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# Beverly Hills Weekly

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Issue 580 • November 11 - November 17, 2010

## Standing up for what's right

The Weekly's exclusive interview with Assemblymember Mike Feuer



cover story • pages 8-9



# letters & email

## “No final decision on subway route” [Issue# 579]

The long awaited dream of a Subway to the Sea spells “nightmare” for the folks who live in the City of Beverly Hills.

In a “sneak attack” which subverted the originally approved route of Wilshire / Santa Monica Blvd to Century City, the MTA staff suddenly presented two previously unmentioned subway tube routes that would run from Wilshire Blvd to either Linden Dr. or Lasky Dr. with a path that would run under the Beverly Hills High School to Century City with a destination station at Constellation in Century City.

Staff reasoning for the sudden appearance of two “new preferred routes” was a previously unmentioned “troublesome earthquake fault” near the Santa Monica route, greater ridership and less walking distance for commuters. Give us a break!

The resounding cries of “no subway under Beverly Hills High School” by the residents have fallen on the deaf and insensitive ears of the MTA Board.

A bureaucratic machine has chosen to make the future students and staff of Beverly Hills High School the “Sacrificial Lambs at their Alter of Greed.” I know of no other high school which has suffered such a treat to their future well being.

No amount of tweaking the EIR or massaging the facts will make their fantasy a reality. No amount of “in your face politics” by developers and their fellow travelers will force the residents of Beverly Hills to allow a subway tube to be placed anywhere near our Beverly Hills High School.

That, my friends, is a “deal breaker.”

*Gloria Seiff  
Beverly Hills*

# briefs

## Former superintendents and current staff deposed for Christiansen lawsuit

With trial set to start next month, Strategic Concepts’ lawyers have been gathering evidence to help their case against the BHUSD. Included in the evidence are depositions from Former Superintendent Jeffrey Hubbard (2003-06), Former Superintendent Kari McVeigh (2006-08), Former Superintendent Jerry Gross (2008-10), Board of Education member Brian Goldberg and Assistant Superintendent of Business Services Alex Cherniss.

As reported by the *Weekly* in Issue #516, the district severed all ties with Strategic Concepts CEO Karen Christiansen and Strategic Concepts in August of 2009 after contractual irregularities were found. Christiansen sued the district for wages she was allegedly owed. The BHUSD countersued for alleged damages caused by Christiansen’s construction throughout the district and on Measure K.

Hubbard was superintendent of the BHUSD in 2006 when Christiansen’s contract was first made, Strategic Concepts Attorney Philip Kaufler said. According to Kaufler, Hubbard spoke positively about Christiansen.

“He testified that she was the only person able to get [the BHUSD’s] construction program working effectively,” Kaufler said. “They were a mess before she got there. When [Christiansen] announced she was going to open her own consulting company, he further testified that [Board of Education President in 2006] Myra Lurie and other board members urged him to have the district sign a contract with her as a consultant because they really praised her work.”

In 2006, McVeigh became the new BHUSD superintendent and required a new agreement be made. This new agreement, drafted by a law firm that specialized in representing school districts, was signed in 2008.

## WHAT’S ON YOUR MIND?

You can write us at:  
140 South Beverly Drive #201  
Beverly Hills, CA 90212

You can fax us at:  
310.887.0789

email us at:  
editor@bhweekly.com



## SNAPSHOT



CHEER FOR VICTORY!  
MORENO DRIVE

(Clockwise l to r): Ashley Madison, Lindsey George-Reyes, Romana Janoskava, Varsity Cheerleading Coach Hilla Davidi, Michelle Won, Christina Collins, Chelsea Staine, Yuval Vered and Cassandra Shaw  
The Beverly High Varsity Cheerleading team cheered as the football team made its way to victory against Morningside High School, 62-28, at the homecoming game Friday, November 5.

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OUR DATA SPEAKS VOLUMES



"[McVeigh] testified that [Christiansen] did an outstanding job for them in all of their construction work and was very valuable to their construction program," Kaufler said. "Up to this point, through three contracts, she was praised continually by board members and by [Hubbard and McVeigh]."

Gross' deposition was taken yesterday. Although by the time of press Kaufler said he was unsure what Gross was going to say, he did know that Christiansen's contract was terminated while he was in office. Kaufler said before Gross was superintendent of the BHUSD, he was a paid consultant for Telacu, a community development company.

"[Telacu was] one of the top three companies that were being considered [to replace Strategic Concepts]," Kaufler said. "Ultimately they didn't get the posi-

tion, probably because it was uncovered Gross was their consultant. I'm not saying he hid that fact, I think it was disclosed but we don't think it was a coincidence that Gross becomes superintendent after being a consultant for a competing company, [Christiansen] lost her contract and [Telacu is] being offered to replace her."

Since the BHUSD is alleging there are some irregularities found in Christiansen's invoices Kaufler deposed Goldberg on November 1. Kaufler said he asked about the process of approving and invoice.

"He admitted that every invoice has to be reviewed together with the contract and signed off by the superintendent and reviewed by the assistant superintendent of business services and then goes to the LA County Board of Education," Kaufler said. "All of them approved every invoice for a year and a half and on top of that, as

a part of the normal procedure, there's an annual audit on behalf of the district."

Kaufler said he caught Goldberg in a lie during his deposition,

"When I took [Goldberg's] deposition, I showed him several newsletters he wrote and in those newsletter, and also in public statements he made in front of the board, he said he was the only one on the board that voted no on all three of Karen Christiansen's contracts," Kaufler said.

In his August 2009 newsletter, Goldberg did in fact talk about the amendment to Christiansen's contract. However instead of saying that he voted "no" on all three Christiansen contracts, he was specifically talking about three contracts brought before the Board of Education at the August 6, 2008 meeting.

"I was the only board member to vote 'no' on this as well as the two other con-

tracts proposed for our approval at this meeting," Goldberg wrote.

Goldberg said he voted no in that specific instance because he felt there had been no evaluation of Christiansen or Strategic Concepts.

"We did not have any competitive review of strategic concepts services they provided," Goldberg said. "I felt we owed it to the community to at least do a Request for Quotation (RFQ) for such a large project for the district."

Although he feels it may be a fight, Goldberg said he's going to continue doing what he thinks is right and defend the BHUSD against Strategic Concepts.

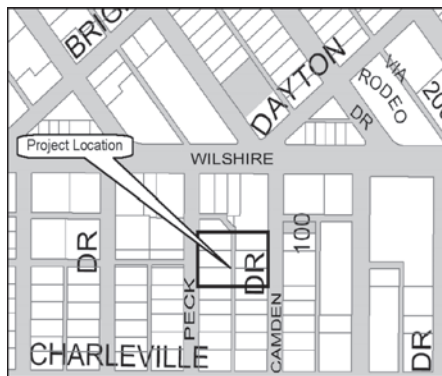
"We owe that to the taxpayers of Beverly Hills and the students of Beverly Hills to continue to move forward with this case," Goldberg said. "They tried to bring in the

*briefs cont. on page 4*



## NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT AND NOTICE OF PUBLIC HEARING

**DATE:** November 23, 2010  
**TIME:** 1:30 PM, or as soon thereafter as the matter may be heard  
**LOCATION:** Council Meeting Room 280 A  
 Beverly Hills City Hall  
 455 North Rexford Drive  
 Beverly Hills, CA 90210



The City of Beverly Hills has prepared a Draft Environmental Impact Report (EIR) for a proposed new 44-unit condominium building (Residences at Saks Fifth Avenue), and the Planning Commission will hold a public hearing on the Project and Draft EIR on **November 23, 2010 at 1:30 PM** or as soon thereafter as the matter may be heard. The purpose of this meeting is to review the adequacy of the Draft EIR. The merits of the project will not be discussed at this meeting, and no decisions will be made with regard to project approval or denial. A separate, noticed public hearing will be held at a future date to review the merits of the project before any final decisions are made by the Planning Commission.

