



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

CITY HALL
455 North Rexford Drive Beverly Hills, CA 90210
Teleconference/Video Conference Meeting

Beverly Hills Liaison Meeting

<https://www.gotomeet.me/BHLiaison>

You can also dial in by phone:

United States (Toll Free): 1-866-899-4679 or United States: 1-646-749-3117

Access Code: 660-810-077

Monday, August 24, 2020

5:00 PM

Pursuant to Executive Order N-25-20 members of the Beverly Hills City Council and staff may participate in this meeting via a teleconference. In the interest of maintaining appropriate social distancing, members of the public can participate in the teleconference/video conference by using this link: <https://www.gotomeet.me/BHLiaison> or by phone at 1-866-899-4679 or 1-646-749-3117, Access Code: 660-810-077. Written comments may be emailed by 12:00pm on the date of the meeting to CityClerk@beverlyhills.org and will be read at the meeting.

AGENDA

- 1) Public Comment
Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.
Video: <https://www.gotomeet.me/BHLiaison>
Phone: 1-866-899-4679 or 1-646-749-3117
Access Code: 660-810-077
- 2) Approval of July 27, 2020 Highlights – Attachment 1
- 3) Draft revision to legislative advocate ordinance (City Attorney)
First agendized 11/25/19
- 4) Greater transparency for Ad Hoc Committees – Attachment 2
First agendized 7/27/20
- 5) Extend email retention schedule to 5 years (Information Technology/City Clerk) – Attachment 3
First agendized 10/28/19
- 6) Request for related public records to accompany Closed Session agenda items
Newly requested 7/27/20
- 7) Commissioner Recusal — Advocacy – Attachment 4
First agendized 11/25/19
- 8) Adjournment



George Chavez, City Manager

Posted: August 21, 2020

**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 forty-eight (48) hours advance notice will help to ensure availability of services.



CITY OF BEVERLY HILLS
455 N. Rexford Drive
Beverly Hills, CA 90210
Telephonic/Video Conference

Sunshine Task Force Committee

SPECIAL MEETING HIGHLIGHTS

July 27, 2020

Pursuant to Executive Order N-25-20 members of the Beverly Hills City Council and staff may participate in this meeting via teleconference/video conference. In the interest of maintaining appropriate social distancing, members of the public can participate in the teleconference/video conference using this link: <https://www.gotomeet.me/BHLiaison> or by phone at 1-866-899-4679 or 1-646-749-3117, Access Code: 660-810-077. Written comments may be emailed by 12:00pm on the date of the meeting to CityClerk@beverlyhills.org and will be read at the meeting.

Meeting called to order by Councilmember Bosse at 5:00 p.m.
Date / Time: July 27, 2020 / 5:00 p.m.

In Attendance: Councilmember Lili Bosse, Councilmember Julian A. Gold, MD, Chuck Aronberg, MD, Sonia Berman, Harvey Englander, Fred A. Fenster, Judie Fenton, Myra Lurie, Steve Mayer, Gloria Seiff, and Thomas White

City Staff: City Auditor Eduardo Luna, City Clerk Huma Ahmed, Assistant City Manager Nancy Hunt Coffey, Assistant City Attorney Deborah Hakman, Director of Community Development Susan Healy Keene, Chief Information Officer David Schirmer, and Assistant City Clerk Lourdes Sy-Rodriguez

1) Public Comment

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Public Comment Read into the Record:

1. *Mark Elliot re: Limited Meeting Time to Discuss Agenda Items*

Video Comment:

1. *Thomas White re: Problem with Communication at Public Meetings/Sunshine Task Force Committee Initiatives Spreadsheet*

- *Assistant City Manager Nancy Hunt Coffey addressed the reason the spreadsheet does not show the 2018 initiatives.*

2) Approval of June 22, 2020 Highlights – Attachment 1

- *Moved by Thomas White, seconded by Dr. Chuck Aronberg, to approve the meeting highlights. Highlights approved.*

