



**Beverly Hills City Council Liaison / Legislative/Lobby Committee will conduct a Special Meeting, at the following time and place, and will address the agenda listed below:**

**CITY HALL  
455 North Rexford Drive  
4th Floor Conference Room A  
Beverly Hills, CA 90210**

**Tuesday, January 30, 2018  
3:00 PM**

**AGENDA**

- 1) Public Comment
  - a. Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.
- 2) Sanctuary State Update
- 3) Consideration of the League of California Cities' Draft Micro-Wireless Facilities Legislation
- 4) Consider Taking a Position on SB 712 (Andereson) Vehicles: license plate covers.
- 5) State Update
- 6) Federal Update
- 7) Consider Taking a Position on the California Public Utilities Commission Draft Resolution G-3536
- 8) Consideration of a Request for the City to Establish a Definition of Anti-Semitism
- 9) Adjourn

  
Byron Pope, City Clerk

**Posted: January 29, 2018**

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



In accordance with the Americans with Disabilities Act, Conference Room A is wheelchair accessible. If you need special assistance to attend this meeting, please call the City Manager's Office at (310) 285-1014 or TTY (310) 285-6881. Please notify the City Manager's Office at least twenty-four (24) hours prior to the meeting if you require captioning service so that reasonable arrangements can be made.



**CITY OF BEVERLY HILLS**  
**POLICY AND MANAGEMENT**

Item 2

**MEMORANDUM**

**TO:** City Council Liaison/Legislative/Lobby Committee

**FROM:** Cindy Owens, Senior Management Analyst

**DATE:** January 30, 2018

**SUBJECT:** Sanctuary State Update

**ATTACHMENT:**

1. Press Release – United States Department of Justice
2. Letter sent to City of Los Angeles by United States Department of Justice
3. News Article

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**INTRODUCTION**

SB 54 (de León) Law enforcement: sharing data, was signed into law by Governor Jerry Brown on October 5, 2017. Known as the Sanctuary State bill, this legislation limits state and local law enforcement agencies involvement in immigration enforcement. Specifically, it prohibits law enforcement agencies from cooperating with federal authorities and using resources to engage in immigration enforcement.

The City authored a letter of opposition on May 15, 2017 to SB 54 (de León) as the City consistently advocates for the preservation and enhancement of local control. The bill impedes local control by making far-reaching determinations about the appropriate uses of local law enforcement resources.

This item provides an update on the U.S. Department of Justice's actions on sanctuary jurisdictions.

**DISCUSSION**

The current federal administration has accused sanctuary cities/states of violating a federal law that prohibits local governments from restricting information sharing about the immigration status of people arrested from being shared with the U.S. Immigration and Customs Enforcement (ICE) agency.

On January 24, the U.S. Department of Justice ("DOJ") demanded documentation from 23 sanctuary jurisdictions and threatened to subpoena them if they fail to comply. The letters are intended to find out whether police departments in these jurisdictions are failing to share information with federal authorities.

The DOJ has cited a federal law that requires information sharing and says that jurisdictions that do not comply are not eligible to receive Byrne Justice Assistance Grants.

While Beverly Hills is not a sanctuary city, the State of California is a sanctuary state. This could indirectly impact the City as the DOJ could withhold the Byrne Justice Assistance Grants from jurisdictions that violate the information sharing law. The DOJ could also demand money from the 2016 grants be returned to them. The 23 jurisdictions who received letters collected more than \$39 million in Byrne grants in 2016.

### **RECOMMENDATION**

This report is for informational purposes only on the impacts of California becoming a sanctuary state.

## **Item 2**

# **Attachment 1**

## JUSTICE NEWS

### Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Wednesday, January 24, 2018

### **Justice Department Demands Documents and Threatens to Subpoena 23 Jurisdictions As Part of 8 U.S.C. 1373 Compliance Review**

The Department of Justice today sent the attached letters to 23 jurisdictions, demanding the production of documents that could show whether each jurisdiction is unlawfully restricting information sharing by its law enforcement officers with federal immigration authorities.

All 23 of these jurisdictions were previously contacted by the Justice Department, when the Department raised concerns about laws, policies, or practices that may violate 8 U.S.C. 1373, a federal statute that promotes information sharing related to immigration enforcement and with which compliance is a condition of FY2016 and FY2017 Byrne JAG awards.

The letters also state that recipient jurisdictions that fail to respond, fail to respond completely, or fail to respond in a timely manner will be subject to a Department of Justice subpoena.

"I continue to urge all jurisdictions under review to reconsider policies that place the safety of their communities and their residents at risk," said Attorney General Jeff Sessions. "Protecting criminal aliens from federal immigration authorities defies common sense and undermines the rule of law. We have seen too many examples of the threat to public safety represented by jurisdictions that actively thwart the federal government's immigration enforcement—enough is enough."

