

Report to the Los Angeles City Ethics Commission on
an apparent violation of LAMC 48.04(B) by Nicole
Shahenian

March 12, 2017

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¹Note that blue text indicates clickable links internal to this document whereas magenta text indicates clickable links to resources on the Internet.

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1 Synopsis

1. On December 30, 2014, Nicole Shahenian, executive director of the East Hollywood Business Improvement District, submitted a report to City Clerk Holly Wolcott for the purpose of having it adopted by City Council. She stated that the report had been lawfully prepared by the East Hollywood BID’s Board of Directors. This statement was false, adoption of the report by the Council was municipal legislation, and Shahenian was registered with the City as a lobbyist on that day. Thus did she violate [LAMC §48.04\(B\)](#).

2 Background

2. Business improvement districts (“BIDs”) are a form of assessment district authorized by the [Property and Business Improvement District Law of 1994](#) (“the PBID Law”).²
3. The law at [§36612](#) mandates the formation of a Property Owners’ Association (“POA”) in parallel with each BID or the nomination of an existing association to serve as the BID’s POA. The POA contracts with the City to administer the assessments collected from property owners within the BID.
4. One of the obligations placed upon the POA by the law, at [§36650](#), is the preparation of an annual planning report (“APR”). According to [§36650\(c\)](#), this report may either be accepted by the City Council on presentation or else modified by them and accepted as modified.
5. The East Hollywood BID (“EHBID”) is a BID in the City of Los Angeles. It is administered by the Hollywood Chamber of Commerce (“Hollywood Chamber”). Nicole Shahenian is employed by the Hollywood Chamber and also acts as the Executive Director of the EHBID.
6. In the City of Los Angeles, BIDs are supervised on behalf of the City through the office of the City Clerk. The Clerk accepts submissions of required documents, disburses or withholds funds, makes recommendations to the City Council on matters regarding BIDs, and so on. Holly Wolcott is the Los Angeles City Clerk. She was also the Clerk in December 2014.

3 The law

7. The Los Angeles Municipal Code at [§48.04\(B\)](#) states that:

No lobbyist or lobbying firm subject to the requirements of this article shall ... Fraudulently deceive or attempt to deceive any City official with regard to any material fact pertinent to any pending or proposed municipal legislation.

²California Streets and Highways Code §36600 et seq.

4 That Nicole Shahenian violated LAMC §48.04(B) in December 2014

4.1 Nicole Shahenian made statements of purported fact about the EHBID's 2015 APR

8. On December 30, 2014, Nicole Shahenian submitted the EHBID's 2015 APR to Holly Wolcott along with a letter stating:

As required by the Property and Business Improvement District Law of 1994, California Streets and Highways Code Section 36650, the Board of Directors of the East Hollywood Business Improvement District has caused this East Hollywood Business Improvement District Annual Planning Report to be prepared at its meeting of December 29, 2014.

See Exhibit 1 (page 11).³

9. This sentence contains at least three statements of purported fact:
 - (a) That the Board of Directors of the EHBID met on December 29, 2014.
 - (b) That the Board caused the 2015 APR to be prepared.
 - (c) That the report was prepared as required by the PBID Law.

4.2 These purported facts were material and pertinent to municipal legislation

4.2.1 City Council's consideration of the APR is municipal legislation

10. The Los Angeles Municipal Code at §48.02 defines "municipal legislation" to include

... any legislative or administrative matter proposed or pending before any agency ... if ... the City Council [or] any of its committees ... is charged by law with making a final decision on the matter.
11. The Property and Business Improvement District Law at §36650 designates the City Council as the municipal agency responsible for accepting, rejecting, or modifying the APR. See paragraph 4 above.
12. On January 27, 2015, the Economic Development Committee considered the EHBID's 2015 APR and recommended to the Council that it be adopted. See Exhibit 2 (page 13). The report went before the full Council on February 3, 2015, and was adopted.⁴

³This item and other documentation in this report is available directly from the City in [Council File 13-0199](#)

⁴Again, see [Council File 13-0199](#).

13. Therefore the City Council is charged by law with making final decisions on BIDs' APRs and, as shown, actually did so in the case of the EHBID's 2015 APR. Thus the Council's consideration and adoption of the APR is an instance of municipal legislation.

4.2.2 The purported facts were material and pertinent

14. On January 14, 2015, Holly Wolcott submitted the EHBID's 2015 APR to City Council with a cover letter recommending that the City Council:
 - (a) FIND that the attached Annual Planning Report for the East Hollywood Property Business Improvement District's 2015 fiscal year complies with the requirements of the State Law.
 - (b) ADOPT the attached Annual Planning Report for the East Hollywood Property Business Improvement Districts 2015 fiscal year, pursuant to the State Law.

See Exhibit 3 (page 15).

