held pursuant to Title 1, Chapter 4 of this Code.

Section 10-3-4903. Notice.

Notice of the hearing by the Ultimate Reviewing Authority shall be required pursuant to section 10-3-258.

Section 10-3-4904. Notice to Permittee; Suspension of Permit.

The Director of Community Development shall notify the permittee in writing of the request for revocation and shall enclose a copy of the application for revocation, if any, and the procedures set forth in this Article.

If physical construction has not yet begun, the operation of the permit shall be suspended until the Ultimate Reviewing Authority votes on the request for revocation. If physical construction has commenced, including grading, then the operation of the permit shall not be suspended unless and until the Ultimate Reviewing Authority votes on the request for revocation.

If the permit has been suspended, the Director shall also notify the applicant that any development undertaken while the permit is suspended is a violation of the Beverly Hills Municipal Code.

Section 10-3-4905. Hearing on Revocation.

At the earliest feasible meeting after notice has been given pursuant to 10-3-4904, the Director shall schedule a hearing before the Ultimate Reviewing Authority. The Ultimate Reviewing Authority shall render its decision within sixty (60) days after the first meeting at which a hearing was commenced.

The burden of proof shall be placed upon the party seeking revocation.

Section 10-3-4906. Additional Grounds for Denying a Request for Revocation.

In addition to finding that the person requesting a revocation did not carry his burden to show that the grounds set forth in Section 10-3-4901 justified revocation of the permit, the Ultimate Reviewing Authority may determine that the request for revocation was not filed with due diligence following the approval of the permit and may deny the request for revocation on that basis.

Section 10-3-4907. Appeal.

Any decision by the Ultimate Reviewing Authority may be appealed in the same manner as the original underlying project decision. However, the appeal shall not stay the decision of the Ultimate Reviewing Authority.”

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

Deleted: Section 10-3-4908. Projects that were not heard by an Ultimate Reviewing Authority ¶
Any project which was not heard by an Ultimate Reviewing Authority shall be subject to the requirements of this Section.¶
(a) If (i) a building permit holder violates a building permit by constructing, or failing to construct, in accordance with the approved plans, and (ii) the building permit holder receives written notice from the City to correct the violation or disregards a stop work order issued as a result of the alleged violation, and (iii) the violation of the building permit was first brought to the attention of the City by a resident of the City, then that resident shall be entitled to reimbursement for his or her reasonable attorney's fees and reasonable investigative costs associated with identifying the violation. The reimbursement shall be made by the owner of the property for which the building permit was issued.¶
(b) The Director of Community Development shall provide written notice to the complaining resident if a written correction notice has been issued or a stop work order has been placed on the property in question.¶
(c) The resident may submit, in writing, the resident's reasonable attorney's fees and reasonable investigative costs to the Director of Community Development within thirty (30) days after receiving notice that the City has issued a written correction notice or that a stop work notice was violated. ¶
(d) The Director of Community Development, upon receiving the resident's demand for attorney's fees and costs will provide, in writing, within one (1) week of receipt, the demand for attorney's fees and costs to the property owner.¶
(e) The property owner shall have thirty (30) days after the receipt of notice of the demand, to either pay the attorney's fees and costs to the resident or request an arbitration pursuant to subparagraph (f) below. If the property owner neither pays the fees and costs nor requests the arbitration, the City may issue a stop work order concerning the construction on that property.¶
(f) If the property owner disputes the reasonableness of the attorney's fees and/or reasonableness of the investigative costs associated with identifying the violation, the property owner may request that the matter be heard by an arbitrator to determine the reasonableness of the fees and costs. The property owner's request shall be made to the City within 30 days after the property owner's receipt of notice of demand. The City shall select the arbitrator from the American Arbitration Association and the arbitrator shall apply the fast track rules for construction-related arbitration. The Applicant shall pay the initial fee for the arbitrator, however the arbitrator shall have the ability to award arbitration costs as the arbitrator deems appropriate. The arbitrator's decision shall be final.¶
(g) The property owner shall pay the arbitrator's award within thirty (30) days of receiving written notice of the award. Failure to pay the arbitrator's award may result in a stop work order being issued for construction on the property.¶
Section 10-3-4909. Violation of Article. ¶
Any person who knowingly and willfully, or with gross negligence or reckless disregard violates any provision of this Article may be punished as provided in Title 1, Chapter 3 of this Code.

