



**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 Hall  
455 North Rexford Drive  
Conference Room 4A  
Beverly Hills, CA 90210**

**December 23, 2019  
5:00 p.m.**

**AGENDA**

**1) Public Comment**

Members of the public will be given an opportunity to directly address the Committee on items not listed on the agenda.

**2) Approval of November 25, 2019 Highlights**

**3) Legislative Advocates**

Follow up items:

- DRAFT Revision to legislative advocate ordinance
- Changes to the legislative advocate form
- Changes to legislative advocate email

New Items:

- Commissioner Advocacy
  - At what point is a Commissioner allowed to become an Advocate. (Steve Mayer) *First agendized 11/25/19*
- Applicant Sanction
  - Should an applicant receive the same sanction (penalty) as the Legislative Advocate. (Steve Mayer) *First agendized 11/25/19*
- Legislative Advocate Registration
  - Does an attorney, expeditor, etc. need to register when they participate in a "Concept Preview" meeting. (Steve Mayer) *First agendized 11/25/19*

**4) Notification/Outreach**

Follow up items:

- Wording and appearance of notices, envelopes and registered mailings
- Public noticing regarding AirBnB

**5) Development Process/Projects**

Follow up items:

- Meeting applicants, residents and staff when a project comes forward
- Construction in residential areas during Yom Kippur holiday
- Resident participation in stop work order meetings (Steve Mayer) *First agendized 10/28/19*

New Items:

- Projects where permit approved, but if misrepresentations made, contesting permit after appeal period has passed (Debbie Weiss) – *First agendized 11/25/19*
- Reporting of permit fees at appropriate value (Debbie Weiss) – *First agendized 11/25/19*
- Codification of findings in Planning Commission deliberations (Debbie Weiss)

**6) Transparency**

Follow up items:

- Staff meetings with applicants regarding projects
- Closed captioning and transcripts of public meetings
- Extend email retention schedule to 5 years
- Tracking system for STF initiatives
- Quarterly Library Board of Trustees meeting

**7) Commissions**

Follow up items:

- Upcoming commissioner training (tentatively 1/21/20) and revisions to commissioner handbook (tentatively to City Council 1/9/20)

**8) Legislative Action**

New Items:

- Request for STF to develop a legislative action for this term. What proposed ordinance changes can the STF forward to the City Council for the January 28, 2020 meeting. (Steve Mayer) *First agendaized 11/25/19*

**9) Other items**

New Items:

- Ask Bev (Comcate): Opportunities for Improvement (Mark Elliot)

**10) Future Items**

**11) Next meeting: January 27, 2020**

Recommended agenda items due to City Clerk's Office by Monday, January 20, 2020

**12) Adjournment**

  
Huma Ahmed, City Clerk

**Posted: December 20, 2019**

**A DETAILED LIAISON AGENDA PACKET IS AVAILABLE FOR REVIEW IN THE  
LIBRARY AND CITY CLERK'S OFFICE.**



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**CITY OF BEVERLY HILLS**  
455 N. Rexford Drive  
Beverly Hills, CA 90210  
Municipal Gallery  
**Sunshine Task Force Committee**

**SPECIAL MEETING HIGHLIGHTS**

**November 25, 2019**

Meeting called to order at 5:02 p.m.

Date / Time: November 25, 2019 / 5:00 pm

In Attendance: Councilmember Lili Bosse, Charles Aronberg, Magali Bergher, Laura Coleman/Beverly Hills Courier, Mark Elliot, Fred A. Fenster, Judie Fenton, Suzi Gerstenhaber, David Gingold, Marcy Kelly, Steve Mayer, Gloria Seiff, Edward Sigall, Robert Tanenbaum, Debbie Weiss, Thomas White

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

**1) Public Comment**

Members of the public will be given an opportunity to directly address the Committee on items not listed on the agenda.

1. David Gingold re: December 3 Traffic and Parking Commission Special Meeting
2. Robert Tanenbaum re: December 3 Traffic and Parking Commission Special Meeting
3. Mark Elliot re: December 3 Traffic and Parking Commission Special Meeting
4. Fred Fenster re: Expressed concern on the process of notification for Town Hall meetings
5. David Gingold re: Safety on Roxbury Drive
6. Debbie Weiss (via telephone) re: Requesting two items be placed on a future Sunshine Task Force agenda: 1) discuss permit fees and 2) an issue with receiving a Geokinetics report from Planning staff regarding a residential project.

It was suggested that Ms. Weiss speak to City Attorney Laurence Wiener, Director of Community Development Susan Healy Keene or Assistant City Manager Nancy Hunt-Coffey to obtain additional information.

**2) Approval of October 28, 2019 Highlights**

- Move: Fred Fenster  
Second: Gloria Seiff  
All members voted to approve the minutes.

**3) Legislative Advocates**

Follow up items:

- Provide draft revision to legislative advocate ordinance (City Attorney)
- Changes to the legislative advocate form
- Changes to legislative advocate email
- Lobbyist form correction re: Somers (City Clerk)
- Legislative Hearing follow up re: City Prosecutor (City Attorney)

### **Sunshine Task Force Feedback**

- Majority of the members were in favor of the lobbyist violation hearings being videotaped.
- It was suggested for lobbyists to disclose that they are lobbyists, their violation(s) if any, and the name of their client at every public meeting.
- It was suggested for the violations committed by lobbyists stay permanently on their record.
- Lobbyists who speak to neighbors should disclose that they are lobbyists and should have the neighbor sign something acknowledging that the neighbor spoke to the lobbyist.
- City Attorney Laurence Wiener will incorporate changes to the ordinance and present to City Council at a future meeting.
- City Clerk Huma Ahmed reported Mr. Somers had been contacted; he has agreed to update his form.
- Chief Information Officer David Schirmer reported that the Information Technology Department is working on incorporating the changes to the legislative advocate form and the email notification (showing summary of information as requested by Mark Elliot)

#### **New Items:**

- Commissioner Advocacy (Steve Mayer)
  - o At what point can a Commissioner become an advocate.
- Applicant Sanction: should an applicant receive the same sanction (penalty) as the Legislative Advocate. (Steve Mayer)
- Legislative Advocate Registration: does an attorney, expeditor, etc need to register when they participate in a "Concept Preview" meeting. (Steve Mayer)

#### **4) Notification/Outreach**

##### **Follow up items:**

- Wording and appearance of notices (Community Development)
- Registered mailings to neighbors near projects (Community Development)
- Public noticing regarding AirBnB (Community Development)
- 

### **Sunshine Task Force Feedback**

- Director of Community Development Susan Healy Keene presented four options for the envelope redesign for public notifications.
- It was suggested for Option #1 to have bolder and larger fonts, and to delete graphics.
- It was suggested to put "Time Sensitive" on the front of the envelope.
- There was a comment that the information being sent is inadequate/insufficient.
- Majority of the members chose Option #1.