15. The PBID Law requires the Board to cause the report to be prepared (see paragraph 4) and so Shahenian's statement that the Board caused the report to be prepared is pertinent and material with respect to the Council's consideration of the adoption of the APR. If the Board had not caused the report to be prepared then the report would not have complied with the requirements of the PBID Law, so Wolcott would not have recommended that the Council find that it did comply. Presumably, then, lacking Wolcott's recommendation, the Council would not have adopted the report.
16. Shahenian's statement that the Board caused it to be prepared at a December 29, 2014 meeting is pertinent and material for at least two reasons:
 - (a) It lends contextual credibility to the statement that the Board caused the report to be prepared.
 - (b) If the report were prepared but not prepared at a meeting, it would not have been prepared in accordance with state law, which makes POAs subject to the Brown Act.⁵ The Brown Act requires decisions of the Board to be made at public meetings, hence a non-meeting preparation of the report would not have been lawful.

Thus if the 2015 APR had not been prepared at a meeting, it would not have complied with the requirements of the PBID Law so, again, Wolcott would not have recommended that the Council find that it did.

17. Shahenian's statement that the report was prepared as required by the PBID Law was material in the same sense: If this were not the case, Wolcott wouldn't have recommended that the Council find that it was the case.

⁵At §36612.

18. Without Wolcott's recommendations, it's likely that the Council would not have adopted the APR. Thus the statements of fact that Shahenian made about the 2015 APR were material to the municipal legislation consisting of the adoption of the 2015 APR.

4.3 Nicole Shahenian deceived Holly Wolcott about these material facts

4.3.1 The EHBID Board did not meet on December 29, 2014

19. The minutes of the November 12, 2014 meeting of the EHBID Board state that the next meeting would take place on January 13, 2015. Furthermore, these minutes contain no mention of the 2015 APR. See Exhibit 4 (page 18).
20. The EHBID Board met on January 27, 2015. At this meeting they approved the minutes of the meeting of the November 12, 2014 meeting. There is no mention in these minutes of any Board meetings in December 2014. These minutes contain no mention of the 2015 APR. See Exhibit 5 (page 22).
21. I obtained the above-cited minutes from the EHBID via a California Public Records Act request some time ago. In order to be certain that there was not an inadvertent omission in response to that request, on March 5, 2017, I asked the EHBID's attorney, Jeffrey Charles Briggs,⁶ for a copy of the minutes of the December 2014 meeting of the EHBID Board, if any such minutes existed. See Exhibit 6 (page 26).
22. On March 8, 2017 Briggs responded to me, stating:

There was no EHBID Board meeting in Dec 2014. Consequently EHBID has no records responsive to your request below.

See Exhibit 7 (page 28).

4.3.2 The EHBID Board did not lawfully cause the 2015 APR to be prepared

23. If the Board did not cause the 2015 APR to be prepared, then *a fortiori* it did not lawfully cause it to be prepared.
24. If the Board did cause the 2015 APR to be prepared, then the fact that it did not cause it to be prepared, or at least approved, at a public meeting (see Section 4.3.1) along with the fact that the Board is subject to the Brown Act (see paragraph 16) means that it was not lawfully prepared.

⁶California State Bar #100369.

4.3.3 Therefore Nicole Shahenian’s statements of fact were deceptive

25. None of the three statements⁷ of material⁸ fact made by Nicole Shahenian to Holly Wolcott with respect to the EHBID’s 2015 APR were true.⁹ They were therefore deceptive. That Wolcott relied on them in her recommendation to Council shows that Wolcott was in fact deceived by them.

4.4 Shahenian’s deception was fraudulent

26. The Hollywood Chamber of Commerce has signed a contract with the City to administer the BID. The contract is number **C-119858** and is available via the Council File Management System. In particular, Section 2.2(A) requires the submission of the APR:

Corporation shall prepare and submit to the City Clerk a Planning Report for each fiscal year for which Assessments are to be levied and collected. The Planning Report shall be prepared in accordance with Section 36650 of the Act and shall contain all items required by said Section. The first Planning Report shall be submitted by December 1, 2012 and by December 1 of each subsequent fiscal year of District operations for which assessments are to be levied and collected. The District’s “fiscal year” shall be from January 1 to and including December 31. These reports are subject to review, approval and or modification by the City Council.

See Exhibit 8 (page 30).¹⁰

27. Section 5.2 of the City’s contract with the Hollywood Chamber states that the City will disburse funds to the BID as long as the BID complies with Section 2 of the contract:

The City Clerk will notify Corporation of the amount of funds available within twenty (20) business days of the date of receipt of a transmittal of funds to City from the County of Los Angeles, or the receipt of funds through the direct billing by City of public agencies or other entities. Corporation will deliver an invoice to the City Clerk requesting such funds. The City Clerk agrees to pay Corporation the amount due Corporation within twenty (20) business days of receiving said invoice, subject to Corporation’s compliance with Section 2 of this Agreement . . .

See Exhibit 9 (page 32).

28. Thus if the EHBID was found to have failed to “prepare and submit” the APR “in accordance with Section 36650” of the PBID Law, the BID would have been liable to have its assessments withheld. These assessments came to \$216,742 in 2015. See Exhibit 10 (page 34).

⁷See paragraph 9.