- 3) Prioritization of Initiatives
The Council liaisons discussed the need to streamline the agenda moving forward as the agendas are currently too long. Discussion was held on the subject. The Committee agreed to go through the agenda in sequence and discuss the items one by one.
- 4) Yom Kippur (and other holiday) Moratorium for Construction (City Attorney) – Approved by City Council at 7/14/20 Meeting
 - *Director of Community Development Susan Healy Keene provided an update on the item.*
- 5) Draft revision to legislative advocate ordinance (City Attorney)
First agendized 11/25/19. **Item not discussed, moved to next meeting.**
 - *Councilmember Gold stated that he gave City Attorney Laurence Wiener a list of questions to address at the next meeting when he is present.*
- 6) Wording and appearance of notices envelopes & registered mailing (Community Development) – Attachment will be provided at the meeting.
First agendized 10/28/19
 - *Director of Community Development Susan Healy Keene presented various options and colors of the public notice envelopes. The Committee agreed on Option 3B and to add “Official City Notice” in bold letters between the return address at the top and other information at the bottom of the envelope.*
- 7) Extend email retention schedule to 5 years (Information Technology)
First agendized 10/28/19
 - *Chief Information Officer David Schirmer presented information on the additional 3-year data storage cost of \$150,000, which will be in addition to the 2-year cost of \$75,000 should the City decide to extend the records retention schedule from 2 years to 5 years.*
 - *Councilmember Gold asked staff to present more specific information on the benefit/value to the City of extending the retention period to 5 years, as well more information on the breakdown of costs and other impacts to the City. It was requested that information regarding the Public Records Act (PRA) processing time and additional resources which may be required to review documents based on the proposed retention period also be provided at the next meeting.*
 - *This item will be brought back for discussion at the next meeting with more specific information from staff.*
- 8) Ad Hoc Committees - Attachment 2
First agendized 7/27/20
 - *Steve Mayer explained the reasons why he is requesting for the Ad Hoc Committee meetings to be recorded, for the meeting minutes/highlights to be published, or for hyperlinks containing more information on the meetings to be included on the City Council agendas.*
 - *The Committee discussed the pros and cons of Mr. Mayer’s request. Assistant City Attorney Deborah Hakman indicated recording of Ad Hoc meetings is not a requirement under the Brown Act. The Committee asked Assistant City Attorney Deborah Hakman to research and report to the Committee at the next meeting if there will be potential Brown Act violations, and any Brown Act exceptions to make meetings more transparent and accessible.*
- 9) Air Bnb Enforcement – Pilot Program – Attachment 3 & Attachment 4
Newly requested 7/27/20, First agendized 1/27/20
 - *Item not discussed/skipped. Item will be discussed at the next meeting.*

- 10) Report on Planning Staff Time Tracking, with Publicly Posted Examples
Third Request, Newly requested 7/27/20, First agendized 11/25/19
 - *Thomas White provided more information on the item, which he said was originally requested by Councilmember Bosse last year.*
 - *Assistant City Manager Nancy Hunt Coffey provided information on what other cities are doing (specifically San Jose), and explained that the City does not currently have the software (aside from Outlook for emails and calendar) to track staff time and there will be additional costs and time associated with the request.*
 - *Councilmember Bosse asked Assistant City Manager Nancy Hunt Coffey and Director of Community Development Susan Healy Keene to coordinate with Thomas White and Steve Mayer, and bring the item back for discussion at the next meeting.*

- 11) Request for Related Public Records to Accompany Closed Session Agenda Items
Newly requested 7/27/20
 - ***Item not discussed, moved to next meeting.***

- 12) Provide ability to follow pending subject matter scheduling known to staff and/or Council, but withheld from public until imminent close of minimum disclosure window required under the Brown Act
Newly requested 7/27/20
 - ***Item not discussed, moved to next meeting.***

- 13) Ongoing inadequacy of document searching results on City website
Newly requested 7/27/20
 - ***Item not discussed, moved to next meeting.***

- 14) Legislative Action from Last Term – this item requests to revise ordinances as follows: -
Attachment 5
First agendized 1/27/20
 - o Additional definitions for the Legislative Advocacy Ordinance (addressed in legislative advocate ordinance)
 - o Principal/Applicant Sanctions for the Legislative Advocacy Ordinance (addressed in legislative advocate ordinance)
 - o Community Pre-Construction meeting for the Administrative Code for Building Standards
 - o Revocation/Reconsideration of Permit for the Public Notice Requirements
 - ***Item not discussed, moved to next meeting.***