The project site is located between the 100 blocks of South Camden and South Peck Drives, immediately south of the commercially-zoned properties fronting on Wilshire Boulevard. The project site is identified as 125 South Camden Drive, and occupies six lots totaling approximately 1.12 acres in size.

The proposed project would result in the demolition of the existing surface parking lot located behind the Barney's retail store, and permanent vacation of a portion of the north-south alley that runs through the center of the project site. The new structure would be a six-story, 44-unit residential building with a two-level subterranean parking garage with 127 parking spaces. The net floor area of the proposed building would be 118,840 square feet, which results in a net floor-to-area ratio (FAR) of 2.44 to 1. The project includes approximately 16,220 square feet of communal and private open space that would be provided in the form of courtyards and terraces. The proposed project would be 66-feet and six stories in height at the northern portion of the site, adjacent to the 85-foot tall Barney's retail building to the north of the project site. The project would then step down to 55-feet and five stories in the middle portion of the site. In the southern portion of the site, the project would step down to 45-feet and four stories, adjacent to the existing multi-family residential development to the south.

Of the six lots proposed for development under the project, the four northern lots are currently zoned R-4-P (Residential Parking Zone) and the two southern lots are zoned R-4X2 (Multiple Residential Zone). The R-4-P zone allows for either multi-family residential development or commercial parking facilities (but not both within the same project), and the R-4X2 zone allows for multi-family residential development. The project consists strictly of multi-family residential development, and is therefore compatible with the permitted uses for the project site. The height limit for the two northern lots is 55-feet or five stories, and the height limit for the four southern lots is 45-feet or four stories. Proposed development on the

two southern lots complies with the established height limits, but development on the four northern lots exceeds the established height limits.

Approval of the project requires approval of: a Vesting Tentative Map, a Zone Change to amend the Municipal Code to establish a new overlay zone (which allows for increased height and building length), the Multiple Residential Planned Development Overlay Zone (MR-PD); a General Plan Amendment to reflect the proposed overlay zone and to exceed the 60-foot height limit identified in the General Plan; a Development Plan Review to construct the project; and an amendment to the City's Streets Master Plan to allow for an alley vacation for a portion of a public alley that bisects the project site.

The Draft EIR analyzes the following potentially significant environmental effects of the project:

- Aesthetics
- Air Quality
- Greenhouse Gas Emissions
- Land Use and Planning
- Noise
- Transportation and Circulation

### PUBLIC REVIEW AND COMMENT ON DRAFT EIR

The Draft EIR is being circulated for a 45-day public review period, from November 15, 2010 to December 30, 2010. During the public review period, written comments concerning the adequacy of the document may be submitted by any interested person and/or affected agency. Following the public review period, written responses will be prepared for inclusion in the Final EIR.

Comments should be directed to (Emails will also be accepted at: [rgohlich@beverlyhills.org](mailto:rgohlich@beverlyhills.org)):

**City of Beverly Hills**  
**Department of Community Development**  
**455 North Rexford Drive**  
**Beverly Hills, California 90210**  
**ATTN: Ryan Gohlich, Associate Planner**

Public Review: Copies of the Draft EIR are available for public review beginning Monday, November 15, 2010 at the following locations:

City of Beverly Hills City Hall Planning Division and Office of the City Clerk 455 North Rexford Drive Beverly Hills, CA 90210	Beverly Hills Public Library 444 North Rexford Drive Beverly Hills, CA 90210
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The City's website: [www.BeverlyHills.org](http://www.BeverlyHills.org)

The case file on this project, which includes the plans and applications, is available for public review at the Community Development Department, 455 North Rexford Drive, Beverly Hills, CA 90210. If there are any questions regarding this notice, please contact Ryan Gohlich at 310-285-1194.

Approved as to form:  
 David Reyes, City Planner

briefs cont. from page 3

fact I've written in my newsletter about the case. If that was the best defense they've got, they're in big trouble. I haven't backed down, I'm not going to back down. I'm going to continue to fight for what I think is right."

When suing a corporation or entity, Kaufler said they can be asked to produce an individual for deposition who they deem to be the person most knowledgeable about the case. For this case, the BHUSD suggested Cherniss be deposed.

"Alex Cherniss admittedly knows nothing about the contracts or the performance

in the contracts, he wasn't involved in any of it," Kaufler said. "First he was a math teacher and then an assistant principal and by the time he got into a position on the executive side, she was already gone. All he did was look at documents. He didn't generate the documents and his review was no better than anyone else's review."

BHUSD attorney Steve Madison declined to comment.

The trial is set to begin December 7.

**City and BHUSD come to agreement on turf funds**

At the Monday school/city liaison meet-

ing, the City Council and the Board of Education came to an agreement on JPA funds being spent on maintenance of the artificial field turfs. The City agreed the BHUSD would not have to pay back the \$1.2 million given to the district already for replacement of the K-8 field turfs in the first two years of the JPA. The \$1.2 million promised for the last two years will be put in a special fund designated only for turf replacement as needed.

Of the \$10 million given to the district through the JPA, a payment of \$600,000 made each of the four years was to be spent on ongoing maintenance of the turf at each of the district's four K-8s and if required, its removal, disposal and replacement. The intent behind the \$2.4 million given to the district under the JPA, Vice Mayor Barry Brucker said, was to create a savings for the district to spend on repairing and replacing the turfs, not for grounds keeping and maintenance. The district has spent \$1.1 million on ongoing maintenance.

Going forward, the money will be put aside for replacement only and the BHUSD will have to maintain the turfs from their own budget said Brucker.

"We are requiring that the \$1.2 million

for the remaining two years will be put into a restricted account whereby the school district will need the signature of the city manager in order to release those funds," Brucker said. "[This is] to ensure those funds are used specifically for replacement of turf at the four K-8s."

Board of Education member Brian Goldberg said this outcome is a win-win for both the city and the BHUSD.

"They were not clear in their intent and their language but this is what they want and going forward we're happy to do that," Goldberg said. "We didn't want to pay twice for ongoing maintenance we already paid for. You can only argue the facts and the facts were the facts. We presented our data, which the city accepted and going forward it does both intents, the city's intent was to have reserve to replace the fields and our intent was to have funds to replace fields."

**BHUSD dress code and attendance infractions up, cheating down**

In the first 35 days of Beverly High, the infractions for dress code violations and attendance are up and cheating is down, according to a report from Human



## NOTICE OF PUBLIC HEARING

**DATE:** Tuesday, November 23, 2010  
**TIME:** 1:30 p.m., or as soon thereafter as the matter may be heard  
**LOCATION:** Commission Meeting Room 280 A  
Beverly Hills City Hall  
455 North Rexford Drive  
Beverly Hills, CA 90210

The Planning Commission of the City of Beverly Hills, at its special meeting on Tuesday, November 23, 2010, will hold a public hearing beginning at 1:30 p.m. or as soon thereafter as the matter may be heard, to consider:

A resolution to the City Council recommending that the City's "Green Building Standards" Ordinance (Beverly Hills Municipal Code, Title 10, Chapter 3, Article 46) be removed from the City's Municipal Code. The City's existing green building code is to be replaced with the State mandated Green Building Code, or "CalGreen" which the City is required to adopt this year. Adoption of the new State building codes is being considered under a separate process.

Any Planning Commission recommendation regarding a draft ordinance would be forwarded to the City Council for its consideration at a public hearing with a new public notice.