⁸ See Section 4.2.

⁹See Sections 4.3.1 and 4.3.2.

¹⁰Note that I am only including selected pages of the contract as the whole thing is 120 pages long.

29. Furthermore, the PBID Law at [§36670\(a\)\(1\)](#) states that:

Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances: ...If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

Note that on finding malfeasance or violation of law, it is mandatory that City Council notice a disestablishment hearing.

30. Thus by deceiving Holly Wolcott about the fact that the APR was not lawfully prepared, Nicole Shahenian made it possible (a) for the BID to receive \$216,742 under the false pretense that the BID was in compliance with legal and contractual requirements. Also, by deceiving Holly Wolcott about the fact that the APR was not lawfully prepared, Nicole Shahenian prevented the City Council from carrying out its mandated duty to notice a hearing on the disestablishment of the BID based on her malfeasance with respect to the APR and the violation of the Brown Act in connection with the preparation of the APR. Thus her deceit gained valuable things, money and the continued operation of the BID, for her employer. Therefore her deception was fraudulent.

4.5 Nicole Shahenian was subject to LAMC §48.04(B) on December 30, 2014

31. Nicole Shahenian registered as a lobbyist with the City Ethics Commission on August 1, 2014, stating that she had qualified as a lobbyist on July 1, 2014. See Exhibit 11 (page 36). According to [LAMC §48.07](#), that registration was in force through December 31, 2014 unless revoked. There is no evidence that her status was revoked.

4.6 Quod erat demonstrandum

32. On December 30, 2014, Nicole Shahenian, a lobbyist subject to the requirements of Article 8 of Chapter 4 of the Los Angeles Municipal Code,¹¹ fraudulently¹² deceived¹³ Holly Wolcott, a City official, with regard to material facts pertinent to municipal legislation.¹⁴ Thus, on December 30, 2014, she violated [LAMC §48.04\(B\)](#).

¹¹Section 4.5.

¹²Section 4.4.

¹³Section 4.3.

¹⁴Section 4.2.

5 Requested action

33. I request that the City Ethics Commission investigate the allegations in this report and, if they're found to have merit, see that Nicole Shahenian is held responsible for her unlawful actions.
34. I request that the City Ethics Commission consider whether Nicole Shahenian's violation was knowing and, if so, refer this case to the City Attorney for civil prosecution under the terms of [LAMC §48.09\(C\)\(1\)](#) and recommend appropriate penalties, up to and including debarment from acting as a lobbyist for an appropriate period of time.

6 Exhibits

- 6.1 Exhibit 1 – Nicole Shahenian’s December 30, 2014 cover letter for EHBID 2015 APR submission**



December 30, 2014

Holly L. Wolcott, City Clerk
Office of the City Clerk
200 North Spring Street, Room 224
Los Angeles, CA 90012

Subject: East Hollywood PBID 2015 Annual Planning Report

Dear Ms. Wolcott:

As required by the Property and Business Improvement District Law of 1994, California Streets and Highways Code Section 36650, the Board of Directors of the East Hollywood Business Improvement District has caused this East Hollywood Business Improvement District Annual Planning Report to be prepared at its meeting of December 29, 2014.

This report covers proposed activities of the East Hollywood BID from January 1, 2015 through December 31, 2015.

Sincerely,

Nicole Shahenian
Executive Director
East Hollywood Business Improvement District



6.2 Exhibit 2 – January 27, 2015 Recommendation of the Economic Development Committee

COMMUNICATION FROM CHAIR AND MEMBERS, ECONOMIC DEVELOPMENT COMMITTEE relative to the East Hollywood Property-Based Business Improvement District's (BID) 2015 Fiscal Year Annual Planning Report.

Recommendations for Council action:

1. FIND that the Annual Planning Report for the East Hollywood Property BID's 2015 fiscal year complies with the requirements of state law.
2. ADOPT the Annual Planning Report for the East Hollywood Property BID's 2015 fiscal year, pursuant to state law.

Fiscal Impact Statement: The City Clerk reports that there is no impact to the General Fund associated with this action.

Community Impact Statement: None submitted.

SUMMARY

At its regular meeting held on January 27, 2015, the Economic Development Committee considered a City Clerk report dated January 14, 2015 relative to the 2015 Fiscal Year Annual Planning Report for the East Hollywood Property-Based BID.

