



## AGENDA REPORT

**Meeting Date:** February 3, 2015

**Item Number:** D-7

**To:** Honorable Mayor & City Council

**From:** Laurence S. Wiener, City Attorney

**Subject:** ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING COMMISSIONS

**Attachments:** 1. Ordinance, as amended by City Council

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### RECOMMENDATION

Staff recommends that the City Council move to waive the full reading and adopt the ordinance, as amended by Council, entitled "ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING COMMISSIONS".

### INTRODUCTION

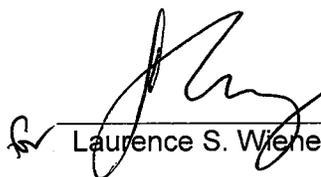
This ordinance amends various sections of the City's Municipal Code to reflect updates to the Commission structure such as commission size, terms, charges and absence policy.

### DISCUSSION

At its meeting of January 13, 2014, the City Council conducted a first reading and introduced this ordinance. During the January 13 study session, the City Council revised the ordinance regarding commissioner absences from meetings. The changes were incorporated into the ordinance and a redline of the ordinance was distributed during the regular Council meeting. This revision is incorporated into the ordinance to be adopted.

### FISCAL IMPACT

None at this time.

  
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Laurence S. Wiener, City Attorney

February 3, 2015

# **Attachment 1**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING COMMISSIONS**

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

Section 1. The city council hereby amends and restates Sections 2-2-105, 2-2-106 and 2-2-107 of Article 1 (“General Provisions”) of Chapter 2 (“COMMISSIONS AND COMMITTEES”) of Title 2 (“ADMINISTRATION, PERSONNEL, AND PROCEDURES”) of the Beverly Hills Municipal Code to read as follows:

**2-2-105: TERM OF OFFICE:**

A. Appointments to a commission shall be for an initial term of two (2) years. At the discretion of the city council, commissioners may be reappointed to a second term. Appointments to a second term may be for up to four (4) years. The city council may appoint any commission member or members to terms shorter or longer than those set forth in this subsection if the city council determines that a shorter or longer term or terms is in the best interest of the commission or is appropriate to stagger the terms of appointees so that the terms of all or a majority of members do not expire concurrently or inappropriately close in time.

B. Appointees who have served two (2) successive terms shall not be eligible for reappointment to the same commission.

C. A member may serve beyond expiration of that member’s term until such time as a successor is appointed.

D. A Commissioner must wait one year after the end of the Commissioner’s term before applying to another Commission other than the Planning Commission.

E. Committee members shall be appointed at the time of creation of the committee. Where the committee continues in existence for three (3) years or more, original appointments shall expire on the third anniversary of the committee where the committee consists of three (3) members, and shall expire on the fourth anniversary of the committee where the committee consists of four (4) or more members. Any committee which continues in existence beyond a period of three (3) years shall be governed by the appointment provisions of subsections A, B and C of this section.

**2-2-106: TERMINATION OF MEMBERSHIP:**

Membership on a commission or committee shall terminate under the following conditions, unless otherwise specifically provided in this code:

A. Membership shall terminate automatically upon resignation or death of a member.

B. If a commission or committee regularly meets once per month, and a member is absent from three (3) regular meetings within a twelve (12) month period, such commissioner shall meet with an ad hoc committee appointed by the Mayor to discuss the reasons for such absence. If the ad hoc committee believes that the absences are likely to continue, the ad hoc committee will request that the matter be placed on a City Council agenda. The City Council, in its sole discretion, may consider the following actions: (i) if the Council finds that the absences were due to health reasons or for other unusual hardship that justifies the absence, the Council may excuse the absences and if necessary, appoint a temporary commissioner to fill the role until such time as the commissioner is able to serve; or (ii) remove such commissioner and if necessary, appoint a temporary commissioner until such time as a new commissioner is appointed.