#### **New Item:**

- Closed Session Reporting by City Attorney (Mark Elliot)

#### **5) Development Process/Projects**

##### **Follow up items:**

- Meeting applicants, residents and staff when a project comes forward (Community Development)
- Construction in residential areas during Yom Kippur holiday (City Attorney)
- Resident participation in stop work order meetings (Steve Mayer) *First agendized 10/28/19*

New Items:

- Projects where permit obtained, but if misrepresentations made, permit can be contested after appeal period has passed (Debbie Weiss)
- ***This item was not discussed.***

6) **Transparency**

Follow up items:

- Staff meetings with applicants regarding projects
- Closed captioning and transcripts of public meetings (Chief Information Officer/IT)
- Extend email retention schedule to 5 years
- Tracking system for STF initiatives (Assistant City Manager)
- Quarterly Library Board of Trustees meeting (Assistant City Manager).
- ***These items were not discussed.***

7) **Commissions**

Follow up items:

- Upcoming commissioner training and revisions to commissioner handbook (Assistant City Manager) ***This item was not discussed.***

8) **Future Items**

9) **Next meeting: December 23, 2019**

Recommended agenda items due to City Clerk's Office by Monday, December 16, 2019

- Some of the members requested that the next meeting date of December 23 be changed since Hanukkah starts on December 22.

10) **Adjournment**

Date / Time: November 25, 2019 / 6:18 pm



TO: SUNSHINE TASK FORCE COMMITTEE MEMBERS  
FROM: STEVE MAYER  
DATE: NOVEMBER 20, 2019  
RE: COMMISSIONER "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

TO: SUNSHINE TASK FORCE COMMITTEE MEMBERS  
FROM: STEVE MAYER  
DATE: NOVEMBER 20, 2019  
RE: DEVELOPER SANCTIONS

Should the Developer receive the same sanctions as his or her Legislative Advocate?

The purpose of the Beverly Hills Municipal Legislative Advocacy Ordinance (BHMLVO) is to ferret out the "bad actors."

One way to send a very convincing message to developers that the City means business relative to the BHMLVO is to make the ultimate beneficiary responsible for all of the actions of those he or she ultimately employs.

As an analogy, if a code violation is issued on a property, it is the Applicant, Developer, and/or Owner who is penalized. It is irrelevant that the actual code violation was committed by a contractor or a vendor.

Should it not be the responsibility of every Applicant, Developer, and/or Owner to be certain that the people he or she employs is following the law?

To effect the change, all that is required to change a phrase "*a legislative advocate*" to "*a legislative advocate and/or a client*" in BHMC 1-9-108 ("Remedies For Violations").

In this sense the "client" is the Applicant, Developer, and/or Owner.

Attachments

- BHMC 1-9-108: Remedies For Violations

## **Article 1. Compensated Legislative Advocates**

(Excerpt)

### **1-9-108: REMEDIES FOR VIOLATIONS:**

Pursuant to the administrative remedies and procedures set forth in chapter 3 of this title, any person who knowingly and willfully violates any provision of this article, may be assessed an administrative penalty not to exceed five hundred dollars (\$500.00) per violation.

Additionally, the City Prosecutor is delegated the authority to investigate any charge that a person has knowingly and willfully violated this article. If the City Prosecutor determines that there is probable cause to believe that a legislative advocate and / or a client has knowingly, willfully and materially violated the provisions of this article, the City Prosecutor may request that the City conduct an administrative hearing to determine whether such a violation has occurred and, if so, whether the legislative advocate and/ or a client should be prohibited from engaging in legislative advocacy for a period of time.

Upon the request of the City Prosecutor, a Hearing Officer shall be retained and an administrative hearing shall be conducted substantially in accordance with the procedures set forth in chapter 3 of this title for conducting hearings on administrative citations.

If, after conducting a hearing pursuant to this section, a Hearing Officer determines that the legislative advocate and / or a client has knowingly, willfully and materially violated the provisions of this article, then for the first violation of this article, the Hearing Officer shall prohibit the legislative advocate and / or a client from engaging in legislative advocacy for a minimum period of six (6) months, for a second violation, the Hearing Officer shall prohibit the legislative advocate and / or a client from engaging in legislative advocacy for a minimum period of one year, and for a third or subsequent violation, the Hearing Officer shall prohibit the legislative advocate and / or a client from engaging in legislative advocacy for a minimum period of four (4) years. The Hearing Officer may issue an order prohibiting the legislative advocate and / or a client from engaging in legislative advocacy for a period of less than the maximum period set forth in this paragraph if the Hearing Officer determines that mitigating circumstances justify a lesser period of prohibition.

If the Hearing Officer determines that the legislative advocate and / or a client has knowingly, willfully and materially violated the provisions of this article, or if the legislative advocate and / or a client accepts the allegation of knowing, willful and material violation and waives the opportunity for a hearing, then the City's website shall identify the legislative advocate and / or a client and indicate that the legislative advocate has violated the City's regulations governing legislative

advocacy. The website identification shall remain posted on the website for one year.

Notwithstanding the provisions of chapter 3 of this title, any decision by a Hearing Officer pursuant to this section shall be a final decision and not subject to appeal or review by the City Council.

*(Ord. 18-O-2749, eff. 2-9-2018)*

TO: SUNSHINE TASK FORCE COMMITTEE MEMBERS  
FROM: STEVE MAYER  
DATE: NOVEMBER 20, 2019  
RE: CLARIFICATION OF THE DEFINITION OF  
"LEGISLATIVE ADVOCACY"

Does a "Concept Preview" constitute "Legislative Advocacy"?