After providing an opportunity for public comment, the Committee approved the recommendations in the City Clerk report. This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

COUNCILMEMBER CURREN D. PRICE, JR., CHAIR
ECONOMIC DEVELOPMENT COMMITTEE

<u>MEMBER</u>	<u>VOTE</u>
PRICE:	YES
KREKORIAN:	YES
HUIZAR:	ABSENT
CEDILLO:	ABSENT
MARTINEZ:	YES
WESSON:	ABSENT
KORETZ:	ABSENT

REW
1/27/15
FILE NO. 13-0199

6.3 Exhibit 3 – Holly Wolcott’s January 14, 2015 recommendation to Council regarding EHBID 2015 APR

HOLLY L. WOLCOTT
CITY CLERK

GREGORY R. ALLISON
EXECUTIVE OFFICER

City of Los Angeles CALIFORNIA



ERIC GARCETTI
MAYOR

OFFICE OF THE
CITY CLERK

NEIGHBORHOOD AND BUSINESS
IMPROVEMENT DISTRICT DIVISION
200 N. SPRING STREET, ROOM 224
LOS ANGELES, CA 90012
(213) 978-1099
FAX: (213) 978-1130

MIRANDA PASTER
DIVISION MANAGER

clerk.lacity.org

January 14, 2015

Honorable Members of the City Council
City Hall, Room 395
200 North Spring Street
Los Angeles, California 90012

Council Districts 4 & 13

REGARDING: THE EAST HOLLYWOOD (PROPERTY-BASED) BUSINESS
IMPROVEMENT DISTRICT'S 2015 FISCAL YEAR ANNUAL
PLANNING REPORT

Honorable Members:

The Office of the City Clerk has received the Annual Planning Report for the East Hollywood Property Business Improvement District's ("District") 2015 fiscal year (CF 13-0199). The owners' association of the District has caused to be prepared the Annual Planning Report for City Council's consideration. In accordance with Section 36600 et seq. of the California Streets and Highways Code ("State Law"), an Annual Planning Report for the District must be submitted for approval by the City Council. The East Hollywood Property Business Improvement District's Annual Planning Report for the 2015 fiscal year is presented with this transmittal for City Council's consideration as "Attachment 1."

BACKGROUND

The East Hollywood Property Business Improvement District was established on September 14, 2011 by and through the City Council's adoption of Ordinance No. 181881, which confirmed the assessments to be levied upon properties within the District, as described in the District's Management District Plan. The City Council established the District pursuant to State Law.

ANNUAL PLANNING REPORT REQUIREMENTS

The State Law requires that the District's owners' association shall cause to be prepared, for City Council's consideration, an Annual Planning Report for each fiscal

year for which assessments are to be levied and collected to pay for the costs of the planned District improvements and activities. The Annual Planning Report shall be filed with the City Clerk and shall refer to the district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following: any proposed changes in the boundaries of the district or in any benefit zones within the district; the improvements and activities to be provided for that fiscal year; an estimate of the cost of providing the improvements and the activities for that fiscal year; the method and basis of levying the assessment in sufficient detail to allow each real property owner to estimate the amount of the assessment to be levied against his or her property for that fiscal year; the amount of any surplus or deficit revenues to be carried over from a previous fiscal year; and the amount of any contributions to be made from sources other than assessments levied.

The attached Annual Planning Report, which was approved by the District's Board at their meeting on December 29, 2014, complies with the requirements of the State Law and reports that programs will continue, as outlined in the Management District Plan adopted by the District property owners. The City Council may approve the Annual Planning Report as filed by the District's owners' association or may modify any particulars contained in the Annual Planning Report, in accordance with State Law, and approve it as modified.

FISCAL IMPACT

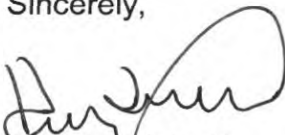
There is no impact to the General Fund associated with this action.

RECOMMENDATIONS

That the City Council:

1. FIND that the attached Annual Planning Report for the East Hollywood Property Business Improvement District's 2015 fiscal year complies with the requirements of the State Law.
2. ADOPT the attached Annual Planning Report for the East Hollywood Property Business Improvement District's 2015 fiscal year, pursuant to the State Law.

Sincerely,



Holly L. Wolcott
City Clerk

HLW:GRA:MCP:RMH:ev

Attachment: East Hollywood Property Business Improvement District's 2015 Fiscal Year Annual Planning Report

6.4 Exhibit 4 – Approved minutes of the November 12, 2014 meeting of the EHBID Board

East Hollywood Business Improvement District

BOARD MEETING MINUTES Tuesday, November 12, 2014 3:30 PM

Governors Attending: Jeff Zarrinnam, chair; Alexanyan, Farrell, Masachi, Tashjian, Taufer. Underdown

Staff: Gubler, Shahenian

Guests: Mark Brady, Barnesdall Plaza; Eric Menjivar, AD-43 (Gatto); Officer Nina Preciado, LAPD Northeast Division; Leonardo Rodriguez, Atelierv, Inc.; Sharyn Romano, LA/HBT; Aram Taslagyan, CD-13; Gabrielle Taylor, City Attorney's Office; Mark Vaghei, Urban Form, LLC; Taylor Wolfson, Cerrell Associates

I) Call to Order

Zarrinnam called the conference call meeting to order at 3:45 pm. The group members in attendance made self-introductions.

II) Approval of October 14, 2014 Full Board and Nominating Committee Meeting Minutes

Motion by Alexanyan, seconded by Farrell to approve the October 14, 2014 BID Board and Nominating Committee meeting minutes.

Motion carried.