C. If a commission or committee regularly meets at least twice per month, and a member is absent from four (4) regular meetings within a twelve (12) month period, such commissioner shall meet with an ad hoc committee appointed by the Mayor to discuss the reasons for such absence. If the ad hoc committee believes that the absences are likely to continue, the ad hoc committee will request that the matter be placed on a City Council agenda. The City Council, in its sole discretion, may consider the following actions: (i) if the Council finds that the absences will not likely continue, the Council may allow the commissioner to continue serving; or (ii) remove such commissioner and if necessary, appoint a temporary commissioner until such time as a new commissioner is appointed. Notwithstanding the foregoing, a commissioner's term shall automatically terminate in the event a commissioner is absent from six (6) regular meetings in a twelve (12) month period, or nine (9) regular meetings within a twenty-four (24) month period.

D. Membership shall terminate automatically if a member ceases to reside in the city, unless residence is not required for membership or unless a member has temporarily ceased to reside in the city because of unusual circumstance or hardship, has not purchased a home outside the city in which the member is residing, intends to move back into the city, and has not previously ceased to reside in the city at any time while serving on the commission. For the purposes of this subsection "temporarily" means a period not exceeding six (6) months starting from the date a member ceased residence in the city.

E. Membership shall terminate automatically if a member's office would be vacated under the provisions for disqualification from office set forth in section 1770 of the California Government Code. Provided, however, that the provisions of this section governing absences shall supersede the provisions of section 1770 regarding absences.

F. The city council may remove any member from a commission or committee for any reason. Such removal may be accomplished by resolution or minute order of the city council.

G. In the event of a commissioner vacancy due to resignation or termination, the City Council liaisons to the affected Commission shall recommend a former commissioner until such time as a new commissioner is appointed to fill such vacancy, subject to City Council approval.

#### 2-2-107: OPERATIONAL PROCEDURES:

Unless otherwise provided in the ordinance or resolution creating a commission or committee the following provisions shall apply in the conduct of business of such commission or committee:

- A. Each commission or committee shall adopt rules of conduct and procedure which shall be consistent with the provisions of this chapter.
- B. Each commission shall have regularly scheduled meetings at least once each month, and may call special meetings as provided in section 54956 of the state Government Code.
- C. Committees are not required to have regularly scheduled meetings, and meetings may be called by the chairperson or by a majority of the membership.
- D. A majority of the designated membership shall constitute a quorum, and any action shall require a majority of the quorum for either affirmative or negative action.
- E. A chairperson and a vice chairperson shall serve for one year. A rotation progression of the chair and the vice-chair position among Commissioners shall be established by the City Clerk based upon seniority of appointment to the Commission. If a Commissioner declines to serve as chairperson, such Commissioner shall wait until the other Commissioners currently serving at such time are eligible for chairperson before assuming the chair, regardless of seniority of appointment. A Commissioner shall not serve as chairperson or vice chairperson during his or her first year as a Commissioner. A Commissioner shall not serve as chairperson if such Commissioner's term will end before such Commissioner is able to serve one complete year as chairperson.
- F. An official record of all considerations and decisions shall be made and filed with the city clerk; and a report shall be made to council.
- G. The city manager shall designate such staff as necessary to provide administrative support, unless otherwise designated by council.

Section 2. The city council hereby amends and restates Section 2-2-602 of Article 6 ("Charitable Solicitation Commission") of Chapter 2 ("COMMISSIONS AND COMMITTEES") of Title 2 ("ADMINISTRATION, PERSONNEL, AND PROCEDURES") of the Beverly Hills Municipal Code to read as follows:

Article 6. Charitable Solicitations Commission

2-2-602: JURISDICTION AND FUNCTIONS:

The charitable solicitations commission shall perform the following functions:

- A. Review applications for solicitation permits for charitable or religious solicitation purposes, and make recommendations thereon as provided in title 4, chapter 3, article 8 of this code.
- B. Evaluate the fiscal health of non-profit organizations and recommend eligible organizations for Community Assistance Grant Funds, as well as funding allocations to organizations based on service needs in the City.
- C. Perform such other functions and duties as designated by city council.

