

# BUSINESS LICENSE COMMISSION

*Minutes*

*Special Meeting*

*Tuesday, May 9<sup>th</sup>, 2006*

## I. CALL TO ORDER

Chair Murchison called the meeting to order at 6:30P.M.

A. *ROLL CALL:*  
*PRESENT:*

Commissioners: Erik Barker, Pat Rogers, James Kazakos, Vice-Chair Sibyl Zaden, Chair Neill Murchison.

Commissioners Isleib and Reichard were excused.

*STAFF PRESENT:*

Tom Benedetti, Code Compliance Manager; Bruce Robertson, Administrative Staff Assistant.

## II. APPROVAL OF AGENDA

A. *Approval of the Agenda.*

**A move to approve the Agenda by Rogers, and seconded by Barker carried unanimously, noting Commissioners Isleib and Reichard's absence.**

## III. CONSENT CALENDAR

None.

## IV. PUBLIC COMMENT

None.

## V. PUBLIC HEARINGS

None.

VI. NEW BUSINESS

VII. UNFINISHED BUSINESS

VIII. ITEMS FROM STAFF

A. *Brown Act – Review by Asst. City Attorney, Christi Hogin.*

**The Brown Act**

Assistant City Attorney, Christi Hogin gave an overview of the Brown Act to members of the Business License Commission.

Ms. Hogin began by emphasizing the City Council's expectation that the highest standards of openness and accessibility be the priority for all government meetings in West Hollywood.

**Purpose**

To make ALL meetings of Legislative bodies open and accessible to members of the public. (A Legislative body, as defined by the Brown Act is any body created by the City Council).

**Provisions**

Public Comment. Members of the public may speak on ANY item not on the agenda, or on Consent Calendar items.

Discussion. Appointed bodies (Business License Commission) are restricted to talking about or taking action on items listed on the meeting's agenda.

Commission Actions: The body may discuss or act solely on items noticed on the agenda, and not on items brought before the body during Public Comment.

Exceptions (Urgency Items). If after having posted the agenda, an item is brought to the attention of the governing body, which must be discussed or acted upon prior to the next scheduled meeting of that body; the item may be added to the agenda as an Urgency Item and discussed/acted upon by the body. Urgency Items must receive a 2/3 vote of the approving body for passage.

**Meetings**

Regular Meetings. Regular meeting agendas must be posted, as per the Municipal Code, 72 hours prior to the meeting.

Special Meetings. Special meetings require public notice of 24 hours prior to the meeting. A meeting is considered a Special Meeting whenever it is to be held at a place or time other than that approved by the City Council and mandated by the City's Municipal Code.

Serial/Illegal Meetings. Ms. Hogin cautioned the Commission about holding illegal or Serial Meetings. A Serial meeting is one wherein, a quorum of Commissioners meets to discuss a matter of Commission business through telephone, e-mail or other means wherein the public is not included. For example, A lawyer or representative of an applicant might call Commissioners A, B, C and D (75% of the Commission) to discuss a matter of business before the appointed body. After speaking with each commission member, the applicant's representative might then recall each member disclosing the other members' position on the matter.

This would be considered a Serial Meeting. Although the members did not meet physically, to discuss the matter, each did discuss the matter in turn, as well as each member's position on the matter. Essentially, a quorum of commissioners met (via phone or e-mail) and discussed a matter, before the body and in a situation, wherein the public was not present. This is a Serial Meeting.

Exceptions. There are exceptions in which a quorum of Commission members may meet at a single location to discuss or listen to information on specific topic(s). These include:

- a) a conference or seminar
- b) members attending another publically noticed meeting
- c) social event

### **Closed Sessions**

The Brown Act allows decision making bodies to hold closed session meetings if meeting topics include one of the following:

- a) Negotiations. A meeting wherein public disclosure of a negotiation strategy could jeopardize the body's ability to negotiate/strategize effectively.
- b) Litigation Matters. A meeting wherein public disclosure of litigation strategy could jeopardize the body's ability to strategize effectively.
- c) Matters of an extreme personal nature in which public disclosure might unreasonably include matters of a very personal nature, i.e. City Manager evaluations.

*B. Review role of Business License Commission as it pertains to Commercial Code Compliance.*

### **Administrative Remedies Program**

The Administrative Remedies Program was created as a means to allow the City to enforce its Municipal Code with a mechanism also allowing for the adjudication of citations through the appeals process as mandated by the Code and approved by resolution of the City Council.

The Administrative Remedies Program consists of the following:

- a) Citation Issued – *Warning*
- b) Citation Issued – *Order to Pay*  
(if, after the issuance of the third citation, a business continues to violate the Code, the case may, at the discretion of the City, refer that business to the City Prosecutor for criminal prosecution.
- c) Administrative Dismissal – Citation dismissed administratively due to a technical error by Staff
- d) Appeal – Citations may be appealed (within 21 days of issuance). Appeals, at this level are heard and reviewed by city staff.
- e) Appeal – Citations upheld by a City hearing examiner may be further appealed through the Beverly Hills Court system.

**Referral to the Business License Commission**

If a violation is egregious or cannot be mitigated through Administrative Remedy procedures, the City may refer the business to the Business License Commission wherein a hearing may be held to determine what course of action, if any, would be appropriate to bring the business into compliance with City codes.

IX. LEGISLATIVE

X. PUBLIC COMMENTS

XI. COMMISSION CHAIRS REPORT/ITEMS FROM COMMISSIONERS

XII. ADJOURNMENT

A motion was made to adjourn to the next scheduled meeting of the Business License Commission, to be scheduled as necessary upon the direction of the Director of Public Safety, from 6:30 PM until completion at West Hollywood Park Auditorium, 647 No. San Vicente Blvd., West Hollywood. Motion carried.

Meeting adjourned.

PASSED, APPROVED AND ADOPTED THIS DAY OF

JULY 11, 2006.

CHAIRPERSON:

W. J. [Signature]

ATTEST:

BUSINESS LICENSE OFFICER:

[Signature]