III) Point to Point Car Sharing presentation

Wolfson discussed a City Council motion that has been introduced regarding car sharing programs. Wolfson asked that the BID Board support the inclusion of point-to-point car sharing programs in the City motion.

Motion by Underdown, seconded by Massachi to support the inclusion of the point to point car sharing model in the City's car sharing pilot program.

Motion carried.

IV) Proposed By Law Revision

The group discussed the need to improve attendance from Board members at BID Board meetings. It was noted that a draft amendment had been circulated to the Board according to the bylaws.

Motion by Massachi, seconded by Alexanyan to adopt the proposed bylaw amendment on Board attendance.

Motion carried.

V) Report from CD-13

Aram Taslagyan updated the Board on the activities of CD-13. He discussed efforts to clean up Barnesdall Park by local neighborhood groups. He also discussed plans for bike lanes throughout Hollywood.

VI) Report from City Attorney's office

Gabrielle Taylor introduced herself and noted that she is the Neighborhood Prosecutor assigned to East Hollywood. She discussed efforts around cleaning up the homeless encampments throughout the BID.

VII) Public Comment

Mark Vaghei discussed the 80 Cool Rooms hotel project at 5600 Hollywood Blvd. He asked for the BID's to consider support of the 9500 sq. ft. boutique hotel project.

VIII) Cleaning Contract Update

Romano discussed the LA/HBT cleaning efforts. She noted that 738 trash bags had been pulled by HBT teams in October. She noted that HBT had completed the planting of Lilies in 68 tree wells on Vermont from Hollywood to Santa Monica blvd.

The group discussed removal of non-operating payphones within the BID. Zarrinnam will secure a price quote for removal.

IX) LA Minimum Wage Discussion

BID Board discussed efforts by the City Council to increase the Minimum Wage in Los Angeles.

Shahenian noted that the Hollywood Chamber had adopted a position in support of the Mayor's proposed \$13.25 increase with several contingencies relating to protecting the small business and non-profit communities.

Motion by Alexanyan, seconded by Farrell to support the Mayor's proposed increase of the Minimum Wage to \$13.25 with the following contingencies:

- 1) Provide a Longer Phase in period to get to \$13.25 Minimum Wage
- 2) Need for Immediate and Comprehensive Reform of the LA Business Tax
- 3) A Complete Withdrawal of the Hotel Minimum Wage Ordinance
- 4) A Commitment from the City to Advocate for changes to the State's Tip Earner Policies
- 5) Carve-Out for Non-profit organizations and those employing youth in training programs and mentorship positions

Motion carried.

X) Historic Route 66 BID Update

Zarrinnam updated the group on the status of the Historic Route 66 BID formation. He noted that area property owners have raised \$26,000 towards the creation of the BIDs Management District Plan and has secured 156 letters of support from the parcel owners within the proposed district. The BID will consist of 195 parcels on Santa Monica between Hoover and Vine. CD-13 has agreed to contribute \$40,000 in matching funds towards the establishment of the BID.

Zarrinnam also discussed efforts to create a Hollywood and Western BID on Hollywood Blvd between Edgemont and the 101 Freeway.

XI) Vermont Median Discussion

Shahenian to invite Carlos Rios of LADOT to next BID meeting for update on Median Project. Zarrinnam will outreach to Kevin James for help in moving the project forward. James will be invited to next BID meeting.

XII) Next Meeting Date

The next meeting of the EHBID was scheduled for Tuesday, January 13th at 3:30 pm at the Hollywood Hotel.

XIII) Adjournment

The meeting was adjourned at 5:25 pm.

Respectfully Submitted,



Nicole Shahenian
Executive Director

6.5 Exhibit 5 – Approved minutes of the January 27, 2015 meeting of the EHBID Board

East Hollywood Business Improvement District

DRAFT BOARD MEETING MINUTES

Tuesday, January 27, 2015

3:30 PM

Governors Attending: Jeff Zarrinnam, chair; Alexanyan, Masachi, Shield, Tashjian, Underdown, Zaman

Staff: Gubler, Shahenian

Guests: Mark Brady, Barnsdall Shopping Plaza; Dana Cremin, East Hollywood Los Feliz Homeless Coalition; Susanna Furios, Church of Scientology; Matthew Gomez, Childrens Hospital Los Angeles; Aram Taslagyan, CD-13; Janet Weiland, Church of Scientology;

I) Call to Order

Zarrinnam called the meeting to order at 3:40 pm. The group members in attendance made self-introductions.

II) Public Comment

Dana Cremin of the East Hollywood Los Feliz Homeless Coalition discussed efforts to raise funding to support a full time outreach team to work with homeless in the East Hollywood/Los Feliz neighborhood. The group is looking to raise \$150,000 for the outreach positions and will be holding a fundraiser in March at the Vista.

Shahenian noted that the Hollywood Chamber's Economic Development Committee will be focusing its discussion on the East Hollywood area during the Committee's next meeting on Tuesday, February 17th. She encouraged Board members of the EHBID to attend.