Failure to comply with section 1373 could result in the Justice Department seeking the return of FY2016 grants, requiring additional conditions for receipt of any FY2017 Byrne JAG funding, and/or jurisdictions being deemed ineligible to receive FY2017 Byrne JAG funding.

The following jurisdictions received the document request today:

- Chicago, Illinois;
- Cook County, Illinois;
- New York City, New York;
- State of California;
- Albany, New York;

- Berkeley, California;
- Bernalillo County, New Mexico;
- Burlington, Vermont;
- City and County of Denver, Colorado;
- Fremont, California;
- Jackson, Mississippi;
- King County, Washington;
- Lawrence, Massachusetts;
- City of Los Angeles, California;
- Louisville Metro, Kentucky;
- Monterey County, California;
- Sacramento County, California;
- City and County of San Francisco, California;
- Sonoma County, California;
- Watsonville, California;
- West Palm Beach, Florida;
- State of Illinois; and
- State of Oregon.

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**Attachment(s):**

[Download 23 Letters](#)

**Topic(s):**

Immigration

**Component(s):**

[Office of the Attorney General](#)

**Press Release Number:**

18-81

*Updated January 24, 2018*

# **Attachment 2**





**U.S. Department of Justice**

Office of Justice Programs

*Bureau of Justice Assistance*

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*Washington, D.C. 20531*

January 24, 2018

Jeff Gorell  
Deputy Mayor  
City of Los Angeles  
200 North Spring Street  
Los Angeles, California 90012

RE: Document request for Grant 2016-DJ-BX-0246, City of Los Angeles, California

Dear Deputy Mayor Gorell:

Thank you for your response to our November 15, 2017, letter regarding your jurisdiction's compliance with 8 U.S.C. § 1373, a federal law with which your jurisdiction must comply as an eligibility requirement for receiving Byrne Justice Assistance Grant (Byrne JAG) funding from the Department of Justice (Department or DOJ). After reviewing your response, the Department remains concerned that your jurisdiction's laws, policies, or practices may violate section 1373, or, at a minimum, that they may be interpreted or applied in a manner inconsistent with section 1373.

In light of these concerns, the Department is requesting certain documents as described below. This request is made consistent with 2 CFR § 200.336, as adopted by Department regulation 2 CFR § 2800.101. In your FY 2016 Byrne JAG award, you agreed to the following (listed as special condition #20):

[The recipient agrees to] cooperate with [the Bureau of Justice Assistance ("BJA")] and [Office of the Chief Financial Officer ("OCFO")] on all grant monitoring requests.... The recipient [also] agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including but not limited to withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

Please respond to the below request by providing to Chris Casto, BJA, at [REDACTED] gov by no later than February 23, 2018, all responsive documents, consistent with the instructions in Attachment A.

Documents Requested:

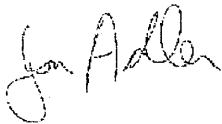
All documents reflecting any orders, directives, instructions, or guidance to your law enforcement employees (including, but not limited to, police officers, correctional officers, and contract employees), whether formal or informal, that were distributed, produced, and/or in effect during the relevant timeframe, regarding whether and how these employees may, or may not, communicate with the Department of Justice, the Department of Homeland Security, and/or Immigration and Customs Enforcement, or their agents, whether directly or indirectly.

BJA will review your submissions and seek additional information, if necessary. The Department fully anticipates your complete cooperation in this matter. Should you fail to respond in a complete and timely manner, the Department will subpoena these documents in accordance with 34 U.S.C. §§ 10225, 10221, 10230, 10151 – 10158, 10102(a)(6), 10110, and 10110 note.

These materials are critical to our ongoing review. Should the Department determine your jurisdiction is out of compliance with section 1373, the Department may, as detailed in your award documents, seek return of your FY 2016 grant funds, require additional conditions for receipt of any FY 2017 Byrne JAG funding for which you have applied, and/or deem you ineligible for FY 2017 Byrne JAG funds.

Thank you for your prompt attention to this request. We look forward to working through this matter with you. Any specific questions concerning this request can be sent to directly to Tracey Trautman, BJA Deputy Director, at [REDACTED] gov or call (202) [REDACTED].

Sincerely,

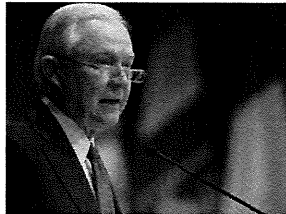


Jon Adler  
Director  
Bureau of Justice Assistance  
Office of Justice Programs  
810 7<sup>th</sup> Street NW  
Washington, DC 20531

# **Attachment 3**

# DOJ threatens California and 'sanctuary cities' with subpoenas, escalating Trump's immigration enforcement campaign

Rebecca Plevin and Kevin Johnson, The Desert Sun Published 9:23 a.m. PT Jan. 24, 2018 | Updated 12:48 p.m. PT Jan. 24, 2018



*(Photo: Chip Somodevilla/Getty Images)*

The Justice Department is threatening the state of California – which has declared itself a sanctuary state for undocumented immigrants – with subpoenas if officials fail to provide documents showing whether local law enforcement officers are sharing information with federal immigration authorities.