- 15) Reporting of permit fees at appropriate value (STF Committee)
First agendized 11/25/19
 - ***Item not discussed, moved to next meeting.***

- 16) Tracking system for STF initiatives (City Manager) – Attachment 6
First agendized 10/28/19
 - ***Item not discussed, moved to next meeting.***

- 17) Quarterly Library Board of Trustees report (City Manager)
First agendized 11/25/19
 - ***Item not discussed, moved to next meeting.***

Resolution regarding limiting the influence of money in politics and promoting free and fair Elections and setting limits for campaign contributions from developers (City Manager) – Attachment 7
First agendaized 1/27/20

- ***Item not discussed, moved to next meeting.***

18) Lack of hyperlinks in Commission/Committee reports – Attachment 8
First agendaized 2/24/20

- ***Item not discussed, moved to next meeting.***

19) Modification of the BHMC 7-3-307 (Preferred Parking District) – Attachment 9
First agendaized 2/24/20

- ***Item not discussed, moved to next meeting.***

20) Commissioner recusal – Advocacy – Attachment 10
First agendaized 11/25/19

- ***Item not discussed, moved to next meeting.***

21) Staff report recommendations to list pro's and con's
First agendaized 1/27/20

- ***Item not discussed, moved to next meeting.***

22) Adjournment
Date/Time: July 27, 2020 / 6:32 p.m.

TO: SUNSHINE TASK FORCE COMMITTEE MEMBERS

FROM: STEVE MAYER

DATE: JULY 20, 2020

RE: AD HOC COMMITTEES

There have been a number of Ad Hoc Committees being created during the COVID-19 crisis at both the Council level and Commission level.

Some may, or may not, be exempt under the Brown Act.

For those that are exempt, there is no transparency.

It is proposed, at the least, when there is a reference in Agenda / Staff Reports to Ad Hoc Committees, there should be links to each Ad Hoc Committee meeting:

- (1) Agendas
- (2) Highlights – including who was present, how long the meeting lasted, what was discussed, and what was decided.



Public Records Act

Sunshine Task Force

Huma Ahmed, City Clerk

August 24, 2020



Background

- The California Public Records Act (the PRA) was enacted in 1968 as a way to provide transparency and public access to documents from government agencies.
- Responses to PRAs are required within 10-days and for those needing more time, an extension for responses of an additional 14-days is permitted
- Public Records are requested through the Beverly Hills City Clerk's office
- California State Code requires a 2-year retention for PRA docs



Process

- When a PRA is received in the City Clerk's office, it is uploaded to the City's Comcate system
- City Clerk staff contact relevant staff to request documentation, including emails from IT
- When received, documents are manually reviewed
- Once complete, final documents are forwarded to the requestor



PRA City Structure

- **RESPONSIBILITIES:**
- Lead Department: City Clerk (Records Manager)
- Supporting Department(s): All
- Information Technology: Perform server searches for e-mails
- City Attorney: Provide as-needed legal support to Records Manager



Stats

- City Clerk's office has received **1,455** PRA requests (from January 2018 – August 2020).
- Current Average Completion Time: 1-10 days
- With more detailed development and law enforcement related requests the process may take from 6-12 months more often
- For retentions longer than 2-years, the review process and timeline would likely double, particularly with an increase in requests



Example of Extended PRAs

- Listed is an example of a PRA request which was extended beyond the normal schedule (over 6 months to process):
- *Development Request: All Citywide emails and documents for the past two-years from one individual or business entity.*
- For each development project the following could be included in a PRA: emails, building permits, applications, plans, plot plans, soils and geological reports, CUPs, records of HAZMAT, underground/above ground storage tanks, remediation, mitigation, EIRs, Commission and Council approval records (staff reports, exhibits, agendas, resolutions, minutes).



PRA Retention for Other Cities

City	Retention Time
City of Santa Monica	2 years
City of Culver City	2 years
City of West Hollywood	30 days
City of Malibu	30 days
City of Burbank	2 years
City of Pasadena	2 years
City of Glendale	None
City of El Segundo	Current policy 60 days, being revised to two years
City of Newport Beach	2 years
City of Hawthorne	None
City of Arcadia	2 years
City of Costa Mesa	None



Proposed 5-Year Retention

- Should the the 5-year retention receive approval by the City Council, then data collection would begin from that date.
- Additional funding for resources (staffing, online technology) may be required by both IT and City Clerk's offices.
- PRA completion times will likely double for all requests.