The City applies the Green Building Standards as part of the issuance of building permits. The City's issuance of building permits is a ministerial action and therefore removal of the City's Green Building Standards from the City Municipal Code would be exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15268(a) of Title 14 of the California Code of Regulations. In addition, keeping the City's Green Building Standards in the Municipal Code would be inconsistent with State law which requires the City to adopt the State's green building codes, also known as "CalGreen". The CalGreen State green building codes are being considered for adoption under a separate action.

Any interested person may attend the meeting and be heard or present written comments to the Commission. Comments may be submitted in writing to the Planning Division of the Community Development Department and written or oral comments will be accepted at the Planning Commission meeting at the date and time noted above.

If you challenge the Commission's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City, either at or prior to the public hearing.

The project case file is available for review in the City's Permit Center, located in City Hall, 455 N. Rexford Drive, Suite 100, Beverly Hills, CA 90210. The staff report for this public hearing, along with all attachments, will be available on November 17, 2010 on the City's website, and hardcopies will be available for review at the City's Permit Counter and in the Beverly Hills Public Library Reference section. A charge per page may be assessed for copies made at a City facility. If there are any questions regarding this notice, please contact Peter Noonan in the Community Development Department at 310.285.1141 or at pnoonan@beverlyhills.org.



## NOTICE OF CONTINUED PUBLIC HEARING

Notice is hereby given that the Public Hearing scheduled for 7:00 p.m., Tuesday, November 16, 2010, in the Council Chambers of the City Hall, 455 N. Rexford Drive, Beverly Hills, California, to consider adoption of:

**RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS ADOPTING A PARKING PENALTY FOR VIOLATION OF BEVERLY HILLS MUNICIPAL CODE SECTION 7-1-5(B)**

will be continued to November 30, 2010, at 7:00 p.m., Tuesday, in the Council Chambers of the City Hall, 455 N. Rexford Drive, Beverly Hills, California.

BYRON POPE, CMC  
City Clerk



## NOTICE OF COMMISSION VACANCIES

### TRAFFIC & PARKING COMMISSION

The Beverly Hills City Council is seeking qualified residents to fill two upcoming vacancies on the Traffic and Parking Commission. The initial term of office is for two years. At the discretion of the City Council, the Commissioner may be reappointed to a second term of four years. The appointee will be required to file an initial and an annual "Statement of Economic Interests" financial disclosure.

In order that we may preserve the integrity of the application and interview process, please direct all inquiries to the City Clerk, City Manager or the Director of Public Works, Engineering and Transportation. Please DO NOT contact the City Councilmembers or the members of the Traffic and Parking Commission regarding the Traffic and Parking Commission vacancies.

Application forms for the Traffic and Parking Commission, along with a description of the duties of a Commissioner, and filing details are available for pickup in the City Clerk's Office, Room 290, 455 N. Rexford Drive, or call 310.285.2400 to receive an application and information by mail or by e-mail.

**The deadline for filing applications for this Commission is Friday, December 3, 2010 at 5:00 p.m.**

BYRON POPE, CMC  
City Clerk

Resources Director Dawnalyn Murakawa-Leopard and a presentation given to the Board of Education at their Tuesday night meeting.

In 2010 there have been 622 overall infractions, 209 in the four K-8's and 413 at Beverly High, and 66 suspensions, 15 at the K-8's and 51 at Beverly High. In 2009 there were 522 overall infractions, 279 in the four K-8's and 243 at Beverly High, and 31 suspensions, 16 at the K-8's and 15 at Beverly High. Dress code infractions have overall increased by 35, 35 infractions at the K-8's and 15 at Beverly High in 2010 and 10 infractions at the K-8's and five at Beverly High in 2009. Attendance related infractions in 2010 were six times the amount in 2009, two in the K-8's and 102 at Beverly High in 2010 as opposed to five in the K-8's and 11 at Beverly High in 2009. Cheating has lessened in the BHUSD. In 2010 there were six overall infractions, three at the K-8's and three at Beverly High, as opposed to the 25 in 2009, nine at the K-8's and 16 at Beverly High.

"We went into the school year attempting to change the culture and respect for all was the primary thing," Beverly High Principal Carter Paysinger said. "Our policies have not changed. Some of the consequences have and enforcing those consequences has definitely changed."

One change this year is security guards are able to pass out infractions. If they notice a violation, a Beverly High security guard can notate the infraction, the student's ID number and name, bring it to the appropriate house and then the student can go off to class.

"In past years, that same security guard

would have to stop, take a kid up to the house office and the kid may sit in the office for an hour before the assistant principal was able to deal with them," Paysinger said. "That one piece has made us more effective. It's a work in progress. I think we've made more progress than we anticipate at this point."

Board of Education Vice President Lisa Korbatov said she feels the strict enforcement of BHUSD policies has been beneficial for students and teachers.

"You folks are putting up boundaries and setting limits," Korbatov said. "No is a sentence sometimes. Kids don't mind. You can put in limitations and boundaries and I think the important thing is to implement them fairly and consistently. Rules work when they are implemented fairly."

Paysinger attributes the decline in cheating violations to the cheating contract all Beverly High students signed at the beginning of the school year. Cheating now has a specific definition and Paysinger said he thinks teachers are taken seriously when they talk about consequences for cheating.

"In looking at the cheating policy we had an opportunity to identify what cheating is," Paysinger said. "Students are more aware of what we consider cheating. Students know for a fact that there will be consequences and those consequences will be enforced."

Even though most infractions are up in the first 35 days, Paysinger said he hopes to see a change next semester.

"We're hoping they'll be going down due to the culture change," Paysinger said.

### Los Angeles Youth Orchestra finds home in Beverly Hills

The Los Angeles Youth Orchestra will play begin their inaugural season at the Saban Theater on November 21 at 4 p.m. The program will feature a special performance of the Daniel Peal Commissioned Pieces, "Stories from my Favorite Planet," by Russell Steinberg and will be narrated by Theodore Bikel.

The Los Angeles Youth Orchestra features 90 students ages 8 to 18 from public and private schools around Los Angeles County. Presale tickets are \$15 for adults and \$3 for children 18 and under. Tickets at the door are \$20 for adults and \$5 for children 18 and under. For tickets and

information: [www.losangelesyouthorchestra.org](http://www.losangelesyouthorchestra.org). (310) 571-LAYO.

### Junior Philharmonic invites Beverly Hills to give thanks

The Jr. Philharmonic Orchestra will be performing a free Thanksgiving Concert Wednesday, November 24 at 7:30 at Beverly High. The concert will feature pieces from Mozart to Star Wars and from Beethoven to Fiddler on the Roof. For tickets, send a Self-Addressed Stamped Envelope to the JPO, Box B12, 157 South Fairfax Avenue, Los Angeles, CA 90036 and state your name, the number of tickets you will use and your email address or send that information via email to



## PUBLIC NOTICE

### NOTICE OF PROPOSED ADOPTION OF AN ORDINANCE

PLEASE TAKE NOTICE that on **November 16, 2010 at 7:00 p.m.** or as soon thereafter as the matter may be heard, in the Council Chambers of the City Hall, 455 N. Rexford Drive, Beverly Hills, California 90210; the City Council of the City of Beverly Hills will consider adopting an Ordinance entitled:

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE UNIFORM ADMINISTRATIVE CODE, 1997 EDITION, AND ADOPTING BY REFERENCE THE 2010 CALIFORNIA BUILDING CODE; 2010 CALIFORNIA RESIDENTIAL CODE; 2010 CALIFORNIA ELECTRICAL CODE; 2010 CALIFORNIA MECHANICAL CODE; 2010 CALIFORNIA PLUMBING CODE; 2009 UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE; 2010 CALIFORNIA ENERGY CODE; 2010 CALIFORNIA FIRE CODE; 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE; 2010 CALIFORNIA HISTORICAL BUILDING CODE; 2010 CALIFORNIA EXISTING BUILDING CODE; 2010 CALIFORNIA REFERENCE STANDARDS CODE; 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND THE 2010 BEVERLY HILLS PHOTOVOLTAIC INSTALLATION GUIDELINES; INCLUDING CERTAIN AMENDMENTS, ADDITIONS, AND DELETIONS; AND AMENDING PORTIONS OF TITLE 9 OF THE BEVERLY HILLS MUNICIPAL CODE

#### Summary of Ordinance

The ordinance amends the City's Administrative Code and adopts by reference the 2010 edition of the California Building, Mechanical, Plumbing, Electrical, Energy, Residential, Green Building Standards, Historical Building, Existing Building, Reference Standards, and Fire Codes (collectively known as the California Building Standards Code, 24 C.C.R., Parts 2 through 12), as well as the latest editions of the International Property Maintenance Code, Uniform Swimming Pool, Spa and Hot Tub Code, and Beverly Hills Photovoltaic Installation Guidelines, together with certain amendments, deletions and additions.