Section 3. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify reason held to be invalid or unconstitutional by the final decision of any court of competent to the adoption of this Ordinance, and shall cause this Ordinance and this certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Section 5. Certification. The City Clerk shall certify to the adoption of this Ordinance.

Adopted:
Effective:

LILI BOSSE
Mayor of the City of
Beverly Hills, California

Deleted: ROBERT WUNDERLICH

ATTEST:

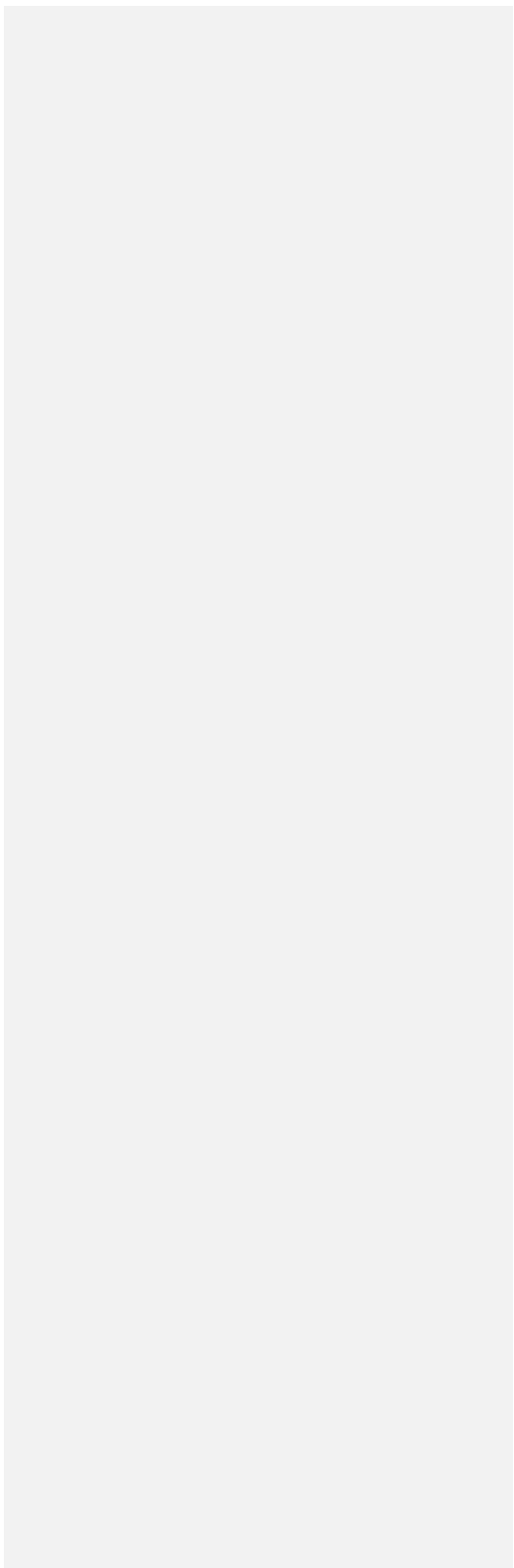
_____(SEAL)
HUMA AHMED
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

GEORGE CHAVEZ
City Manager



[Home](#) [Table of Contents](#)**§ 13105. Grounds for Revocation.**

14 CA ADC § 13105

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)

Title 14. Natural Resources

Division 5.5 California Coastal Commission [FNA1]

Chapter 5. Coastal Development Permits Issued by Coastal Commissions

Subchapter 1. Regular Permits

Article 16. Revocation of Permits

14 CCR § 13105

§ 13105. Grounds for Revocation.

Grounds for revocation of a permit shall be:

(a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application; or

(b) Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the commission and could have caused the commission to require additional or different conditions on a permit or deny an application.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Section 30620, Public Resources Code.

HISTORY

1. Amendment filed 6-10-77; effective thirtieth day thereafter (Register 77, No. 24).
2. Amendment filed 1-28-81; effective thirtieth day thereafter (Register 81, No. 5).
3. Amendment filed 8-14-81; effective thirtieth day thereafter (Register 81, No. 33).
4. Change without regulatory effect amending subsection (a) filed 2-7-2019 pursuant to section 100, title 1, California Code of Regulations (Register 2019, No. 6).