TO: SUNSHINE TASK FORCE COMMITTEE MEMBERS
FROM: STEVE MAYER
DATE: DECEMBER 16, 2019
RE: COMMISSIONER RECUSAL / “ADVOCACY”

Should the City follow the state code when a Commissioner must be recused?

As an aligned issue, at what point does Council wish to draw a line between a Commissioner’s “passion” for a particular subject versus “advocacy”?

During a recent Traffic & Parking Commission meeting, the City Attorney recommended that a Commissioner be recused.

The Commissioner acceded, but then sat in the audience. The Commissioner never left the room.

Further, 21 of 23 public written comments were emailed to the recused Commissioner and not the Commission secretary.

Lastly, the majority of people present in the audience seemed to have a personal connection to the Commissioner.

There are clearly potential Fair Political Practices Commission (FPCC) issues at play:

- (1) *Should a recused Commissioner leave the room?*

When a City Councilmember and/or Planning Commission recuses themselves, they are sequestered in a Room 280A.

The recused Councilmember and/or Commissioner can then watch the proceedings.

Per 18707(a)(1)(c) a public official must leave the room. The exception is whether the public official wishes to provide oral public comment. That did not occur in this situation.

Sunshine Task Force Committee Members
Commissioner Advocacy
November 20, 2019
Page 2.

- (2) *Did the Commissioner solicit the public written comment from a City email account or a personal account?*

In this case, from a practical standpoint it is comparatively irrelevant, but using a City email account could be a violation of FPCC and/or City rules.

- (3) *Did the recused Commissioner directly solicit members of the audience to attend?*

If yes, is that a disclosable issue?

- (4) *Did the Commissioner lead (and/or participate) in the applause for the speakers?*

Please understand, criticism is not being leveled at the Commissioner. The Commissioner Handbook is mute on such issues.

Nonetheless, standards should be defined to distinguish when a Commissioner is acting in an advisory role versus becoming an advocate.

Attachment

- § 18707. *Disqualification Requirements.*

2 CCR § 18707

Title 2. Administration

Division 6. Fair Political Practices Commission

Chapter 7. Conflicts of Interest

Article 1. Conflicts of Interest; General Prohibition (Refs & Annos)

§ 18707. Disqualification Requirements.

- (a) **Public Officials under Section 87200.** For recusal under Section 87105, all of the following apply when a public official who holds an office specified in Section 87200 has a financial interest in a decision within the meaning of Section 87100, and the governmental decision relates to an agenda item that is noticed for a meeting subject to the provisions of the Bagley-Keene Act (Section 11120 et seq.) or the Brown Act (Section 54950 et seq.):
- (1) **Content and Timing of Identification.** Following the announcement of the agenda item to be discussed or voted upon but before either the discussion or vote commences, the public official must do all of the following:
- (A) **The public official must publicly identify** each type of financial interest held by the official that is involved in the decision and gives rise to the disqualifying conflict of interest (i.e. investment, business position, interest in real property, personal financial effect, or the receipt or promise of income or gifts), and the following details identifying each financial interest:
- (i) If an investment, the name of the business entity in which each investment is held;
 - (ii) If a business position, a general description of the business activity in which the business entity is engaged as well as the name of the business entity;
 - (iii) If real property, the address or another indication of the location of the property, unless the property is the public official's principal or personal residence, in which case, identification that the property is a residence;
 - (iv) If income or gifts, the identification of the source; and
 - (v) If personal financial effect, the identification of the expense, liability, asset or income affected.