The California Building Standards Code, as amended, establishes requirements for the structural, plumbing, electrical and mechanical systems of buildings and structures, including historic buildings and buildings not meeting current seismic standards, and for fire and life safety, energy conservation and sustainability. The other Codes and Guidelines adopted establish standards for property maintenance, construction and maintenance of swimming pools, spas and hot tubs, and installation of solar photovoltaic systems. The ordinance also provides penalties for non-compliance, and for fees.

The City has determined that the ordinance is exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

A certified copy of the entirety of the text of Ordinance is available for public inspection in the office of the City Clerk, City Hall, 455 N. Rexford Drive, Beverly Hills, California 90210. Further information may be obtained by contacting the Community Development Department at 310.285.1141.

BYRON POPE, CMC  
City Clerk



*Il Fornaio*  
Join Us This Thanksgiving  
4-Course Feast With an Italian Twist

**\$35 for adults, \$18 for children 12 and under**  
A la carte menu also available

Open 11:30AM – 8PM this Thanksgiving November 25th

**RESERVATIONS**  
**310-550-8330 or [ilfornaio.com/beverlyhills](http://ilfornaio.com/beverlyhills)**

301 North Beverly Drive • Beverly Hills • 90210

# from the hills of beverly



## From subways to planning

And will Beny leave us?  
By Rudy Cole

This week, some very cursory thoughts on possible upcoming changes in the business district, but first a word about the fight, and it is just that, to keep the planned subway to the sea from tunneling under both the Beverly Hills High School and Good Shepherd (Catholic) School.

What is most annoying is the repeated mantra that the only people opposing the southerly route - that would provide a station for a proposed major development in Century City - are "a very few residents of Beverly Hills."

One Metro psychophant blogger, whose nonsense appears in the Huffington Post, continues to make that preposterous argument. On the contrary, I have seldom seen this community more united. A unanimous Beverly Hills Board of Education, and how many times could we write that, have passed strongly worded resolutions opposing the high school route.

The same is true for all five members of the council, homeowner and business leaders, and countless respected civic leaders who are often on opposing sides of development plans; all have lent their names to our united commu-

nity effort to protect our community and our school(s).

What is troubling is the lack of support we have received from neighboring resident associations. Our preferred route, Wilshire and west on Santa Monica Boulevard, should be in their interests too.

Although it is frustrating not to have won a clear victory at the last Metro board hearing, the community effort, led mostly by Southwest Beverly Hills Homeowner Association President **Ken Goldman**, did win a delay in making a final route choice. The subway sky has not yet fallen, but we need to continue the battle. This is truly an effort to protect the safety of future generations of kids who will be attending our schools just as past civic leaders led the fight to create an independent Beverly Hills school system.

Councilmember **John Mirisch** had proposed the hiring of a lobbyist to support city efforts, which I felt would detract from our own leadership's contribution and work, but he and the council arrived at a reasonable compromise: Use our present lobbyists to support

us in Sacramento and Washington, without additional costs. Our community leadership will continue to reach out to the Metro Board which includes elected and appointed officials, many of whom represent us and with whom we have had long historical ties. Hard not to accept whatever Mirisch suggests, he has been a consistent fighter against the southern route.

How else has the subway brought us together? Although both elected with similar sounding goals and many of the same supporters, Mirisch and Councilmember **Nancy Krasne** have often differed on both process and substance, including some key development projects. Interestingly, it has been Krasne who has most often voted with the council majority while Mirisch was the lone dissenter. Now, they are strongly together on the subway fight and, along with their colleagues Mayor **Jimmy Delshad**, Vice Mayor **Barry Brucker** and Councilmember **Dr. Willie Brien**, gave very powerful messages to the Metro Board on our solidarity in supporting the alternate route. Mirisch, Krasne along with Vice Mayor Brucker have made key public appearances for our city.

Keep the faith, the good fight continues.

\*\*\*

When do we most often disagree? Bring any development project to the city and the battles begin, but seldom with any real sense of proportion or a balancing of true city interests. Protection from intrusions into residential or building projects that go too far beyond limits on density and height, should be balanced against responsible fiscal reality needs and esthetic improvements, and more.

In a utopian world, a rational dialogue would take place between property owners and resident leaders.

It could begin with unleashing all the usual insults: The developers are only interested in profits derived by violating our zoning laws and obtaining entitlements that would further con-

gest our city, increase traffic and help destroy the residential character of Beverly Hills. They hire expensive former mayors and commissioners as lobbyists to corrupt the process.

The developers would respond that these are the "crazies" who have no sense of economic reality, who reject the fact that the business sector pays seventy five percent of municipal operating costs, and that includes making sure we have the best in police and fire protection and money to keep the schools open.

Once these pleasantries have been exchanged, and both sides were forced to arrive at some rational compromises on future growth and planning, what might emerge?

Clearly, at some time our community needs to face up to the simply truth: Many sections of the business district, including our gateway areas, are ugly structures and even empty store fronts. These eye sores remain as a reminder of our inability to apply rational solutions to the planning process. But aside from the blight, they contribute nothing to our economy and tax revenues and discourage adjacent improvements.

Another critical community goal must be preserving reasonably affordable housing. Not only because it assures a more balance population, but because renters are far more likely to have school age children than condo owners. So, what condominiums make the most sense? Those created on commercial property and not by demolition of apartments. Recently, a very key apartment building, very close to our high school, was approved for conversion.

It is simply a case of economic demand. Had the 9900 Wilshire condo project been in place, there would have been less chance of conversions. Good news, one of the plans for the Gateway project on Little Santa Monica is for apartments, and not condos.

There is another major condo proposal now in the planning process, with the Draft EIR to be released soon. That is the long awaited and frequently revised plan to create condos next to Saks Fifth Avenue.