At a recent Sunshine Task Force Committee meeting, the meeting was delayed due to a preceding meeting where a local landowner was meeting with elected officials and Staff.

The landowner exited the room carrying blueprints, along with an attorney, and possibly an architect. He was presenting a design concept and was seeking input.

At that point, were the attorney and architect engaging in "*Legislative Advocacy*"?

Per BHMC 1-9-102, it is not specific on this issue:

*LEGISLATIVE ADVOCACY: Includes the following and similar conduct for compensation when the conduct is related to attempting to influence Municipal legislation:*

- A. *Engaging in, either personally or through an agent, written, electronic, or oral direct communication with a City official;*
- B. *Drafting ordinances, resolutions, or regulations;*
- C. *Attempting to influence the position of any third party on Municipal legislation or an issue relating to Municipal legislation by any means, including, but not limited to, engaging in community or media relations activities;*
- D. *Advising clients regarding strategy for legislative advocacy.*

Since the ostensible purpose of the meeting was to discuss a concept, should that meeting be able to be conducted in private, and not be subject to the "*Beverly Hills Municipal Legislative Advocate Ordinance*"?

**Attachment**

- BHMC 1-9-102 (Definitions)
- BHMC 1-9-103 (Exemptions)



## **Article 1. Compensated Legislative Advocates**

(Excerpt)

### **1-9-102: Definitions:**

**LEGISLATIVE ADVOCACY:** Includes the following and similar conduct for compensation when the conduct is related to attempting to influence Municipal legislation:

- A. Engaging in, either personally or through an agent, written, electronic, or oral direct communication with a City official;
- B. Drafting ordinances, resolutions, or regulations;
- C. Attempting to influence the position of any third party on Municipal legislation or an issue relating to Municipal legislation by any means, including, but not limited to, engaging in community or media relations activities;
- D. Advising clients regarding strategy for legislative advocacy.

### **1-9-103: EXEMPTIONS:**

The following persons are exempt from the requirements of this article:

- A. Any public official or employee of a public entity acting in his or her official capacity and within the scope of his or her employment by the public entity.
- B. Any person who is engaging in legislative advocacy without compensation other than a financier.
- C. Any person whose only activity is submitting a bid on a competitively bid contract, who submits a written or oral response to a request for more information, or who participates in an oral interview process. This exemption shall not apply to any person who attempts to influence the actions of any City official with regard to any such contract outside an interview or public meeting.
- D. Any person making a request of the City staff for advice or for an interpretation of laws, regulations, or City approvals or policies; or who responds to a request from a City official. However, this exemption shall not include any substantive discussion of that advice or interpretation.

- E. Persons seeking any ministerial action that does not involve a development project. An action is ministerial if it does not require the City official involved to exercise discretion concerning any outcome or course of action.

*(Ord. 00-O-2347, eff. 9-1-2000; amd. Ord. 06-O-2507, eff. 11-17-2006; Ord. 18-O-2749, eff. 2-9-2018; Ord. 19-O-2787, eff. 10-18-2019)*

# Real Estate

## Beverly Hills On Track to Limit Short-term Rentals in 2020

BY LAURA COLEMAN

For people looking to live like a local or rent out an entire home in Beverly Hills, there are few options on par with what short-term rental sites like Airbnb offer.

However, while visitors may love spending a night or two in a residential neighborhood, sometimes paying significantly less than the cost of a hotel room, neighbors aren't always so keen to have a revolving door of visitors with no vested stake in the City coming and going.

Throughout the country, and even internationally, cities are cracking down on short-term rentals with new rules and restrictions. Beverly Hills Marketing & Economic Sustainability Manager Laura Biery told the Courier she plans to share a comprehensive report in Q1 2020 as a preliminary step for the City to take action similar to what Santa Monica accomplished. Malibu, West Hollywood and Los Angeles have all passed ordinances lightening restrictions on how short-term rentals can operate and Biery said she is looking at all of them, and others, in order to craft her report.

"Hotels would like to see an ordinance with more stringent parameters. A good example is what is being done in Santa Monica, where the owner has to be

present during the rental," said Beverly Hills Conference and Visitors Bureau (BHCVB) CEO Julie Wagner. "I think short term rentals are extremely disruptive to the hotel industry, and of course, one of the biggest attractions in our city is our iconic hotels."

While Airbnb, which was founded in 2008, may be the biggest name around town, it is certainly not the only one. Vacation Rentals By Owner (VRBO), OneFineStay, booking.com, and even the TripAdvisor-owned Flipkey are among the most popular players in the market when it comes to renting a room or home via the World Wide Web.

A recent report via AirDNA, which tracks short-term rentals, for 90212 showed hundreds of local rentals, with an average daily rate \$663 - an amount which Wagner said is keeping in line with local hotel price averages.

"What people give up when they choose a short term rental is certainty," Wagner described. "When you go to a hotel, you know it's going to be secure and that your every need will be anticipated. It's a true getaway."

In addition to removing needed housing stock from the long-term rental market, the preponderance of short-term rentals is also

having a direct impact on local hotels.

"I do think that one of the biggest threats to the hotel industry in Beverly Hills, to all hotels, is the expansion and the trend of Airbnb, vacations.com, (and other) luxury home rentals. The ability for people to just be able to rent homes for any amount of time and moving their business away from luxury hotels is a real concern, and we have to do something about it," said Peninsula General Manager Ofter Nissenbaum, who served as the president of the Board of the BHCVB for FY 2018/19 where he actively sought to address the issue by educating the City about the threats of short-term rentals. "As we move forward, it's now a bigger and bigger issue that has to be addressed."

While the specific amount of money that the City of Beverly Hills is losing out on due to short-term rental websites is indeterminate, Wagner estimated the tax loss to be in the millions. For the previous fiscal year, 2018/19, the City collected just north of \$100,000 in Transient Occupancy Tax (TOT) from short-term rentals. By comparison, TOT collected from hotels for FY 2018/19 was \$50 million.

"There's a lot of collaboration going on about what can we do," Biery said. "We want

to find something that's successful for hotels and residents."