- (B) **Form of Identification.** If the governmental decision will be made during an open session of a public meeting, the public identification must be made orally and be made part of the official public record.
 - (C) **Recusal and Leaving the Room.** The public official must recuse himself or herself and leave the room after the identification required by this regulation is made. He or she will not be counted toward achieving a quorum while the item is discussed.
- (2) **Special Rules for Closed Session.** If the governmental decision is made during a closed session of a public meeting, the public identification must be made orally during the open session before the body goes into closed session and may be limited to a declaration that his or her recusal is because of a conflict of interest under Section 87100. The declaration will be made part of the official public record. The public official must not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the governmental decision.
- (3) **Exceptions:**
- (A) **Uncontested Matters.** The exception from leaving the room granted in Section 87105(a)(3) for a “matter [that] has been placed on the portion of the agenda reserved for uncontested matters” means agenda items on the consent calendar. If the public official has a financial interest in a matter that is on the consent calendar, the public official must comply with subdivisions (a)(1)(A) and (a)(1)(B) of this regulation, and recuse himself or herself from discussing or voting on that matter, but the public official is not required to leave the room during the consent calendar.
 - (B) **Absence.** If the public official is absent when the agenda item subject to subdivision (a) of this regulation is considered, there are no public identification duties on the public official for that item at that meeting.
 - (C) **Speaking as a Member of the Public Regarding an Applicable Personal Interest.** When a personal interest found in Regulation 18704(d)(2) is present, a public official may speak as a member of the general public if he or she complies with subdivisions (a)(1)(A) and (a)(1)(B) of this regulation, recuses himself or herself from voting on the matter and leaves the dais to speak from the same area as the members of the public. He or she may listen to the public discussion and deliberations of the matter with the members of the public.

- (b) **For All Other Public Officials.** For recusal from any decision other than a decision under subdivision (a), all of the following apply:
- (1) If a public official determines not to act because of his or her financial interest, the official's determination may be accompanied by an oral or written disclosure of the financial interest.
 - (2) When an official with a disqualifying conflict of interest abstains from making a governmental decision in an open session of the agency and the official remains on the dais or in his or her designated seat during deliberations of the governmental decision in which he or she is disqualified, his or her presence will not be counted toward achieving a quorum.
 - (3) During a closed meeting of the agency, a disqualified official must not be present when the decision is considered or knowingly obtain or review a recording or any other nonpublic information regarding the governmental decision.
 - (4) An agency may adopt a local rule requiring a disqualified official to step down from the dais or leave the chambers.
- (c) **Confidential Information.** Nothing in the provisions of this regulation is intended to cause an agency or public official to make any disclosure that would reveal the confidences of a closed session or any other privileged information as contemplated by law including but not limited to the recognized privileges found in Regulation 18740.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87100, 87101, 87105 and 87200, Government Code.

HISTORY

1. New section filed 6-22-2015; operative 7-22-2015. Submitted to OAL for filing and printing only pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2015, No. 26). For prior history, see Register 2015, No. 21.

This database is current through 10/25/19 Register 2019, No. 43 2 CCR § 18707, 2 CA ADC § 18707

Upcoming Agenda Items

Matters in progress

--Third Request: Report on Planning Staff time tracking, with publicly posted examples. Newly requested 7/27/20, first agendized 11/25/19

Staff to report implementation progress:

--Tracking system for STF initiatives (CM) First agendized 10/28/19

--Lack of Hyperlinks in Commission/Committee Reports First agendized 2/24/20

--Provide ability to follow pending subject matter scheduling known to staff and/or Council, but withheld from public until imminent close of minimum disclosure window required under the Brown Act. Newly requested 7/27/20

--Improvements to Ask Bev (Comcate) (IT) First agendized 12/23/19

Pending

--Staff report recommendations to list pro's and con's First agendized 1/27/20

--AirBnB Enforcement—Pilot Program Newly requested 7/27/2020, first agendized 1/27/20

--Ongoing inadequacy of document searching results on City website. Newly requested 7/27/20

--Legislative Action This Term requests to revise ordinances as follows First agendized 1/27/20

- o Additional definitions for the Legislative Advocacy Ordinance
- o Principal/Applicant Sanctions for the Legislative Advocacy Ordinance
- o Community Pre-Construction meeting for the Administrative Code for Building Standards
- o Revocation/Reconsideration of Permit for the Public Notice Requirements

--Reporting of permit fees at appropriate value (STF Committee) — First agendized 11/25/19.

--Quarterly Library Board of Trustees report (CM) First agendized 11/25/19

--Resolution regarding limiting the influence of Money in Politics and Promoting Free and Fair Elections and Setting Limits for Campaign Contributions from Developers (CM) First agendized 1/27/20

--Modification of the BHMC 7-3-307 (Preferred Parking District) First agendized 2/24/20