Here, the proponent is a highly regarded local developer with offices in our city, Casden

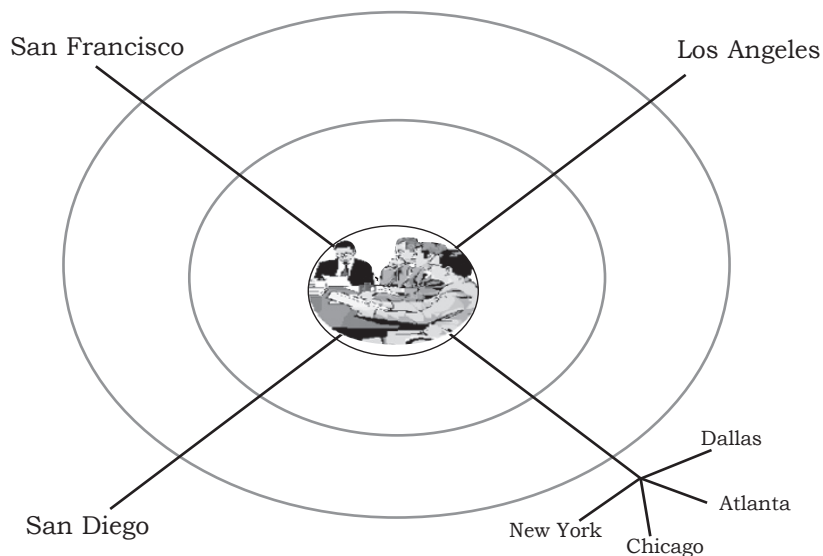
*rudy cont. on page 7*

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*rudy cont. from page 6*  
Properties. No demolition of apartments, and placed on surface parking lots, this should have support from many southwest neighbors. Noise, pollution and traffic from a parking lot, or an attractive housing building(s) with underground parking? Plans are for 44 condos, about 10 feet above code, but if the entitlements are approved, it could assure high end luxury housing condos, still scarce in our city. The additional height could make the project more marketable, appealing and attractive, actually improving property values in the adjoining residential areas – something neighbors should carefully consider. Yes, the right kind of new development could improve a neighborhood and raise property values.

A totally different set of options comes into play with the plans Lexus is bringing to the city at 9230 Wilshire Boulevard. There are several elements of this project that will be a problem for the decision makers on the planning commission and the city council.

A long-time auto dealership, with a big service facility, Lexus, and car agencies, are an important source of city revenue, not nearly as significant as hotels, and one was originally approved just east of Lexus, but an important factor in any planning consideration.

What Lexus now wants is a new service facility and more space for sales, meaning exceptions to our codes and even conversion of some residential zoning to commercial, something, no matter how minor, we seldom approve.

Also in play is the history of the dealership in its relationship to its neighbors. In many ways, Lexus has been a good corporate citizen, and

supportive of city charities, however it has only been in more recent years that the company has responded to intrusions of its deliveries of new cars into adjoining residential and, a continuing issue, monitoring traffic of autos coming for service. This agency has not been a passive presence on the street it shares with residents and that will be an issue during the hearings.

More development plans next week.

\*\*\*

Say it isn't so, Beny. Although the Beverly Hilton has been listed for a possible sale, sources at the hotel have said no price has been set and no offers are, for now, seriously being considered. "We have a corporate responsibility to see what is out there," the source, who asked not to be named said, "but we are a long way from being sold, if ever."

Hopefully, it won't happen. Current owner, **Beny Alagem**, who survived and won a bruising referendum on an expansion plan, including a new Waldorf Astoria addition, has earned respect and praise from our whole community, including those who opposed the improvements.

When Alagem bought the property from **Merv Griffin** it obviously needed some major renovations. Alagem spent the millions in refurbishing, not only the high revenue producing banquet facilities and other public assembly areas, but in suites and rooms. This is simply not your grandfather's Hilton, and it has brought the hotel an additional star rating, making it the crown jewel of the Hilton flag/chain.

More than that, Alagem has been a responsible civic citizen. His contributions to community needs far exceed those of almost all other businesses in the community, and certainly

that of any other city hotel. (City National Bank, and board chair **Bram Goldsmith**, and **Fred Hayman** are two other good examples of giving back.) Even his staff is involved. The very able general manager, **Sandy Murphy** is an important leader in the Conference and Visitor's Bureau and company vice president **Corrine Verdery** plays a major leadership role in the Maple Counseling Center.

Historical note: there is a direct connection with the Hilton's opening in 1955 and today's Beverly Hills. Chief Justice **Earl Warren**, our former governor, made a rare public appearance and brought with him daughter **Honeybear**, who had her own cult following. Tie in? Honeybear is Councilmember Dr. Willie Brien's mother.

Dining items: Power ladies who lunch department. Celebrating the birthday of Ellyn Snowden at a private threesome at Spago Tuesday were **Judy Henning** and first lady **Lonnie Delshad**. Ellyn worked to make the Black and White police association auction a success – hard to refuse the wife of the chief. Judy has served with distinction on a city commission. The Black and White dinner at the Beverly Hilton set a record in attendance Monday night. We love our cops.

You have to admire their economic studies. The Montage Beverly Hills examined the dining needs of our village, and especially what Canon Drive had to offer, and came up with what? Another Italian restaurant. We have more pasta serving establishments on that one street than any other place outside of Italy. With the many Drago owned venues, Caffe Roma and others, just maybe the hotel could have tried say a Russian eatery? At least it's not sushi.

Still putting together all the election returns and a vote by Beverly Hills precincts, but clearly our endorsements compared to our friendly competitor were the winners across the board. If this continues, might try writing a moderate to liberal political column in San Marino, after obtaining a mammoth insurance policy first. (Admire the courage of our right wing colleague at the other paper, and wonder how we would do in his hometown of San Marino?)

Ran into **Bahador Mahboubi** at the Police Association dinner Monday, and he had a very creative idea. If the city is indeed facing cuts in basic services because of revenue short falls, why not create a community support organization similar to the Beverly Hills Education Foundation which funds school needs? Worth careful thought.

Next week, some moving of the political chairs: With **Zev Yaroslavsky** and **Mike Feuer** soon to be termed out, what will that mean to our political hopefuls? Could Councilmember Dr. Brien be considering a race for state assembly? Will Feuer contend for supervisor in what could be a very crowded field? Next week, some considerations on what term limits have wrought.

*Rudy Cole served for eight years as a member and chair of the city's Recreation & Parks Commission. He was also President of the Greystone Foundation and served on three other city committees. Rudy can be reached at: Rudy@bhweekly.com.*

# coverstory

## STANDING UP FOR WHAT'S RIGHT

The Weekly's exclusive interview with Assemblymember Mike Feuer

By Marla Schevker

**So this will be your last term in the Assembly. What's next?**



Well, let me say that I'm riveted on doing the best job I can for the next two years. What happens thereafter will take care of itself. My constituents want me to focus on the budget, making sure that the state can continue to perform its most important priorities in the next couple of years. There is a list of top priority items we need to address in the state. Among those is resolving our budget crisis, generating jobs, improving public education and access to health care, making sure our transportation system is dramatically better, in addition to focusing on protecting senior citizens and advancing the interests of kids and families. The budget is the overwhelming priority we're going to continue to address. We have to solve our budget problem. It's our top priority and it's deeply tied to job creation. The more revenue we create in the state the more we'll be able to sustain the programs that our citizens count on every day.

I obviously hope to continue to be in public service for the rest of my life. For me it's an enormous privilege to wake up in the morning and only have one agenda: how can I make the world better today. My guess is in the future

I'll be pursuing public service here in the Los Angeles area but for right now my full focus needs to be how to help assure the state recovers from the emergency we've been confronting for the last several years.

**Would you consider running for L.A. City Attorney again?**

Years ago before I was in office, I was reading an interview with a then public official. At the end of the interview, [the official was asked] "what's next." I wanted that official to say here are my priorities for the year to come and instead it was a discussion of the political future that person was to have. That's stuck with me. I think people have little patience for people in office looking for their next job instead of looking to do a great job for the role they are in. I feel so strongly about the intrinsic value of the job I have and spending 110 percent every day to do the best job ever. We have a crisis in the state. People want me to help solve that crisis and that their right. That is my job.

Having said all this, people have asked me frequently if I would run for city attorney or if I'd run for county supervisor and these are certainly things I would consider doing in the future. Now all I care about is making the state work at a time of great crisis.