Santa Monica's current regulations governing short-term rentals are among the strictest in the nation. In addition to prohibiting rentals of whole homes to travelers for less than 30 days - Beverly Hills now allows two "short-term" rentals of up to six months per year in single family housing zones - hosts can only rent rooms to tourists and must be present throughout the stay.

Earlier this year Airbnb and Expedia Group's HomeAway lost their case in the Ninth Circuit Court of Appeals to the City of Santa Monica with the court upholding the ruling that short-term rental companies are liable for illicit rentals on their sites. Short-term rental websites typically put the onus on the property owners using the site to observe the rules that govern the specific cities.

"Just as we've done with dozens of cities across Southern California, we stand ready to work with city leaders and community members on fair, balanced regulations that preserve the benefits of short-term rentals and protect quality of life for Beverly Hills residents," Airbnb spokesperson Mattie Zazueta told the Courier. ●

**City of Beverly Hills****Acknowledgment of Legislative Advocate Disclosure**

Pursuant to Section 1-9-106 of the Beverly Hills Municipal Code, when a legislative advocate engages in legislative advocacy, the legislative advocate must identify himself/herself, state the specific matter being addressed, and must identify the client who is being represented by the legislative advocate.

I hereby acknowledge that the legislative advocate, named below identified himself or herself as a legislative advocate to me, as well as the specific matter being addressed and the name of his or her client.

Name of Legislative Advocate: \_\_\_\_\_

Matter being addressed: \_\_\_\_\_

Name of client: \_\_\_\_\_

\_\_\_\_\_  
Name:

Date:

## ORDINANCE NO. 19-O-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
REGARDING LEGISLATIVE ADVOCATE  
REGISTRATION REQUIREMENTS

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

**Section 1.** Section 1-9-105 ("REGISTRATION") of Article 1 ("Compensated Legislative Advocates") of Chapter 9 ("Legislative Advocates") of Title 1 ("GENERAL PROVISIONS") of the Beverly Hills Municipal Code is hereby amended and restated as follows:

1-9-105: REGISTRATION:

- A. Within ~~ten~~five (~~10~~5) days after a legislative advocate begins to engage in legislative advocacy or receives an executed Engagement Letter, whichever is sooner, the legislative advocate shall register as a legislative advocate with the City Clerk on a form provided by the City for that purpose; provided however, Proponents shall register within 72 hours of collecting signatures for a referendum or initiative petition or engaging a signature gathering company to acquire such signatures. The legislative advocate shall specify:
1. The name, telephone number, business address, e-mail address and fax number of the legislative advocate and the legislative advocate's employer,
  2. The identity of the client and the contact information for the client; provided however, ~~that this if the client is a corporate entity, then the managing members or majority shareholders must be listed; provided further however, if the managing members or majority shareholders are corporate entities, the managing members or majority shareholders of such corporate entities must be listed until a natural person's name is revealed.~~ that if the client is a corporate entity, then the managing members or majority shareholders must be listed; provided further however, if the managing members or majority shareholders are corporate entities, the managing members or majority shareholders of such corporate entities must be listed until a natural person's name is revealed. This requirement shall not apply to Proponents,
  3. A description of the specific business in which the client or Proponent is involved as it relates to the legislative advocacy,
  4. A description with specificity of the matter of Municipal legislation the legislative advocate is attempting to influence, and the outcome desired by the client or Proponent,
  5. The address and assessor's parcel number (APN) of a project, if applicable,
  6. An estimate of fees to be generated, or if the legislative advocate is a Proponent, the estimate of fees to be paid by such Proponent to signature gatherers. The estimate of fees shall be a check-box on the form that will provide a range of fees as follows:

Up to \$25,000.00

\$25,001.00 to \$50,000.00

\$50,001.00 to \$75,000.00, and



\$75,001.00 and above,

- ~~6.7.~~ Whether the legislative advocate has ever been sanctioned for a violation of this article or a violation of any law, regulation or ordinance of another jurisdiction governing legislative advocacy or lobbying. The legislative advocate shall include a description of any such violation,
- ~~7.8.~~ Whether a firm at which the legislative advocate works, has worked, or for which he owns or has owned an equity interest, has been sanctioned for a violation of this article or a violation of any law, regulation or ordinance of another jurisdiction governing legislative advocacy or lobbying. Provided however, the legislative advocate need only report those violations that occurred while he worked for or held in equity interest in the firm. The legislative advocate shall include a description of any such violation, and
- ~~8.9.~~ A description of legislative advocacy conducted during the previous twelve (12) months that was not previously reported to the City by the legislative advocate.
- B. In addition, expenditure lobbyists shall indicate they are filing as expenditure lobbyists. If the expenditure lobbyist is a corporation, the form shall include the names of the corporation's chief executive officer, chief financial officer, and secretary, any officer who authorized payments to influence local legislative and administrative action, and any person who owns more than twenty percent (20%) of the corporation. If the expenditure lobbyist is a partnership, the form shall include the name of each partner if the entity has fewer than five (5), or the name of the partner with the greatest ownership interest if the entity has five (5) or more partners. If the expenditure lobbyist is any other type of business entity, the form shall include the name of each person with an ownership interest if the entity has fewer than five (5) owners, or the name of the person with the greatest ownership interest in the entity, if the entity has five (5) or more owners.
- C. Any form submitted by a legislative advocate shall be signed under penalty of perjury, shall be available for public view in the City Clerk's Office as well as posted on the City's website in a searchable database and shall be forwarded by the City Clerk to each City official, the City Manager and the City Attorney.
- D. Within ten (10) days after any information on the form becomes incorrect, the legislative advocate shall update the form with the corrected information.

~~E. All legislative advocates who filed a legislative advocate registration form with the City between February 9, 2017 through and including February 8, 2018 shall file a new registration form with the City that meets the requirements of this article, or shall file a form disclosing the termination of the legislative advocate relationship pursuant to section 1-9-107 of this article.~~

**Section 2.** Section 1-9-106 ("DISCLOSURE AT PUBLIC MEETINGS") of Article 1 ("Compensated Legislative Advocates") of Chapter 9 ("Legislative Advocates") of Title 1 ("GENERAL PROVISIONS") of the Beverly Hills Municipal Code is hereby amended and restated as follows:

1-9-106: DISCLOSURE ~~AT PUBLIC MEETINGS:~~



At any time that a legislative advocate engages in legislative advocacy at any encounter with a city official or non-city official, including in person at a City Council or City commission meeting, or at any other time, the legislative advocate shall ~~announce~~ identify himself as a legislative advocate, state the specific matter being addressed and shall identify the client who is being represented by the legislative advocate.