III) Approval of November 12, 2014 Board Minutes and January 14 Nominating Committee Meeting Minutes

Motion by Massachi, seconded by Zaman to approve the January 14, 2015 BID Nominating Committee meeting minutes.

Motion carried.

Motion by Alexanyan, seconded by Massachi to approve the November 12, 2014 Board of Governors meeting minutes.

Motion carried.

IV) Board of Governors Election

The Board conducted a count of all ballots returned for the 2015 Board of Governor's election, with the top 5 candidates being appointed. Members of the Board will be elected to serve a term of 2 years. The results for the top 5 were as follows:

Karreno Alexanyan, Representing Property Owner Larry Worchell - 10 Votes
Mark Brady, Barnsdall Plaza – 11 Votes
Catherine Farrell- 10 Votes
Harvey Shield, Temple Knesset Israel - 11 Votes
James Underdown – 9 Votes

V) Officer Elections

The Board held officer elections.

Chairman:

Motion by Massachi, seconded by Zaman to appoint Karreno Alexanyan as the 2015 Chairman of the EHBID Board of Governors.

Motion Carried.

Vice Chairman:

Motion by Massachi, seconded by Zaman to appoint Jeff Zarrinam as the 2015 Vice Chair of the EHBID Board of Governors.

Motion Carried.

Treasurer:

Motion by Massachi, seconded by Zaman to appoint Mark Brady as the 2015 EHBID Board of Governors Treasurer.

Motion Carried.

Secretary:

Motion by Alexanyan, seconded by Massachi to appoint Ellen Zaman as the 2015 East Hollywood BID Board of Governors Secretary.

Motion Carried.

VI) Report from CD-13

Aram Taslagyan updated the Board on the activities of CD-13. He noted that the Hollyhock House at Barnsdall Art Park will be reopening after 7 years on February 13 at 4:00 PM. He discussed the Department of Transportation effort to meet with BIDs throughout the City to seek input on the installation of bike lanes.

VII) Vermont Median Update

Zarriannam noted that a meeting has been scheduled with Commissioner Romero of the Board of Public Works on February 5 to discuss the delays with the Median project. Interested Board members were invited to participate.

VIII) Cleaning Contract Update

Item carried over until February meeting.

IX) Update on Legislative Items

Shahenian updated the Board on several items being considered by the City Council including efforts to increase the Minimum Wage in Los Angeles; efforts to

phase out the Gross Receipts Tax; and efforts to legalize street vending in the City.

X) Historic Route 66 BID Update

Zarrinnam updated the group on the status of the Historic Route 66 BID formation. He noted that area property owners have raised \$30,000 towards the creation of the BIDs Management District Plan and has secured 156 letters of support from the parcel owners within the proposed district. The BID will consist of 195 parcels on Santa Monica between Hoover and Vine. CD-13 has agreed to contribute \$40,000 in matching funds towards the establishment of the BID.

Zarrinnam also discussed efforts to create a Hollywood and Western BID on Hollywood Blvd between Edgemont and the 101 Freeway. He noted that Home Depot has committed to a \$25,000 contribution towards the establishment of the BID.

The Board discussed the stalled Target project on Sunset and Western and the City's efforts to amend the SNAP plan to allow the project to continue.

XI) Next Meeting Date

The next meeting of the EHBID was scheduled for Tuesday, February 17th at 3:30 pm at the Church of Scientology Hotel.

Board members will be asked to take pictures for the website/newsletter at the February meeting.

XII) Adjournment

The meeting was adjourned at 4:48 pm.

Respectfully Submitted,



Nicole Shahenian
Executive Director

6.6 Exhibit 6 – March 5, 2017 email to Jeff Briggs asking for minutes of December 2014 EHBID Board meeting

CPRA request (EBID.2017.03.05.c)

From: [REDACTED]
To: Jeff Briggs <jbriggs@jbriggslaw.com>
Subject: CPRA request (EBID.2017.03.05.c)
Date: Sunday, March 05, 2017 3:44 PM
Size: 810 B

Good afternoon, Jeff.

I'm sorry for the flurry of emails, but I just realized that I don't have the minutes from the December 2014 meeting of the EBID Board, if there was one (I can't tell for sure whether or not there was from the materials I have). If there was, could I have a copy. If not, then obviously I don't need a copy.

Thanks for your forbearance,

[REDACTED]

6.7 Exhibit 7 – March 8, 2017 email from Jeff Briggs stating that there was no December 2014 EHBID Board meeting

RE: CPRA request (EBID.2017.03.05.c)

From: Jeff Briggs <jbriggs@jbriggslaw.com>
To: [REDACTED]
Subject: RE: CPRA request (EBID.2017.03.05.c)
Date: Wednesday, March 08, 2017 2:16 PM
X-Delivered-To: [REDACTED]
Size: 4 KB

There was no EBID Board meeting in Dec 2014. Consequently EBID has no records responsive to your request below.