This database is current through 5/6/22 Register 2022, No. 18

14 CCR § 13105, 14 CA ADC § 13105

END OF DOCUMENT

ORDINANCE NO. 22-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE
REGARDING THE DISCLOSURE OF FEES PAID TO
LEGISLATIVE ADVOCATES AND THE NOTICE OF
TERMINATION FILED BY LEGISLATIVE ADVOCATES

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES ORDAIN AS
FOLLOWS:

Section 1. Subsection 5 of Section 1-9-105(A) of Article 1 of Chapter 9 of Title 1 of the Beverly Hills Municipal Code regarding the disclosure of fees paid to Legislative Advocates is hereby amended to read as follows:

“ 5. An estimate of fees to be generated, or if the Legislative Advocate is a financier, the estimate of fees to be paid by such financier. The estimate of fees shall be a check-box on the form that will provide a range of fees as follows:

Up to \$50,000.00

\$50,000.01 to \$100,000.00

\$100,000.01 to \$150,000.00

\$150,000.01 to \$200,000.00

\$200,000.01 to \$250,000.00

\$250,000.01 to \$500,000.00

\$500,000.01 to \$750,000.00

\$750,000.01 to \$1,000,000.00

\$1,000,000.01 to \$1,500,000.00

\$1,500,000.01 \$2,000,000.00, and

\$2,000,000.01 and above,”

Section 2. Section 1-9-106 of Article 1 of Chapter 9 of Title 1 of the Beverly Hills Municipal Code regarding disclosure at public meetings is hereby amended to read as follows:

“1-9-106: Disclosure at Public Meetings and Annual Disclosures

A. At any time that a Legislative Advocate engages in Legislative Advocacy at a City Council or City commission meeting, the Legislative Advocate shall announce the specific matter being addressed and shall identify the client who is being represented by the Legislative Advocate.

B. Within thirty (30) days after the annual anniversary of the date that a Legislative Advocate has registered as a Legislative Advocate concerning a matter, the Legislative Advocate shall file, on a form provided by the City, the annual amount that the Legislative Advocate has been paid for engaging in Legislative Advocacy. Alternatively, by January 31, a Legislative Advocacy Firm may file, on a form provided by the City, the amount that the Legislative Advocacy Firm has been paid for engaging in Legislative Advocacy during the prior calendar year, on each matter where a Legislative Advocate employed by the Legislative Advocacy Firm has registered.”

Section 3. Section 1-9-107 of Article 1 of Chapter 9 of Title 1 of the Beverly Hills Municipal Code regarding filing a notice of termination is hereby amended to read as follows:

“1-9-107: Notice of Termination

Upon termination of a Legislative Advocate's role concerning a project, the Legislative Advocate shall file a notice of termination with the City. The notice shall be filed on the form provided by the City, and the Legislative Advocate shall disclose the total amount of payments the Legislative Advocate received to engage in direct communication with a City official or with City officials for the purpose of advocating in support of or in opposition to the project.”

Section 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

Section 5. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 6. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
HUMA AHMED
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

GEORGE CHAVEZ
City Manager

ORDINANCE NO. 22-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE
REGARDING CAMPAIGN ADVERTISEMENT DISCLOSURE
REQUIREMENTS FOR CONTRACTORS, DEVELOPERS,
AND LEGISLATIVE ADVOCATES

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES ORDAIN AS
FOLLOWS:

Section 1. Section 1-8-2 of Chapter 8 of Title 1 of the Beverly Hills Municipal Code regarding definitions is hereby revised to amend the following definition and insert the following amended definition in alphabetical order:

“ADVERTISEMENT: Shall have the same meaning as set forth in Government Code section 84501, except that it will not be limited to committees and will also include communications that are designed to influence Municipal Legislation.”

Section 2. Section 1-8-5.5 is hereby added to Chapter 8 of Title 1 of the Beverly Hills Municipal Code regarding campaign advertisement disclosure requirements for Contractors, Developers, and Legislative Advocates to read as follows:

**“1-8-5.5: CAMPAIGN ADVERTISEMENT DISCLOSURE
REQUIREMENTS FOR CONTRACTORS, DEVELOPERS, AND LEGISLATIVE
ADVOCATES:**

A. Every advertisement placed by a Contractor, Developer, or Legislative Advocate and Legislative Advocacy Firm registered in the last five years pursuant to Section 1-9-105 of the Beverly Hills Municipal Code, none of which qualify as a Committee shall:

1. Adhere to substantially the same disclosure requirements as the disclosure requirements that apply to committees, other than a political party committee or a candidate controlled committee established for an elective office of the controlling candidate, pursuant to Article 5, Disclosure in Advertisements, of Chapter 4, Campaign Disclosure, of Title 9, Political Reform, of the Government Code beginning with section 84501, and the accompanying regulations of the Fair Political Practices Commission. Provided, however, that rather than listing the name of the committee, they shall list the name or names of the person who paid for the advertisement. Additionally, Contractors, Developers, Legislative Advocates and Legislative Advocacy Firms shall not be required

to disclose contributors or make reference to further information to be provided at www.beverlyhills.org or the Secretary of State's website.