**How is serving in the Assembly different from the L.A. City Council?**

On the [Los Angeles] City Council, I had more individual authority in my jurisdiction in the city. There were 15 council members and a mayor. In the [state] Assembly I can help address much broader issues in the state. The breadth of my jurisdiction is so much more substantial at the state than it was at the city. In the city, I had more individual authority because of the smaller number of decision makers. When I was a City Councilman, for example, I was in charge of the budget of the City of Los Angeles. It's a hugely respon-

sible job and I was proud to help shape budgets that were on time, balanced and really express the priorities of our city. I worked closely with Mayor [Richard] Riordan (1993 - 2001) on a whole array of issues. At the state level there are 120 legislators but I've been honored to have been assigned many key roles. Now I'm the majority policy leader for the Assembly and I chair the Judiciary Committee. I've been co-chairing the Taskforce on Jobs and Economic Recovery and I've been leading a committee on reforming state government, especially our budget process. I've been able to, at the state level, find a way to be at the center of tackling our most important challenges. Even with a much larger legislative body. For me, both jobs have been very rewarding, I really loved my time as a city council member and I've been delighted to be a member of the state legislature too. The scope of the issues are quite different. As a city council member, issues of land use, improving the quality of life in neighborhoods, and making sure police and fire services are the best they can be and response times are as quick as possible are the most important things. At the state level I can address do kids have health care, what dramatic improvements can we make to public transportation, it's a much larger sweeping scale.

**You keep mentioning the budget crisis. What have you been doing to help?**

Last year I was the author of a proposed amendment to the constitution and proposed statute that would have made radical changes to our budget process. Now, those proposals didn't make it through the legislature yet and I intend to continue to focus on them. One aspect of our proposals was on the ballot and passed. That was needing a majority vote to enact the budget, one of the centerpieces of what I proposed and the voters made it law. The proposals I carried were derived from a bipartisan group called California Forward, which has been focused on making changes

to the budget process. Some of the changes include taking a longer term look at our budget instead of just the year ahead, focusing on the what's called performance based budgeting so we can be looking at each program and assess it's effectiveness before we fund it again. [We need to make] sure that one time money goes to one time purposes because you can't sustain a budget over time if you have money that comes in from one year and isn't available in the future [and change] the initiative process so an initiative that proposes a new program or a new tax break shows how it will pay for those changes before the voters vote on it. Those are some of the things I've been championing in the legislature. Changing the status quo is always enormously challenging. Especially when you have a process that's been in place for a long time, people have a stake in keeping it that way. But as a city council member as well as in the state legislature, I've been a key voice for not simply doing things as we've done in the past but making real reform count.

**Your father, Mel Feuer, was recently honored at the Maple Counseling Center's Haunted Crystal Ball. Tell us about that.**

My dad is a real hero. He was a hero in WWII, having survived a Nazi prisoner of war camp and he's been a hero for kids. My father was a school teacher and principal for 36 years in San Bernardino where I grew up. Here in Los Angeles for 19 years he has been at the Maple Counseling Center. Let me just say, I had a chance to read dozens and dozens of notes and essays written by kids whom my father has interacted with through the Community Circle Program at the Maple Counseling Center. You should read what they said about my dad, how being involved with him changed their lives. He got them thinking very differently about themselves, about what it means to take responsibility, to be truthful, how to handle bullying on the playground, and how to say what they really mean and stand up for something.

One of the most important statements that my father has made is it's truly important to stand for something and my father has stood for integrity, taking responsibility, telling the truth and waking up every day, as I've tried to do, to try make the world better for kids. It was an extremely emotional and rewarding moment when my father received that award. It's a hard thing. My father's life was in San Bernardino and [my father and mother] came to Los Angeles and created a new life, very centered on making the community better. My dad found it to be a very fulfilling experience to

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get that award. It means a lot to him. I actually got to give my dad the award. That was a very special feeling, my dad really deserved it

**As you know, the Westside Subway Extension route has been a controversial issue in Beverly Hills due to the possibility of Metro picking a route that would go under Beverly High. When it comes to the route, do you favor Santa Monica Boulevard or Lasky?**

I submitted a letter to the MTA that says this needs to be a decision based on science and hard data. I urged them to explore two routes, the [Lasky] route and the Santa Monica Boulevard route and to base their decision on the science that results not on politics. The decision is too important to be based on anything other than that. At this point I'm eager for the results of that analysis. It turns out those two routes were the alternatives for the MTA to study further, which I'm pleased about. Safety is obviously my primary concern; safety of the community and riders. With safety as a top concern and science driving the decision, I'm confident we'll come up with the best route.

I take very seriously, the most important criteria in any of this is the safety of the community and ridership. I take very seriously the concerns that would be validated by a scientific study. Let's say, for example, the science comes back that there are two routes each one is as safe as the other of course other criteria comes into play because I want to have the most successful subway route we can possibly have, the subway needs to sustain our economic future and break the gridlock all of us live with every day. But those factors are subordinate to safety.

**What are you most proud of in your Assembly record?**

I'm extremely proud of having authored the legislations that enabled Measure R to get the ballot and I'm very proud of my campaign to make Measure R a reality. \$40 billion dollars to transform our public transportation system here will change Los Angeles for ever. I was talking with [County Supervisor Zev Yaroslavsky] about that when Measure R passed. We were talking about how rare it is when one can have a key role in making history. Measure R has that potential.

I'm very proud of other legislation as well. I wrote what has been called the most comprehensive law in the country to get toxic chemicals out of the products we use every day because of the correlation between chemicals and cancer. I wrote the law that requires insurance companies to provide health insurance to all children, including sick children because of a pre existing condition. I wrote legislation to require that cities around the state reuse their water use by 20 percent in 2020 because we don't have enough water and we need to have a state that can grow in the future. There are so many things that I'm very proud of in all these areas.

I think I'm most proud of so far is I came into office committed to tackling the most important issues in the state in ways that could transform our lives. I have very little patience for just nibbling at the edges of big problems. Life is short, my term is short and my goal in public services is to burn very brightly for

the period I am able to serve. I've been just delighted to be able to play a role in coming to grips with the most important challenges we face in the state. That makes the job worthwhile because obviously the lifestyle is not the most easy to deal with every day. My family is here and I have to go back and forth to Sacramento. To make the job worthwhile, it's really important I can give real meaning to the idea that we have to address the top priorities in the state. I hope that people will agree I've been able to do that.

**Do you spend a lot of time in Sacramento?**

Depends on the week. During the time that the legislature is in session in Sacramento, which is about nine months out of the year, I have to be in Sacramento four days of the week, Monday and Thursday. Some weeks, I go up on Monday and come back on Thursday. Some weeks I fly to Sacramento early Monday morning and back Tuesday evening, fly back to Sacramento on Wednesday and fly back to Los Angeles on Thursday. I often have community meetings on Tuesday nights. I've wanted to achieve something that is difficult to accomplish: to be as accessible to my constituents as a council member would be but to play a role in Sacramento. I'm frequently at community meetings and town hall sessions that often require me to come down in the middle of the week and go back the next day. So often, I think my constituents don't have a good understanding of how important the state legislature can be in improving their lives. So making that connection not only through the laws I write but my presence in the district and trying to respond to the individual constituent problems has been a real priority for me.

But one of the most frustrating aspects of the job is I'm dependent on the Southwest Airlines flight schedule. Sometimes when planes are delayed I can't come back. I've had situations where I've been waiting at the airport and people have been waiting in Los Angeles for me and the plane isn't going to fly and I can't get here. There are weeks that I go back and forth every day because I have activities I need to do here in Los Angeles and I need to be a leader in Sacramento. The logistics of the job are not a high point. It's an exhausting way to

live but it's worth it. Everyone has a commute they have to deal with, mine's just a bit longer than most people's.