Section 3. The city council hereby amends and restates Sections 2-2-1402, 2-2-1403 and 2-2-1404 of Article 14 (“Human Relations Commission”) of Chapter 2 (“COMMISSIONS AND COMMITTEES”) of Title 2 (“ADMINISTRATION, PERSONNEL, AND PROCEDURES”) of the Beverly Hills Municipal Code to read as follows:

Article 14. Human Relations Commission

2-2-1402: MISSION STATEMENT AND RESPONSIBILITIES:

The human relations commission shall advise, recommend, assist and encourage activities and programs to be undertaken to promote positive human relations in all aspects of community life in Beverly Hills. The commission shall actively promote a just and equitable multicultural society; and will endeavor to reduce conflict and tension, as well as discrimination, prejudice and stereotyping based on race, religion, gender, sexual orientation, national origin, age, disability, or any other arbitrary factor.

The purposes and responsibilities of the commission shall include:

- A. Promoting the concepts of diversity, tolerance, and acceptance in the community;
- B. Conducting such studies and to hear such issues in any field of human relations in the community as will aid in effectuating the commission’s general purpose;
- C. Inquiring into incidents of tension or conflict among or between various racial, religious or nationality groups, and encouraging action by means of conciliation, conference, and/or persuasion to alleviate such tensions and conflict;
- D. Conducting and/or recommending such educational programs as will increase good will throughout the community;
- E. Defining, identifying and tracking existing and emerging issues that may benefit from intervention or conflict resolution;
- F. Facilitating better communication and interpersonal relations within the city and between the city and members of the community and hearing and receiving oral and written communications, in an appropriate time and manner, from members of the public concerning any topic that relates to the relationships between members of the community or between the city or its staff and members of the community;
- G. Receiving citizen complaints, in an appropriate time and manner, concerning the interactions of city employees with the public. The commission shall serve as one alternative to directing complaints to the city department involved in the complaint.
  1. The commission or its staff may communicate with complainants and city departments with regard to complaints received by the commission and may also arrange and facilitate communications directly between city departments and complainants;

2. The commission or its staff may inquire about the status of a complaint received by the commission and the progress of the review of a complaint.

H. Landlord-Tenant Issues:

1. The commission shall hear landlord-tenant disputes in order to provide a public forum where tenants and landlords can address issues and resolve differences prior to pursuing mediation, requesting a formal hearing with the City, if applicable, or filing a civil suit.

2. The commission shall educate tenants in the City regarding tenant rights.

2-2-1403: MEMBERSHIP:

The human relations commission shall consist of five (5) members who shall be residents of the city, except that one member may be a nonresident who is active in religious, educational, or social service agencies serving the Beverly Hills community.

The commission shall request that the Beverly Hills unified school district and the police chief appoint a representative to attend meetings when the commission deems it appropriate.

2-2-1404: [Reserved]

Section 4. The city council hereby amends and restates Sections 2-2-1603 and 2-2-1604 of Article 16 (“Health and Safety Commission”) of Chapter 2 (“COMMISSIONS AND COMMITTEES”) of Title 2 (“ADMINISTRATION, PERSONNEL, AND PROCEDURES”) of the Beverly Hills Municipal Code to read as follows:

Article 16. Health And Safety Commission

2-2-1603: MEMBERSHIP: The health and safety commission shall consist of five (5) members who shall be residents of the city.