2. For Contractors, they shall also identify that person who paid for the advertisement as a contractor and provide a description of 25 words or less of the services provided under a Contractor's contract or contracts with the City that the Contractor has entered into within the last 12 months.

3. For Legislative Advocates and Legislative Advocacy Firms, they shall also identify the person who paid for the advertisement as a Legislative Advocate or a Legislative Advocacy Firm and include the list of all the projects, but no more than three, that a Legislative Advocate or a Legislative Advocacy Firm has advocated in support of or in opposition to within the last 5 years, starting with the project with the highest amount of total fees that have been, or are expected to be, paid to the Legislative Advocate or the Legislative Advocacy Firm and listing the projects in descending order of fees paid, or expected to be paid, if applicable.

4. For Developers, they shall identify that person who paid for the advertisement as a Developer and list all projects, but no more than three, that the Developer is building or has built in the last 12 months starting with the development that has the highest building permit valuation and listing developments in descending order of building permit valuation."

Section 3. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

Section 4. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
HUMA AHMED
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

GEORGE CHAVEZ
City Manager

DRAFT

ORDINANCE NO. 22-O-_____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
PROHIBITING CAMPAIGN DONATIONS FROM
CONTRACTORS, DEVELOPERS, AND LEGISLATIVE
ADVOCATES, AND AMENDING THE BEVERLY HILLS
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES ORDAIN AS
FOLLOWS:

Section 1. Section 1-8-2 of Chapter 8 of Title 1 of the Beverly Hills Municipal Code regarding definitions is hereby revised to insert the following definitions in alphabetical order:

“Contract: An agreement, franchise, lease, grant, land use license or easement, or concession, including any agreement for professional or technical personal services, for the performance of any work or service or construction, for the provision of any materials, goods, equipment, or supplies, for the sale or purchase of property, or for the rendering of any service to the City, and approved by the City Council or by council members when the entire Council is sitting as the board of a related agency.

Contractor: A person who has entered into, performs under, or seeks a Contract. Contractor shall also include: (1) the Contractor’s paid board chair, president, chief executive officer, chief operating officer, or the individuals who serve in the functional equivalent of one or more of those positions, and (2) a person who holds an ownership interest in the Contactor of twenty (20) percent or more. Provided however, a Contractor shall not include the following:

- i. A person who is an elected official who has entered into a Contract in connection with their work as an elected official; or
- ii. A person who has entered into or performs under an employment agreement or Memorandum of Understanding, with the City; or
- iii. A person who receives or pays for services normally rendered by the City to residents and businesses, such as sewer service, water service, or trash removal service; or
- iv. A person who is awarded a Contract that is required by State law to be awarded to the lowest responsible bidder; or
- v. A person who is representing a government agency.

Developer: A person who is currently seeking from the City a specific plan, zone change, development agreement, density bonus, subdivision tract map, conditional use permit, variance, or a development plan review permit, or an amendment to any of these approvals or permits. The term shall include any Legislative Advocate of the Developer, and where the Developer is a business entity shall include all owners, shareholders, principals, partners, members, officers, directors, and managers.

Legislative Advocacy: Shall have the same definition as set forth in Section 1-9-102 of this Title.

Legislative Advocacy Firm : Shall have the same definition as set forth in Section 1-9-102 of this Title.

Legislative Advocate: Any individual, other than a Contractor, who is compensated or who is hired, directed, retained or otherwise becomes entitled to be compensated for engaging in Legislative Advocacy and makes a direct or indirect communication with a City official or who is an expenditure lobbyist or financier. Legislative Advocate shall also include: (1) the paid board chair, president, chief executive officer, chief operating officer, or the individuals who serve in the functional equivalent of one or more of those positions of the Legislative Advocacy Firm that is engaging in Legislative Advocacy in the City, and (2) a person who holds an ownership interest of twenty (20) percent or more in the Legislative Advocacy Firm that is engaging in Legislative Advocacy in the City. Provided, however, the term shall only apply to Legislative Advocates who are advocating for a project that (1) requires a City Council decision, or (2) can be appealed to the City Council.”