Jeffrey C. Briggs, Esq.
Briggs Law
6464 Sunset Boulevard
Suite 715
Hollywood, CA 90028
jbriggs@jbriggslaw.com
www.jbriggslaw.com

(323) 461-5400

(323) 908-7275 fax

[Click here to upload encrypted files securely.](#)

"In Hollywood, For Hollywood" SM

Ask me about Hollywood 4WRD and ending homelessness in Hollywood, Hollywood Central Park over the 101 Freeway, and the Walk of Fame Repair Project

-----Original Message-----

From: [REDACTED]
Sent: Sunday, March 05, 2017 3:44 PM
To: Jeff Briggs
Subject: CPRA request (EBID.2017.03.05.c)

Good afternoon, Jeff.

I'm sorry for the flurry of emails, but I just realized that I don't have the minutes from the December 2014 meeting of the EBID Board, if there was one (I can't tell for sure whether or not there was from the materials I have). If there was, could I have a copy. If not, then obviously I don't need a copy.

Thanks for your forbearance,

[REDACTED]

6.8 Exhibit 8 – Page 3 of the Hollywood Chamber of Commerce’s contract with the City to administer the EHBID

SECTION 2. CORPORATION RESPONSIBILITIES

- 2.1. **PROGRAM IMPLEMENTATION AND OPERATION.** Corporation shall be fully responsible for developing, implementing, directing, and operating the District programs, improvements or activities as described in the Management District Plan set forth in Attachment 1, attached hereto and incorporated fully by reference. Corporation understands and expressly agrees that it will comply with all applicable laws and regulations and maintain its non-profit status for the duration of this agreement.
- 2.2. **PROGRAM AND BUDGET REPORTS.** Corporation shall prepare and submit to the City Clerk quarterly activity reports and a planning report for each year for which Assessments are to be levied and collected by City. Corporation shall submit to the City Clerk various District program plans and reports, including the following:
 - A. **Planning Reports.** Corporation shall prepare and submit to the City Clerk a Planning Report for each fiscal year for which Assessments are to be levied and collected. The Planning Report shall be prepared in accordance with Section 36650 of the Act and shall contain all items required by said Section. The first Planning Report shall be submitted by December 1, 2012 and by December 1 of each subsequent fiscal year of District operations for which assessments are to be levied and collected. The District's "fiscal year" shall be from January 1 to and including December 31. These reports are subject to review, approval and or modification by the City Council.
 - B. **Quarterly Activity Reports.** Corporation shall submit quarterly activity reports. The report for January, February and March of each District operating year shall be submitted by April 30 of the subject year; the report for April, May and June by July 31 of the subject year; the report for July, August and September by October 31 of the subject year; and the report for October, November and December by January 31 of the subsequent year. The Quarterly Activity reports shall describe the status and progress of the various District programs, improvements and activities as described and referenced in the Management District Plan and subsequent Planning Reports. The Quarterly Activity Report shall be written in narrative summary form and include summary statistical and financial data.
- 2.3. **FINANCIAL STATEMENTS.** For each fiscal year, Corporation shall submit to the City Clerk a full disclosure financial statement covering the fiscal year with a Certified Public Accountant's review report. Corporation shall include with its financial statement a report of Corporation's activities, including but not limited to those activities listed in the Planning Report for that fiscal year. The first financial statement shall be submitted to the City Clerk by May 1, 2013, and by May 1 of each subsequent fiscal year.
- 2.4. **PROGRAM COORDINATION.** Corporation shall render services in accordance with the Management District Plan and the terms of this Agreement, and shall cooperate with the City Clerk in the execution of the Management District Plan and this Agreement.
- 2.5. **SUPPORT SERVICES.** Corporation assumes responsibility for the contracting for support services as required, and paying for all such direct and indirect expenses as may be necessary for the timely completion of work. Any obligations or expenditures for items not budgeted shall not be paid through assessments collected for the District. In administering subcontracts as necessary for providing District programs, improvements or activities, Corporation shall comply with all applicable State, County and City laws and regulations.
- 2.6. **LIAISON WITH COMMUNITY.** Corporation shall maintain an ongoing liaison relationship with the community. Corporation's responsibilities encompass the following areas:

6.9 Exhibit 9 – Page 6 of the Hollywood Chamber of Commerce’s contract with the City to administer the EHBID

City records upon request from the City Clerk.