2-2-1604: [Reserved]

Section 5. The city council hereby amends and restates Sections 10-3-3002 and 10-3-3003 of Article 30 (“Architectural Commission, Architectural Review, And Procedure”) of Chapter 3 (“ZONING”) of Title 10 (“PLANNING AND ZONING”) of the Beverly Hills Municipal Code to read as follows:

Article 30. Architectural Commission, Architectural Review, And Procedure

10-3-3002: ARCHITECTURAL COMMISSION:

An architectural commission is hereby established which shall consist of five (5) members who shall be residents of the City. At least one member shall be a licensed architect in the State of California. At least one member shall have experience in any of the following disciplines: building construction, landscape architecture, or visual and graphic design. In the event no person eligible for appointment from a designated field is a resident of the city, the council may

waive the residency requirement; provided, however, there shall be no more than two nonresident members of the architectural commission.

#### 10-3-3003: DUTIES

Unless otherwise specified herein, the duties of the architectural commission shall be as follows:

1. Exercise the authority set forth in this article and as otherwise provided in this code;
2. In carrying out its duties pursuant to this Code:
  - (A) Review and authorize the overall conceptual design of a proposed structure, landscaping, and signs, recognizing that minor design details will change when construction drawings are prepared and during field construction;
  - (B) Focus greater attention to overall design themes and less to ornamental design features, hardware, balcony railings, and other secondary features; and
  - (C) Balance the desire for efficient application processing with the desire to ensure high quality architectural and landscape designs;
3. Develop educational material that aide project applicants in achieving high quality design standards and provide guidance to applicants;
4. Recommend and amend policies as it may deem necessary to implement the purposes of this article;
5. Participate in, promote, and conduct informational and educational programs pertaining to urban design in commercial and multi-family zones;
6. Develop a program to celebrate exemplary commercial and multi-family architecture, and landscape designs;
7. Perform any other functions that may be designated by resolution or motion of the City Council.

Section 6. The city council hereby amends and restates Sections 10-3-4402, 10-3-4403 and 10-3-4404 of Article 44 (“R-1 Design Review”) of Chapter 3 (“ZONING”) of Title 10 (“PLANNING AND ZONING”) of the Beverly Hills Municipal Code to read as follows:

#### Article 44. R-1 Design Review

##### 10-3-4402: DESIGN REVIEW COMMISSION:

A design review commission is hereby established which shall consist of five (5) members who shall be residents of the city. At least one of the members shall be a licensed residential architect. If one qualified residential architect cannot be found, the council may appoint a landscape architect to fill the professional position on the design review commission. In the event no person

who is a resident of the city is eligible for appointment in the designated field, the council may waive the residency requirement.

#### 10-3-4403: APPOINTMENT AND TERM OF OFFICE:

The members of the design review commission shall be appointed by the council as provided in section 2-2-105 of this code.

#### 10-3-4404: DUTIES

Unless otherwise specified herein, the duties of the Design Review Commission shall be as follows:

- 1) Exercise the authority set forth in this article and as otherwise provided in this code;
- 2) In carrying out its duties pursuant to this Code:
  - (A) Review and authorize the overall conceptual design of proposed single family residences in the Central Area of the City, recognizing that some minor design details will change when construction drawings are prepared and during field construction;
  - (B) Balance the desire for efficient application processing with the desire to ensure high quality architectural and landscape designs;
  - (C) Assist applicants in achieving their design objectives, recognize individual homeowner interests and allow for a diversity of designs, while ensuring overall compatibility to the neighborhood; and
  - (D) Focus greater attention to overall design themes and less to ornamental design features, hardware, balcony railings, and other secondary features;
- 3) Develop educational material that aide project applicants in achieving high quality design standards and provide guidance to applicants and homeowners;
- 4) Recommend and amend policies as it may deem necessary to implement the purposes of this article;
- 5) Participate in, promote, and conduct public informational and educational programs pertaining to single family urban design;
- 6) Develop a program to celebrate exemplary single family residences; and
- 7) Perform any other functions that may be designated by resolution or motion of the City Council.

Section 7. 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 remain in full force and effect.

Section 8. 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 the city Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this city.

Section 9. 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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LILI BOSSE  
Mayor

ATTEST:

\_\_\_\_\_  
(SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
MAHDI ALUZRI  
Interim City Manager