Section 2. Subsection F is hereby added to Section 1-8-3 of Chapter 8 of Title 1 of the Beverly Hills Municipal Code regarding contribution limitations to read as follows:

“F. Prohibition on Contributions by Contractors, Developers, and Legislative Advocates:

1. A Contractor shall not make a Contribution to, nor solicit Contributions for, any Candidate or Candidate’s controlled committee and no Candidate or Candidate’s controlled committee shall accept any Contribution from a Contractor during the following periods:

i. From the submission by the Contractor of a bid, a proposal, qualifications, or a similar document until the awarding of a Contract or an amendment to the Contract, or the withdrawal or cancellation of the solicitation, if the Contractor is not awarded the Contract; or

ii. From the submission by the Contractor of a bid, a proposal, qualifications, or a similar document until 12 months after the Contract or an amendment to the Contract is executed, if the Contractor is awarded the Contract.

2. A Developer shall not make a Contribution to, nor solicit Contributions for, any Candidate or Candidate's controlled committee and no Candidate or Candidate's controlled committee shall accept any Contribution from a Developer from the time that a development application is submitted until 12 months after the date the decision on the application is final. If the application is withdrawn or terminated, the Contribution restriction applies until the day after the termination or the filing of the withdrawal.

3. A Legislative Advocate shall not make a Contribution to, nor solicit Contributions for, any Candidate or Candidate's controlled committee and no Candidate or Candidate's controlled committee shall accept any Contribution from a Legislative Advocate.

4. Every solicitation for bids or proposals issued by the City shall include a notice that substantially states the following: "All Contractors, as defined in Section 1-8-2 of the Beverly Hills Municipal Code, are prohibited from making a contribution to, or soliciting contributions for, any candidate or candidate's controlled committee during the applicable time period for Contractors set forth in subsection F of Beverly Hills Municipal Code Section 1-8-3."

5. Every application that the City provides to a Developer, or registration form that the City provides to a Legislative Advocate, shall include a notice that substantially states the following: "All Developers and Legislative Advocates, as defined in Section 1-8-2 of the Beverly Hills Municipal Code, are prohibited from making a contribution to, or soliciting contributions for, any candidate or candidate's controlled committee as set forth in subsection F of Beverly Hills Municipal Code Section 1-8-3."

6. Notwithstanding section 1-8-7 of this Chapter, a Candidate shall not be liable for any violation of this Subsection F."

Section 3. Subsection E is hereby added to Section 1-8-7 of Chapter 8 of Title 1 of the Beverly Hills Municipal Code regarding remedies for violations of contribution prohibitions to read as follows:

"E. Remedies For Violation of Prohibition on Contributions:

In addition to any remedies for violation of the Municipal Code, the following remedies shall be applicable to a violation of Section 1-8-3 of this Chapter:

1. A Contractor convicted of a violation of, or found by an administrative hearing officer to have violated, Section 1-8-3 of this Chapter shall not be eligible to bid on or be considered for a new Contract, extension, or amendment for 12 months after the determination of the violation, unless the City Council determines at a public meeting that mitigating circumstances exist. If the City has an existing Contract with a Contractor who has violated Section 1-8-3 of this Chapter, the City Council may determine at a public meeting whether it is in the best interest of the City to terminate the Contract.
2. A Developer convicted of a violation of, or found by an administrative hearing officer to have violated, Section 1-8-3 of this Chapter may not be a Developer on a new application for 12 months after the determination of the violation, unless the City Council determines at a public meeting that mitigating circumstances exist or processing of the development application is otherwise required by State law.
3. A Legislative Advocate convicted of a violation of, or found by an administrative hearing officer to have violated, Section 1-8-3 of this Chapter may not engage in Legislative Advocacy for 12 months after the determination of the violation, unless an administrative hearing officer determines that mitigating circumstances exist.”

Section 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall be and remain in full force and effect.

Section 5. Publication. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance, and shall cause this Ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 6. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:
Effective:

Mayor of the City of
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ATTEST:

_____(SEAL)
HUMA AHMED
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

GEORGE CHAVEZ
City Manager

DRAFT

TO: SUNSHINE TASK FORCE COMMITTEE MEMBERS
FROM: STEVE MAYER
DATE: JUNE 24, 2021
RE: RESTRICTING CONTINUANCES

Proposal

Introduce wording to the “Rules of Procedure For The City’s Commissions” to govern when a “continuance” can be granted.