The first time that a legislative advocate contacts a non-city official in person and outside of City Hall, the legislative advocate shall request that the non-city official sign a form acknowledging that the non-city official is speaking to a legislative advocate. If the non-city official declines to sign the acknowledgement form, the legislative advocate shall cease the communication and shall explain that the failure to sign the form means that the non-city official declines to speak with the legislative advocate.

For the purposes of this Section 1-9-106, a legislative advocate who contacts a non-city official solely for the purpose of requesting a signature on an acknowledgement form shall not be considered to be making a contact to engage in legislative advocacy.

The acknowledgement form shall be in substantially the form provided by the City, shall be retained by the legislative advocate for a period of one year after the termination of the legislative advocacy, at shall be made available to the City within seventy-two (72) hours of a written request.

**Section 3.** Section 1-9-108 ("REMEDIES FOR VIOLATIONS") of Article 1 ("Compensated Legislative Advocates") of Chapter 9 ("Legislative Advocates") of Title 1 ("GENERAL PROVISIONS") of the Beverly Hills Municipal Code is hereby amended and restated as follows:

#### 1-9-108: REMEDIES FOR VIOLATIONS:

Pursuant to the administrative remedies and procedures set forth in chapter 3 of this title, any person who knowingly and willfully violates any provision of this article, may be assessed an administrative penalty not to exceed five hundred dollars (\$500.00) per violation.

Additionally, the City Prosecutor is delegated the authority to investigate any charge that a person has knowingly and willfully violated this article. If the City Prosecutor determines that there is probable cause to believe that a legislative advocate has knowingly, willfully and materially violated the provisions of this article, the City Prosecutor may request that the City conduct an administrative hearing to determine whether such a violation has occurred and, if so, whether the legislative advocate should be prohibited from engaging in legislative advocacy for a period of time.

Upon the request of the City Prosecutor, a Hearing Officer shall be retained and an administrative hearing shall be conducted substantially in accordance with the procedures set forth in chapter 3 of this title for conducting hearings on administrative citations. The administrative hearing shall be videotaped.

If, after conducting a hearing pursuant to this section, a Hearing Officer determines that the legislative advocate has knowingly, willfully and materially violated the provisions of this article, then for the first violation of this article, the Hearing Officer shall prohibit the legislative advocate from engaging in legislative advocacy for a minimum period of six (6) months, for a second violation, the Hearing Officer shall prohibit the legislative advocate from engaging in legislative advocacy for a minimum period of one year, and for a third or subsequent violation, the Hearing

Officer shall prohibit the legislative advocate from engaging in legislative advocacy for a minimum period of four (4) years. The Hearing Officer may issue an order prohibiting the legislative advocate from engaging in legislative advocacy for a period of less than the maximum period set forth in this paragraph if the Hearing Officer determines that mitigating circumstances justify a lesser period of prohibition. For the one year period following the end of a convicted legislative advocate's prohibition period, the legislative advocate shall announce his or her conviction at any City Council or Commission meeting in which he or she is speaking as a legislative advocate.

If the Hearing Officer determines that the legislative advocate has knowingly, willfully and materially violated the provisions of this article, or if the legislative advocate accepts the allegation of knowing, willful and material violation and waives the opportunity for a hearing, then the City's website shall identify the legislative advocate and indicate that the legislative advocate has violated the City's regulations governing legislative advocacy. The website identification shall remain posted on the website ~~for one year~~ in perpetuity.

Notwithstanding the provisions of chapter 3 of this title, any decision by a Hearing Officer pursuant to this section shall be a final decision and not subject to appeal or review by the City Council.

**Section 4.** CEQA. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the City. The adoption and implementation of the Ordinance would temporarily delay the approval or disapproval of a development project subject to a zoning ordinance being challenged by a referendum, or to a zoning ordinance amended by a referendum-challenged ordinance, while the referendum is pending and the challenged zoning ordinance is suspended pursuant to state law. The Ordinance also requires the City Council to submit an Ordinance Subject to Referendum to voters within 100 days of a referendum petition's certification. The Ordinance is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that suspending approvals and disapprovals of certain development projects for a brief and definite amount of time, or requiring an election on a challenged zoning ordinance within 100 days of a referendum petition's certification, will have a significant effect on the environment.

**Section 5.** 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 6.** 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 his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

**Section 7.** 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:

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JOHN A. MIRISCH  
Mayor of the City of  
Beverly Hills, California

ATTEST:

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           (SEAL)  
HUMA AHMED  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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LAURENCE S. WIENER  
City Attorney

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GEORGE CHAVEZ  
City Manager

Document comparison by Workshare 9.5 on Friday, December 20, 2019 3:26:21 PM

Input:	
Document 1 ID	interwovenSite://RWGDM1/RWGIMAN1/2338652/1
Description	#2338652v1<RWGIMAN1> - Ordinance Re Legislative Advocate Form requirements
Document 2 ID	interwovenSite://RWGDM1/RWGIMAN1/2338652/6
Description	#2338652v6<RWGIMAN1> - Ordinance Re Legislative Advocate Form requirements
Rendering set	Standard

Legend:	
<u>Insertion</u>	
<del>Deletion</del>	
<del>Moved from</del>	
<u>Moved to</u>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:		
	Count	
Insertions	26	
Deletions	12	
Moved from	1	
Moved to	1	
Style change	0	
Format changed	0	
Total changes	40	

TO: **SUNSHINE TASK FORCE COMMITTEE MEMBERS**

FROM: **STEVE MAYER**

DATE: **NOVEMBER 20, 2019**

RE: **STOP WORK ORDER – NEW NEIGHBORHOOD MEETING REQUIREMENT**

When a “Stop Work Order” is issued, should not the neighborhood be involved with the rescinding of the “Stop Work Order”?

A “Stop Work Order” is issued when an Applicant (contractor and/or owner) has violated the terms of its permit, the policies of the Community Development Department and/or the Beverly Hills Municipal Code (BHMC).