SECTION 5. DISBURSEMENTS

- 5.1. Based upon the annual assessments as listed in the Management District Plan or Planning Reports, and with the exception of recoverable City costs and net of any County charges or supplemental City service fees, loans or advances, City shall disburse to Corporation the actual revenues received from District assessments. Assessment revenues shall be disbursed to the Corporation by City periodically throughout each year as close to the time City receives such revenues from the County.
- 5.2. The City Clerk will notify Corporation of the amount of funds available within twenty (20) business days of the date of receipt of a transmittal of funds to City from the County of Los Angeles, or the receipt of funds through the direct billing by City of public agencies or other entities. Corporation will deliver an invoice to the City Clerk requesting such funds. The City Clerk agrees to pay Corporation the amount due Corporation within twenty (20) business days of receiving said invoice, subject to Corporation's compliance with Section 2 of this Agreement and except in the case of circumstances beyond the control of the City Clerk. City shall not be responsible for delays in disbursements to Corporation due to delays in funds transmittals by County or payment delays by other public entities, organizations or agencies.
- 5.3. The City Clerk will notify Corporation of the amount of delinquent assessments and penalties, if any, that have been collected and are available to Corporation for the improvements and activities. Corporation will invoice City for the amount of delinquent assessments. The City Clerk agrees to pay Corporation the amount due to Corporation within ten (10) business days of receiving the invoice for the delinquent assessments that have been recovered, subject to Corporation's compliance with its responsibilities under provisions of this Agreement and except in the case of circumstances beyond the control of the City Clerk. The City Clerk will so notify Corporation of these assessments when the amounts collected exceed five hundred dollars (\$500).
- 5.4. The City Clerk may withhold either all or some portion of the actual revenues received from assessments, if the City Clerk finds that Corporation is not properly administering the budget in accordance with the Ordinance, Planning Report, and Subsections 2.2, 2.3, 2.6 (A) & (B), 2.8 (insofar as it requires Corporation to create a budget and expend funds pursuant to this Agreement, the Management District Plan, and the Planning Report, and in compliance with the Act). The City Clerk will notify Corporation and set forth the specific problems and issues relative to the Corporation's failure to properly implement the improvements and activities stated in Section 2 of this Agreement, the Ordinance, Management District Plan, and Planning Report. The City Clerk and Corporation will immediately attempt to cure the problems if, at the City Clerk's discretion, a cure is appropriate. Funds will be released upon the implementation of an acceptable cure, subject to the approval of the City Clerk and possible modification of the disbursement schedule. This does not alter or diminish in any way City's right to proceed in a manner consistent with California Streets and Highways Code, Section 36670 or other applicable law, or to invoke other appropriate remedies, including termination of this agreement.
- 5.5. If the Corporation is dissolved, dissolves itself, or no longer has non-profit status, prior to or upon the expiration of this Agreement, any unexpended monies will be immediately transmitted to City for distribution as described in Section 10 of this Agreement. Corporation will immediately notify the City Clerk of any such change in corporation status.

SECTION 6. COSTS AND EXPENSES

- 6.1. **RECOVERABLE COSTS.** The recoverable City costs associated with the District's billing, account

6.10 Exhibit 10 – EHBID projected 2015 budget

APPENDIX A - TOTAL ESTIMATED REVENUES/EXPENDIURES FOR THE EAST HOLLYWOOD BID - FY 2015

	Zone 1	Zone 2	Zone 3	Total	
2015 Assessments	\$114,353	\$79,263	\$23,126	\$216,742	
Estimated Carryover from 2014	\$25,853	\$17,919	\$5,228	\$49,000	
Other Income	\$0	\$0	\$0	\$0	
TOTAL ESTIMATED REVENUES	\$140,206	\$97,182	\$28,354	\$265,742	
2015 Estimated Expenditures					Pct.
*Streetscape/Landscape	\$58,137	\$40,296	\$11,757	\$110,190	41%
*Maintenance	\$45,473	\$31,522	\$9,196	\$86,191	32%
Administration/Advocacy	\$20,585	\$14,267	\$4,163	\$39,015	15%
Marketing/Promotions	\$12,579	\$8,719	\$2,544	\$23,842	9%
Contingency	\$3,432	\$2,378	\$694	\$6,504	2%
TOTAL ESTIMATED EXPENDITURES	\$140,206	\$97,182	\$28,354	\$265,742	100%

* Streetscape: Includes \$30,000 in carryover funds from 2014

* Maintenance: \$19,000 in carryover funds from 2014

6.11 Exhibit 11 – Nicole Shahenian’s 2014 lobbyist registration form



Filer Information

Original

NAME OF LOBBYIST Nicole Shahenian	DATE QUALIFIED: Jul 01, 2014
BUSINESS ADDRESS (street address redacted)	PHONE NUMBER (323) 469-8311
CITY, STATE, ZIP CODE: Los Angeles, CA 90028	FAX NUMBER (323) 469-2805
E-MAIL Nicole@hollywoodchamber.net	

I. Lobbyist Affiliation

- I am a LOBBYIST SOLE PROPRIETOR - an independent contract (owner) lobbyist with one or more municipal lobbying clients.
- I am an owner, partner, shareholder, officer, or employee of a LOBBYING FIRM.
- I am employed by a LOBBYIST EMPLOYER.

Hollywood Chamber of Commerce

Name of Lobbyist Employer

II. CITY AGENCIES AUTHORIZED TO LOBBY

- I am authorized to lobby any City Agency
- I am authorized to lobby **only** the agencies identified below:

III. VERIFICATION

I have used all reasonable diligence in preparing this form. I have reviewed the form and the Lobbyist Statement of Understanding (next page) and to the best of my knowledge the information contained herein is true and complete.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

01-Aug-14

nicole Shahenian (e-signed with nshahenian_hcc)

Executed On: (Date)

By: (Signature of Lobbyist)