Background

On March 11th, a Planning Commission public hearing was held on whether to approve or deny a proposed project at 331 North Oakhurst.

The Planning Commission unanimously voted to deny a project.

Twenty-one minutes later, after a recess, ***after the public had left***, the Planning Commission reversed its vote, at the request of the Developer.

Then, it separately ***voted to continue the public hearing*** to a “date uncertain” to allow the Developer to submit yet another revised design, ***for a 7th time (and an 8th public hearing)***.

Usually, there is no fee charged to the Developer, for a continuance. If there is any cost, it is comparatively minor.

Proposed Additions

It is proposed adding to the “Rules Of Procedure For The City’s Commissions” (and/or the BHMC) definitions as well as conditions as to when “Continuances” can be granted.

The types of continuances would be defined as:

- ▶ “Administrative Continuance”
- ▶ “Minor Design Change Continuance”
- ▶ “Major Design Change Continuance”

In addition, there would be a section **defining additional costs to an Developer asking for a “Major Design Change Continuance.”**

What Is A “Continuance”?

A “Continuance” is not defined within the “*Resolution of the Council of the City of Beverly Hills Establishing Rules of Procedure For The City’s Commissions.*”

Such “Rules” were adopted on January 9, 2020, as part of a change to Beverly Hills Municipal Code 2-2-107A.

In practice, there are three types of “Continuances”:

Administrative Continuance

At the Planning Commission level, a public hearing may be “continued” to allow Staff to prepare a Resolution which reflects the Commission direction.

Such a continuance could be defined as an “Administrative Continuance.”

Minor Design Change Continuance

At the Planning, Architectural, and Design Review Commissions it is not uncommon for the Commissioners to ask for comparatively minor changes.

In such cases, the Developer returns with the revised plans, and the Commission renders its final decision.

An example of a “Minor Design Change” for the Planning Commission would be when an Applicant changed the way dirt was reallocated on the property, so as to reduce external hauling.

“Major Design Change Continuance”

What is not uncommon at the Planning Commission, during a Public Hearing on a specific project, for a Developer to request a continuance to submit a completely changed design (if the Developer believes the project will be rejected).

The Planning Commissioners then vote to continue the public hearing on the *original* application until a date uncertain.

It typically takes six to twelve months for the “continued” hearing to take place, and the new design to be presented.

Often, another hearing is required for the Developer to provide even further “refinements”

What Is The Cost A “Major Design Change Continuance”?

The City

In the case of the March 11th hearing Applicant, who had submitted 6 previous designs (and had 7 public hearings), the cost to the City was in the range of \$250,000 to \$300,000 in unbilled costs.

Who Is Hurt By A “Major Design Change Continuance”?

The Neighborhood

It is not uncommon for a group of neighborhood residents to spend 100 to 200 hours preparing for the first public hearing.

The preparation time for a “continued public hearing” for a major redesign can actually involve more time.

In addition, it is not uncommon for the neighborhood residents to pay professionals to gain a greater understanding about the revised Application.

It is unfair to the residents to have to return again and again to preserve their neighborhoods and quality of life.

What Is The Way To Curb A “Major Design Change Continuance”?

There should be an incentive to a Developer to “get it right the first time.”

If the Developer asks for a “Major Design Change Continuance,” it is proposed that the Developer pay a special “continuance” fee. That fee should be substantially more than the original application fee.

TO: SUNSHINE TASK FORCE COMMITTEE MEMBERS

FROM: STEVE MAYER

DATE: JUNE 24, 2021

RE: INTERESTED PARTY - EMAIL SIGN UP

Proposal

Allow property owners to sign-up to receive email notices of the filing of permits and/or applications within a specific radius of their property.

The origin of this suggestion is from Lionel Ephraim who proposed the concept to the Sunshine Task Force several years ago, but there is no record of implementation.

Background

Currently, within the Planning Division, “**Interested Parties**” are notified by email of public hearings

Separately, the City’s “**Online Business Center**” allows contractors and property owners to receive notices of permit filings and inspections under “My Permits.”

Last, within the City’s **Open Data**, there is the technological capability of generating a map of all permits / applications with a defined geographic area around the property owner’s Assessor Parcel Number (APN).

Technically, the City has the ability to “push” new filings of permits and/or applications to anyone who requests such information by email.