A “Stop Work Order” is usually initiated after a series of local neighborhood complaints.

To remove the “Stop Work Order,” the Applicant must receive a written rescission from the designee of the Community Development Director (nee “Building Official”) [BHMC 9-1-118(B)]. By internal policy, there is supposed to be a meeting with the Building Inspection Manager.

The problem is that the neighborhood is specifically excluded from the “rescission” meeting.

It is highly unusual for a “Stop Work Order” to be issued. A “Stop Work Order” means that both the Applicant and the oversight process have failed.

In a complaint-based system, it is not uncommon in a “Stop Work Order” that only some issues were uncovered. While the neighbors are highly annoyed, some have not come forward with every complaint.

It is proposed that the ordinance be changed to include the provision that a community meeting must take place, as a condition of rescinding the “Stop Work Order”

It is also proposed that a new policy be implemented when a “Stop Work Order” has been issued:

- (1) A 10-day notice is mailed to the neighbors (block and blockface) inviting them to a “Stop Work Order Rescission Meeting”
- (2) The meeting is no sooner than 6:30 p.m. at City Hall



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**Stop Work Order - New Neighborhood Meeting Requirement**  
**November 20, 2019**  
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- (3) The meeting is mediated by a Hearing Officer between the neighborhood, the Applicant, and the Community Development Department.

At this meeting, the neighbors could raise any and all issues and have them dealt with.

The reason for this proposed revision of existing policy is to due to two recent situations in the Oakhurst neighborhood:

- (4) At 9171 West Third, a "Stop Work Order" was issued.

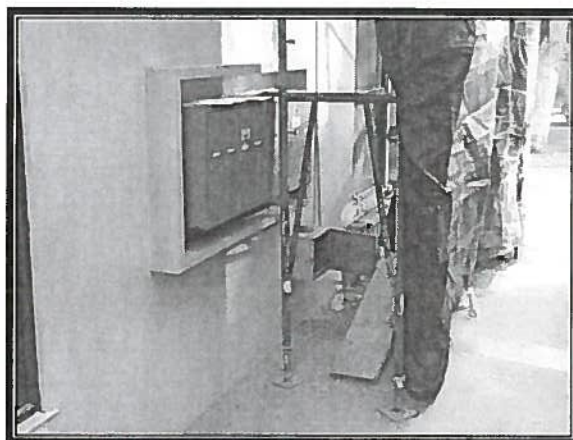
The "Stop Work Order" rescission was issued *the day before* Staff met with neighbors.

After a "Stop Work Order" was issued for 9171 West Third, the neighbors raised additional issues. The neighbors, however, were treated dismissively. The issues of parking, construction delivery times, dust mitigation, noise mitigation, were considered irrelevant.

- (5) At 337 North Oakhurst, a "Stop Work Order" was issued.

The "Stop Work Order" was rescinded. What was not fixed was a clear violation of the BHMC and, more importantly, common sense.

Scaffolding, for example, was erected in front of the tenants' mailboxes, blocking access. An elderly tenant fell and had to be hospitalized, after she unsuccessfully tried to obtain access her mailbox.





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It is obvious that the Community Development Director's designee did not visit the property, nor looked at some other very obvious code violations, such as a deteriorated walkway.

The tenant did not complain because she had no faith in City staff.

If she knew that an independent individual (such as a Hearing Officer) was running the meeting, she would have greater faith in the process.

**Attachment**

- Beverly Hills Municipal Code 9-1-118 (Stop Work Orders)

## ARTICLE 1. ADMINISTRATIVE CODE FOR BUILDING STANDARDS

### 9-1-118: STOP WORK ORDERS:

- A. **Authority:** Where the building official finds any work being performed in a manner either contrary to the provisions of this Beverly Hills administrative code or the code, or other laws and ordinances, or that the work is dangerous and unsafe, the building official is authorized to issue a stop work order.
- B. **Issuance:** The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. No person shall continue with, or allow the continuance of, any work that is subject to an issued stop work order, unless first authorized by the building official in writing, after a community meeting has occurred.
- C. **Unlawful Continuance:** Persons who disregard or violate, or who permit or allow a stop work order to be disregarded or violated, are subject to section 9-1-117 of this chapter. (Ord. 16-O-2719, eff. 1-20-2017)

Dear Sunshine Task Force,

I asked for the Applicant's construction cost self-evaluation to be put on the agenda because I believe that some Applicants are underdeclaring the cost of construction as that is what the building permit fees they have to pay the City are based upon.

If I am correct, and if we can find a way to address this, this will produce an additional revenue stream for the City that could amount to many thousands of dollars a year.

As way of examples, 1115 Calle Vista which is an almost 22,000 sq foot significant remodel with serious shoring and excavation work is listing their value at US\$321.35 per square foot.

And 1006 Pamela Drive declared that their construction for a brand-new, modern home with "all of the latest amenities" will only cost US\$375 per square foot to build.

After I spoke last meeting, I delved into this more, and Staff has informed me that this figure is not supposed to take into account fixtures and finishings. However, I still do not see how Pamela is getting built for US\$375 a square foot when they are building structural (not finishings) amenities such as:

- custom designed theater
- wine cellar
- champagne room
- elevator
- showcase car turntable

After speaking with some contractors, they are suggesting a figure of US\$450-500 is more realistic which means that the true figure could be 20- 33% higher.

This Applicant has already proved to be a bad actor by supplying the Planning Commission, the Planning Department, and my client with misleading and false information. So, why would we believe at face value that this number is correct?

Just like Staff were not enforcing the permit applications expiring and the City corrected that a few years ago and captured the missing revenue stream from the resubmitted applications, I believe the same logic is occurring.

I asked Staff what the procedure is for contesting this valuation and was told "the initial valuation is within the appropriate range for single family homes." I am not sure what concrete evidence this is based upon since none was provided.

If the Sunshine Task Force agrees with me, I think the challenge will be what is the mechanism to prove what the higher figure should be.

Can the City have Applicants submit some kind of verification of the information used to calculate these figures? And it is my understanding that there is a consultant is currently evaluating the fees charged for items I the City- perhaps they can also look at this item?

I welcome suggestions.