**What have been your biggest frustrations?**

I have a couple. One has been the continued decline of the economy so that every year I've been in office in Sacramento, each year has been the toughest year in the history of the state then the next year has been equally or more tough when it comes to the decline in the economy and decline in revenue to the State. That's required every legislator to participate in making gigantic cuts to the state budget in ways we will feel in the state for a generation. It's a fact of life that we in office during an economic downturn of this severity need to make incredibly hard decisions. But, it clearly casts a long shadow over everything we do to confront the fact that we've had to eliminate or reduce programs that people desperately need and have been counting on for years. The other frustration I would point to is there is a tremendous lack of faith in government right now. One of my jobs as a public official, since I first entered public service in the 1990's, is to inspire people to believe accurately there is integrity and real merit in the decisions that we in government make. I'm a strong believer that serving in office is a privilege, a noble profession and a rare opportunity. We've been serving in a time of great cynicism. I've tried in my own way to overcome that with the residents I represent. It's hard to serve in a time when people doubt the efficiency of government. It's our responsibility to show there can be integrity and ethics in the way we serve people.

**Who from Beverly Hills do you work closely with?**

I work well with the City Council. I work well with the Board of Education Members. There are a number of people involved in the business community, homeowners and others. I really enjoy representing Beverly Hills. As a [Los Angeles] City Council Member I did not have the opportunity to represent Beverly Hills directly. My district surrounded Beverly Hills and what I did had an impact on the city. It's been a real treat with me to work closely with leaders in Beverly Hills. I've wanted to

be the most effective public servant, certainly the most effective state legislator, I think of that aspiration every day when I interact with Beverly Hills residents. I think it's been a very productive relationship.

**Tell us about your family.**

I've been married for 27 years to Gail Ruderman Feuer, who is a judge of the LA County Superior Court. She runs one of the busiest criminal courthouses in the country, downtown. Gail had a long career as an environmental lawyer. She was the senior attorney at the Natural Resources Defense Council in Los Angeles. She was if not the preeminent environmental lawyer certainly one of the top in California. She was an environmental lawyer in the Attorney General's Office. She's been a judge for more than five years. She's incredibly talented. I work with the county system and the leaders of the system have told me she is an amazingly talented judge and has a bright future there.

We have two wonderful kids. Our son Aaron is a sophomore at Yale and our daughter Danielle is a senior at North Hollywood High School. The kids are just spectacular kids. I'm very proud of them. Both our kids are environmentally and socially active kids who have been LAUSD trained. I'm a big public school advocate.

My [19-year-old] son Aaron is and has always been very active, even in elementary school, and has been very aware of key community issues. Everything from the environment to the negative effects of tobacco to race relations. As a high school student in particular, he began to express those goals by being elected president of the CA Association of Student Councils. He's written legislation and testified in Sacramento. Now as a Yale student, he teaches in schools in New Haven as a volunteer. He's creating a computer program that will enable students to evaluate the performance of their teachers. He's obtained a large grant to test his model at schools around the country.

My [17-year-old daughter], Danielle, shares many of those interests but is her own person. She was the cofounder of a teenage group that brings Jewish and Islamic teenagers together to bridge what I think are artificial barriers between communities and to help kids understand each other much better and perform community service together. She's an all Los Angeles fast pitch softball pitcher. She competes both for North Hollywood High School and a travel ball team. She was an all league pitcher, MVP of her team for the first three years of her high school career.

**Will your family be happy to have you home more often?**

What's going to happen is just when I'm ready to conclude my assembly career, Danielle is going to go to college. I really make a huge effort. There are very few models in public life of legislators who are great legislators, great spouses and great parents. The logistics of these jobs are so demanding but I really try. We're a very close family and care about each other very much. Certainly, it will be nice for at least Gail and I to be in the same city most nights.



Aaron, Mike, Danielle and Gail Feuer

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limits, and to four hundred dollars (\$400) for committees which support or oppose candidates, and to read as follows:

"A. Limits On Contributions By Persons And Committees:

1. Except as provided in this section and section 1-8-4 of this chapter, no person or committee shall make to any candidate, including the controlled committee of such candidate, a contribution in excess of one hundred and twenty-five dollars (\$125.00) for any single election at which the candidate is attempting to be, or is, on the ballot. Additionally, no candidate or candidate's controlled committee shall solicit or accept any contribution that will cause the amount contributed by the contributor to the candidate or the candidate's controlled committee to exceed one hundred and twenty-five dollars (\$125.00) for any single election at which the candidate is attempting to be, or is, on the ballot.

2. Notwithstanding subsection A1 of this section, if a candidate accepts the voluntary expenditure ceiling established by section 1-8-4 of this chapter, no person or committee shall make to any such candidate, including the controlled committee of such candidate, a contribution in excess of four hundred dollars (\$400.00) for any single election at which the candidate is attempting to be, or is, on the ballot. Additionally, no candidate or candidate's controlled committee shall solicit or accept any contribution that will cause the amount contributed by the contributor to the candidate or the candidate's controlled committee to exceed four hundred dollars (\$400.00) for any single election at which the candidate is attempting to be, or is, on the ballot.

3. No person shall make to any committee which supports or opposes any candidate or candidates, other than a candidate's controlled committee subject to subsections A1 or A2 of this section, and no such committee shall solicit or accept from any such person a contribution or contributions totaling more than four hundred dollars (\$400.00) for any single election.

4. The city council may, by resolution, adjust the contribution limit established in this subsection A in October of every even numbered year to reflect any increase or decrease in the California consumer price index since the last such adjustment of the contribution limit. Such adjustments shall be rounded to the nearest ten-dollar (\$10.00) amount.

5. The limitations of this subsection A shall not apply to contributions of a candidate's personal funds to his or her controlled campaign committee on behalf of his or her own candidacy, and shall apply to contributions from the candidate's spouse."

Section 2. The City Council finds that it is necessary for the preservation of the public peace, health and safety that this Ordinance take effect immediately. This Ordinance will alter the City's campaign finance rules and regulations. If the ordinance does not become effective immediately, but instead becomes effective thirty days after its second reading, then the City's campaign finance regulations will change after the close of the filing period for nomination papers and after candidates have begun to campaign under the previously adopted rules and regulations. It is necessary that this Ordinance take effect immediately to prevent confusion and ambiguity in the enforcement and application of the City's campaign finance rules and regulations. Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health and safety and its urgency is hereby declared. This Ordinance shall take effect immediately upon its adoption.

Section 3. Effective Date. This Ordinance is an Urgency Ordinance adopted for the immediate protection of the public peace, health and safety, containing a declaration of the facts constituting the urgency, and passed by a minimum four-fifths (4/5) vote of the City Council. Accordingly, it shall take effect immediately upon its adoption.

Adopted: November 4, 2010  
Effective: November 4, 2010

JIMMY DELSHAD  
Mayor of the City of  
Beverly Hills, California

ATTEST:  
BYRON POPE (SEAL)

City Clerk

#### ORDINANCE NO. 10-O-2594

AN ORDINANCE OF THE CITY OF BEVERLY HILLS ESTABLISHING DISCLOSURE REQUIREMENTS FOR BALLOT MEASURE COMMITTEES AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE

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

Section 1. Subsection (C) of Section 1-8-1 of Chapter 8 of Title 1 of the Beverly Hills Municipal Code is hereby amended to read as follows:

"To promote informed actions by the electors of the city by requiring the full and truthful disclosure of contributions and expenditures in election campaigns and city ballot measure campaigns;"

Section 2. Section 1-8-2 of Chapter 8 of Title 1 of the Beverly Hills Municipal Code is hereby amended to add new definitions in alphabetical order as follows:

"ADVERTISEMENT: Any general or public communication, including printed, mailed, telephonic, automated, and electronic communications, which is authorized and paid for by a ballot measure committee for the purpose of supporting or opposing a city ballot measure. The term "advertisement" does not include personal communications between individuals, such as personal telephone calls made by an individual to another individual, one-to-one conversations, debates or other informational presentations by an individual, but shall include, without limitation, automated telephone calls to voters.