Yours sincerely,

Debbie Weiss

For the December 23<sup>rd</sup> 2019 Meeting

Dear Sunshine Task Force,

I would like to see it codified that the Planning Commission (and any other commission where it is relevant) must in their final deliberations analyze and either make or not make the required findings. I give the below as an example, but sadly, I have seen this conduct again and again in multiple hearings.

On Thursday Dec 12<sup>th</sup>, I was at the Planning Commission meeting where this item was discussed:

9291 BURTON WAY - VICEROY L'ERMITAGE HOTEL Conditional Use Permit Renewal and Amendment, Development Plan Review Renewal, and Extended Hours Permit Renewal and Amendment (PL1900215)

The Staff Report clearly lays out:

Project approval, conditional approval, or denial is based upon specific findings for the discretionary action requested by the Applicant. The specific findings that must be made in order to approve the project are provided as Attachment A to this report.

And the required findings (I only highlight a few)

Restaurant Conditional Use Permit: Prior to issuing a conditional use permit to allow a restaurant to be located in a nonconforming hotel, the commission shall consider, as part of its determination pursuant to article 38 of this chapter, whether the restaurant will have a substantial adverse impact on the use and enjoyment of surrounding residential properties due to:

1. The accumulation of garbage, trash, or other waste;
2. Noise created by the operation of the restaurant or by employees or visitors entering or exiting the restaurant;

Resident after resident shared their stories of increased garbage and noise due to activities at the Hotel and were credible. One even had video that she provided to Staff, yet Staff failed to share with the Commissioners. Neighbors also demonstrated how the Hotel had been a bad actor and the City had received a significant number of complaints, some of which turned into actual citations (it is my understanding that the bar is pretty high for the complaint to get to the citation stage).

Some of the Commissioners seemed to basically ignore the findings and reward these bad actors with increasing their hours of operation later into the night, etc which would significantly increase the impact on the nearby residents. From what I recall, the Hotel's rebuttals focused upon how it would impact their profits and 5 star rating, and I do not recall them giving any meaningful evidence as to how the findings could be made.

Two of the Planning Commissioners could not make the findings. Yet, three of them could, with one Planning Commissioner essentially saying "we want this 5 star hotel and they should get everything they want", and another focused more on whether a resident lived there before or after the hotel was built. I ask, how exactly are these relevant to whether you can make the findings or not?

Now while I think it is important that we have thriving business and hotels in Beverly Hills, the Planning Commissioners should either be able to make the findings, or they cannot make the findings. The Hotel wanted extras, and the findings were clear- either what the Hotel was asking for created additional impacts to the residents, or it didn't.

I think the Hotel knew they findings could not be made- they gave lip service to how "they take the impacts on the community very seriously". Yet they offered no examples that I can recall and instead did a misdirect talking about how if they don't get these extras, they will lose their 5 star rating and not be profitable. Yet did not produce any hard evidence that backed up these claims.

Nor did the City Attorney refocus the Commissioners and remind them to stay focused on the findings.

I suggest the structure needs to include before each Commissioner votes something like this:

Findings #1 is: The accumulation of garbage, trash, or other waste; and I can make this finding because... or I cannot make this finding because...

Finding #2 is: Noise created by the operation of the restaurant or by employees or visitors entering or exiting the restaurant; and I can make this finding because...or I cannot make this finding because...

I do not know what training the Commissioners receive, but perhaps more training might be a viable suggestion?

If the Sunshine Task Force agrees with me, how can we get this implemented?

Can we change the structure of the meetings so that the City Attorney says- for findings 1, can each of you make the findings or not and why?

Yours Sincerely,

Debbie Weiss

TO: SUNSHINE TASK FORCE COMMITTEE MEMBERS

FROM: STEVE MAYER

DATE: NOVEMBER 20, 2019

RE: LEGISLATIVE ACTION – THIS TERM

What can we, as a Committee, bring to the City Council by late January?

There are a bevy of objectives that the Sunshine Task Force Committee members wish to accomplish during this legislative term.

A number of these objectives can be accomplished through minor amendments to the Beverly Hills Municipal Code (BHMC). They have previously been discussed and approved (or could be in this meeting or the December meeting) by the Sunshine Task Force.

It is proposed that, at the minimum, the following Sunshine Task Force Committee proposed legislative changes be agendized for first reading in last meeting of the City Council in January:

**Yom Kippur** [BHMC 5-1-105(A)]

Actions Needed: (1) Redefine “*public holiday*” to “*holiday moratorium*”  
(2) Add Yom Kippur

**Revocation of Permit** [BHMC 4-1-107 and/or BHMC 10-3-258]

Actions Needed: (1) Add Coastal Commission-Type Language

**Enhanced Notification** (Single Family Residential Neighbors) [BHMC 10-3-203]

Action Needed: (1) Add “*contiguous neighbors*”  
(2) Add via Certified Mail and/or FedEx

**Stop Work Order** [BHMC 9-1-118(B)]

Actions Needed: (1) Add “*after a community meeting is held.*”  
(2) Determine whether the four-step process can be implemented through policy or by ordinance



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**Community Pre-Construction Meeting** [BHMC 9-1-1111(O)(1)]

Actions Needed: (1) Add “*including neighbors on the block and blockface*”

**Applicant Sanction** [BHMC 1-9-108]

Action Needed: (1) Change “*a legislative advocate*” to “*a legislative advocate and / or a client*”

**Methods & Means** [BHMC 9-1-108(L)-(R)]

Actions Needed: (1) Add mandatory noticing to tenants and neighbors

It is recommended that these proposed changes also be presented to the Planning Commission on January 23, 2020.

## **Ask Bev (Comcate): Opportunities for Improvement**

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When a resident with a query or complaint wants to contact city hall, she is usually referred to Ask Bev – the customer relationship management platform that is provided by city vendor Comcate. Ask Bev is intended to track contacts within and without city hall and to manage cases and to accomplish that task the platform provides a suite of audit/reporting functions and communications capabilities to staff.