CITY BALLOT MEASURE: Any initiative, referendum or city-council sponsored measure that is submitted solely to the voters of the City of Beverly Hills.

BALLOT MEASURE COMMITTEE: Any person or combination of persons who directly or indirectly does any of the following in connection with supporting or opposing a city ballot measure:

A. Receives contributions totaling \$1,000 or more in a calendar year;

B. Makes independent expenditures totaling \$1,000 or more in a calendar year; or

C. Qualifies, or has previously qualified, as a committee under applicable State law.

A person or combination of persons that becomes a ballot measure committee shall retain its status as a ballot measure committee until such time as that status is terminated pursuant to Government Code Section 84214 or any successor statute.

QUALIFYING PAYMENT. Any payment, binding promise to pay, contribution, expenditure or independent expenditure of \$250 or more made by a ballot measure committee for an advertisement to support or oppose a city ballot measure. All payments to the same payee in a calendar year shall be aggregated for the purpose of determining the \$250 threshold."

Section 3. Former Sections 1-8-5 and 1-8-6 of Chapter 8 of Article 1 of the Beverly Hills Municipal Code shall be renumbered as Sections 1-8-6 and 1-8-7, respectively.

Section 4. Section 1-8-5 is hereby added to Chapter 8 of Title 1 of the Beverly Hills Municipal Code to read as follows:

"1-8-5: DISCLOSURE REQUIREMENTS FOR BALLOT MEASURE COMMITTEES

A. In addition to the requirements of this Chapter, every ballot measure committee shall comply with the registration and reporting requirements set forth in the Political Reform Act applicable to committees. In addition to other reports required by law, any ballot measure committee that makes a qualifying payment shall, within seventy-two (72) hours of making the first such qualifying payment, file in the office of the city clerk a letter containing the name and address of the committee, the full street address of the committee, the FPPC/Secretary of State identification number of the committee, the name of the treasurer of the committee, and the identifying letter or number of

the city ballot measure(s) supported or opposed by such qualifying payment. It shall be unlawful for any person or committee to knowingly file or publish any name or street address for a committee that is not the complete and accurate name and/or street address of the committee.

B. In addition to any preelection statement required by the Political Reform Act, every ballot measure committee shall file a preelection statement for the following periods at the following times:

a. For the period ending 30 days before the election, the statement shall be filed not later than 25 days before the election.

b. For the period ending 10 days before the election, the statement shall be filed no later than 5 days before the election. Any contribution from any person of more than one thousand dollars, individually or in the aggregate, that is made less than 10 days before the election shall be reported to the City Clerk on the next business day following receipt of the contribution.

C. Every advertisement in support of or opposition to a city ballot measure placed by a ballot measure committee shall include the name of the committee and shall include a clearly visible or audible disclosure statement containing the actual legal name of any person(s) whose cumulative contributions, whether cash or in-kind, to the ballot measure committee total ten thousand dollars (\$10,000) or more in the twelve (12) calendar months immediately preceding the first qualifying payment for that advertisement. If there is more than one donor that has contributed ten thousand dollars (\$10,000) or more in the twelve (12) calendar months immediately preceding the first qualifying payment for that advertisement, the ballot measure committee shall identify in any advertisements the highest donor first followed by other donors in descending order of contribution amount. The order shall be determined on the last practicable date before the advertisement is generally or publicly communicated.

D. Every advertisement in support of or opposition to a city ballot measure shall include a statement indicating that additional information about contributions to the ballot measure committee paying for the advertisement is available at [www.beverlyhills.org](http://www.beverlyhills.org). The City Clerk shall maintain an on-line, publicly available database of all reports submitted by ballot measure committees to the City Clerk.

E. The disclosure statement required to be included in an advertisement pursuant to this Section shall be shown legibly and in a conspicuous manner, in no less than 14-point type in printed, video, or email format, and for at least one-half of the time duration of the advertisement if the advertisement consists of video material. If the advertisement is audio, telephonic or transmitted in some other audible form only, the information shall be spoken so as to be clearly audible and understood by the intended public and otherwise appropriately conveyed for the hearing impaired. Such disclosure statement required to be included in an advertisement by this Section shall convey the following information in substantially the following form:

"This communication is presented by [name of committee] with major funding provided by [legal name of donors in descending order of amount of contribution]. These donors are listed in descending order of contribution amount. More current information regarding the sources of funding for this election campaign is available at [www.beverlyhills.org](http://www.beverlyhills.org)."

This disclosure statement shall not list any donor except donors required to be disclosed by subsection C.

F. In addition to the other requirements of this section, every advertisement in support of, or opposition to, one or more city ballot measures shall contain the official title of the city ballot measure, as provided by the City Attorney, in a clearly audible or legible form."

Section 5. Former Section 1-8-5, renumbered by this ordinance as Section 1-8-6, ("Record Keeping and Audits") of Chapter 8 of Title 1 of the Beverly Hills Municipal Code is hereby amended to read as follows:

"A. Record Keeping: It shall be the duty of each

candidate, treasurer, and principal officer of any committee or ballot measure committee to maintain such detailed accounts, records, bills, copies of checks, and receipts that are necessary to prepare the campaign statements required by this chapter and the Political Reform Act. Such records shall be maintained and retained by the filer pursuant to the provisions of the Political Reform Act and regulations promulgated by the Fair Political Practices Commission. Persons maintaining such records shall, upon not less than seven (7) days' written notice, make such records available for review and/or audit by a designated representative of the City of Beverly Hills.

B. Audits: For the specific purpose of enforcing the provisions of this chapter only, the City Clerk or the City Attorney, or their designated representatives, may investigate and audit the records and reports of any candidate, candidate's controlled committee, and any other committee or ballot measure committee."

Section 6. Subsections (A) and (B) of former Section 1-8-6, renumbered by this ordinance as Section 1-8-7, ("Remedies") of Chapter 8 of Title 1 of the Beverly Hills Municipal Code is hereby amended to read as follows:

"A. Liability for Violations: In the case of any violations of this chapter by a committee, the treasurer and any principal officers or, in the case of a controlled committee, the candidate, may be liable for violations as provided herein. In the case of any violations of this chapter by a ballot measure committee, the treasurer, any principal officers, and any person primarily responsible for the preparation of any advertisement may be liable for violations as provided herein. If two (2) or more persons are liable for any violation, they shall be jointly and severally liable.

B. Misdemeanor Violations and Fines: Any person or candidate for elective office who knowingly or willfully violates any provision of section 1-8-3, 1-8-5 or 1-8-6 of this chapter is guilty of a misdemeanor and upon conviction may be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Allegations that such violations have occurred may, in the discretion of the city attorney, be referred to the Los Angeles County district attorney for investigation and prosecution."

Section 7. 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 attest and 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 8. Pursuant to California Government Code Section 81009.5, the City Clerk shall cause a copy of this ordinance to be forwarded to the California Fair Political Practices Commission.

Section 9. Effective Date. The City Council hereby declares that this Ordinance relates to an election and shall take effect immediately upon its adoption.

Adopted: November 4, 2010  
Effective: November 4, 2010

PASSED, APPROVED and ADOPTED this 4th day of November, 2010.

JIMMY DELSHAD  
Mayor of the City of Beverly Hills, California

ATTEST:  
BYRON POPE (SEAL)  
City Clerk

APPROVED AS TO FORM:  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:  
JEFFREY KOLIN  
City Manager

VOTE:  
AYES: Councilmembers Mirisch, Brien, Krasne, Brucker, and Mayor Delshad





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