The public uses a mobile app or the Ask Bev website linked from the city website footer as well as other city contact pages. This memo focuses on the website implementation.<sup>1</sup>

Although Ask Bev is the chief means offered to the public for contacting city hall, the platform looks and feels outdated. The user who expects to find a traditional web form with subject line and text box will be disappointed: Ask Bev presents the user with about 40 (!) topic categories from which to choose. Once that choice is made, the user then must select a “subtopic.” There can be as many as twenty items in any list of category subtopics.

Worst of all, the subtopics are not even subtopics: they are actually frequently-asked-questions. Because they are not updated or culled, they have accumulated largely unchanged over time. Many are no longer especially relevant; some are incorrect. Neither the categories nor subtopics suggest any logical scheme.

In contrast, Santa Monica provides a much better implementation of the same concept.<sup>2</sup> ‘Santa Monica Works’ shows the user a small selection of topics. Each leads to a broader selection of subtopics. And on those subtopic pages the user will find a wealth of information in addition to a link to the contact form which is elegant and well-designed. Why can’t our Ask Bev system function as well?

Our city has contracted with Comcate since 2004 at an annual license cost of \$23,000 (2019). We have executed five supplemental contracts for custom modifications during that time for additional fees that range from \$7,000 to \$30,000 per agreement. Can’t we get more for our city dollars?

I suggest the Sunshine Task Force create an ad-hoc committee to review Ask Bev and task the ad-hoc committee members with recommendations to enhance both the user experience and the functionality of Ask Bev.

### **User Experience**

The Ask Bev user experience is limited by these aspects of implementation:

Ask Bev is not user-friendly generally. The initial page shows 40 categories that comprise a grab-bag of topics and department offices. There is no rational scheme. These categories should be reviewed and revised. Is it

To: Sunshine Task Force  
Re: Ask Bev improvements

necessary to have a 'subpoenas' category with a subtopic 'subpoenas for records'? A user's general query can be expected, but should we label the appropriate category 'other' and include a subtopic called 'other' too?

- There is no explanation provided for the login screen. After choosing a category and subtopic (actually the subtopic is a FAQ) the user is taken to the login screen. The default view is 'New user' and a form is provided to enter the user's information. However no text or tooltip indicates whether entering that information is used for a one-off submission or if it is used to create a new account. For existing users, "Login to your account" does not suggest which account. I myself have at four city accounts (including My Beverly Hills). Would any work on Ask Bev? Must I create a new Ask Bev account? The platform does not say.
- Ask Bev website is not responsive to mobile devices. The Ask Bev experience on a phone is painful: the elements and text don't resize for small screens so they are not legible. *This is an absurdity as half of all visitors will arrive by mobile.* The city can't make this change but we should ensure that Comcate is providing up-to-date services.
- The Ask Bev mobile app may be better but it is not promoted. The Ask Bev website does not direct a user to download the mobile app or even inform the user that a mobile app exists as an option.
- Basic design problems persist unaddressed. For example the login screen uses left-side tabs to show users different forms. But the labels are shown as white font on a white background in some instances. *When a label is not visible of course it is of no use at all.* Has nobody at Comcate or city IT noticed the problem of disappearing labels?

### Functionality

It is not only the Ask Bev user experience that is sub-par. There are specific aspects of platform functionality that must be improved if we are to receive value for money. Some aspects of implementation that I believe are a problem:

- Some Ask Bev features are shown to city staff on the back end but not shown to the public on the front end. For example until a couple of years ago there was no file upload capability. But Community Preservation staff had long assumed the public *could* upload files. After some discussion with staff, the feature was activated for public use. What other features could help the user but are not currently activated?
- Ask Bev does not indicate which city official has been assigned to a case or complaint. This is related to the prior issue. Staff sees the name of the assigned Community Preservation officer. And staff believes the public

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sees the name. But that information is not shown to the public by Ask Bev. Shouldn't it be?

- Ask Bev's 'check status' screen does not show cases related to the user's query. Say the user files a complaint and then the city opens a Community preservation case (#CP1820405 for example). The staff may later mention to the user an open case by that number. If not then the user may not learn about it. Why not allow the user to see a reference to a case that is related to the submitted user query?
- Ask Bev is meant to be a tracking tool but the city does not allow it to be used for that purpose. Once the user submits a query or complaint, the city acknowledges receipt. But in the case of a code complaint for example, the city then says it will "no longer be monitored." This is a platform that should help both users and the city track some issue. Why not use it for that purpose? Likewise there exists a feature that allows a user to upload supplemental notes after the original filing. What would be the point if the city is not checking on updated queries?
- Ask Bev does not indicate when a complaint is resolved or closed. There is no tracking of a case as it progresses. Instead the user is referred to a city official. Subsequent conversations or exchanges of information happen by email or phone. But these communications are not consolidated with the original query in Ask Bev.
- Ask Bev provides no search tool for past user queries. A minor quibble but a problem for frequent fliers. The Ask Bev 'check status' screen shows only first 100 characters of the submitted queries. But that's often not enough of the substance to suggest the topic of the query. Because Ask Bev provides no search function the user must view view queries individually to find the specific query in mind. (Because only 100 characters is visible even the web browser's search tool is not helpful.)
- There is no user guide for Ask Bev. I posted my own guide to make using Ask Bev more understandable.<sup>3</sup>

### **Recommendation**

Convene an ad-hoc STF committee to review Ask Bev and make recommendations for improvements to both the user experience and functionality within the scope of the capability of the product. At a minimum we should understand the differences between the city-side of Ask Bev and the public-side. Are we on the public side able to access the information that we would like to see?

Comcate slaps this slogan on every city agreement: "Empowering Communities and Citizens Through Technology." Ask Bev falls far short of that empowerment promise. An ad-hoc committee could help determine whether it's the vendor's

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product, the vendor's performance, or the city's own implementation that has caused a product that does not meet expectations (mine at least).

More broadly I believe the Ask Bev problems are rooted in a condition that is not at all unique to Ask Bev. Indeed I believe the condition extends to many of the city's online tools and even the website. That is, staff may not understand how these tools fall short of our expectations because staff themselves don't use them as we do.

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<sup>1</sup> <https://clients.comcate.com/newrequest.php?id=31>

<sup>2</sup> <https://www.smgov.net/santamonicaworks.aspx>

<sup>3</sup> <https://bhrentersalliance.org/2019/01/how-to-file-a-complaint#ask-bev-guided-tour>