The department is threatening a total of 23 states and cities that call themselves sanctuaries. The list also includes Los Angeles, Chicago and the states of Illinois and Oregon.

The demand, outlined Wednesday by Attorney General Jeff Sessions, represents a new escalation by the Trump administration to punish local jurisdictions that do not fully comply with federal immigration enforcement efforts, including by sharing the immigration status of local prisoners.

California has been front and center in the clash over immigration between local jurisdictions and federal authorities. Responding to Sessions' demand, California Attorney General Xavier Becerra said Wednesday that the state complies with federal law and "will be responsive to their request for information as best we can."

He said the Justice Department has requested more information from California's Board of State and Community Corrections to ensure the state and various local jurisdictions are abiding by federal law.

"Everyone has to obey the law," Becerra said. "The state of California will be obeying the law as well."

He added the state will continue to defend the rights of people in California and ensure "no one tries to overreach when it comes the application and enforcement of the law."

Some leaders responded to Sessions' challenge with defiance.

"California will not be bullied by this administration's latest attempt to create a strain on local law enforcement, threaten elected officials and jeopardize our public safety," Sen. Kamala Harris said in a statement.

"It is not in the best interest of a civil society to make our local cops enforce federal immigration law, and divert their already strapped resources towards fulfilling a misguided campaign promise by President Trump," she said.

Mayor Steven Hernandez of Coachella, a heavily Latino city in the Southern California desert that officially became a sanctuary city last summer, was equally resistant.

"Let me be the first to get arrested," Hernandez said. "We're going to do everything we can to defend our position."

The city is one of two sanctuary cities in the Coachella Valley. Cathedral City became a sanctuary in May, and Palm Springs has an unofficial sanctuary city policy preventing law enforcement from focusing on people's immigration status.

The subpoena threat comes as Congress prepares to restart talks on revamping the immigration system, days after lawmakers' failure to reach an agreement on the politically-charged issue led to a three-day government shutdown.

Sessions has made it one of his top priorities to crack down on sanctuary cities, a term that describes more than 300 local governments that have limited their cooperation with federal immigration officials.

Last year, Sessions threatened to withhold millions of dollars of federal assistance if local governments could not prove that they were cooperating with federal authorities.

"I continue to urge all jurisdictions under review to reconsider policies that place the safety of their communities and their residents at risk," Sessions said Wednesday in a written statement. "Protecting criminal aliens from federal immigration authorities defies common sense and undermines the rule of law."



Desert Sun file photo (Photo: Bryan Cox/AP)

Sessions has been highly critical of Senate Bill 54, which made California a sanctuary state. Signed in October by Gov. Jerry Brown, It prohibits local law enforcement agencies from using their resources to carry out immigration enforcement.

Those who support the law, which took effect in January, say it will help rebuild trust between immigrant communities and law enforcement. Those against it say it's a largely symbolic gesture that endangers public safety.

The law prevents sheriffs' departments from complying with immigration authorities' requests to be notified when undocumented individuals are released from jail, unless they have been convicted of a serious or violent felony or several hundred other crimes.

The California State Sheriffs' Association dislikes this policy change because it restricts them from responding to immigration officials' requests regarding people convicted of crimes like repeat drunk driving, animal abusers, chronic abusers of drugs such as heroin, and known criminal gang members arrested for most misdemeanor crimes.

The law also forbids local law enforcement from asking about an individuals' immigration status, using federal immigration authorities as interpreters and providing immigration agents with dedicated office space.

Before the bill passed, some counties also expressed resistance to becoming sanctuaries for undocumented immigrants. In Riverside County, Sheriff Stan Sniff explicitly said the county was not a sanctuary and that his deputies were cooperating with federal immigration officers. But after SB54 was signed into law, Riverside County said it would follow the state's mandate.

"We do comply with immigration as much as California state law allows," said Jerry Gutierrez, assistant sheriff with Riverside County's corrections division.

The Trump Administration's move will likely be challenged by cities and immigration advocates, as federal courts in California and Illinois last year blocked the administration's efforts to withhold federal public safety aid from cities. Chicago officials

argued in September that penalizing cities – withholding funds to support local public safety efforts for shielding undocumented immigrants – was unlawful and unconstitutional.

"The harm to the city's relationship with the immigrant community if it should accede to the conditions is irreparable," U.S. District Judge Harry Leinenweber said then in a 41-page decision, siding with the city of Chicago.

Justice officials, however, believe that cities' receipt of the grant funds is contingent on their compliance with federal law that promotes such information sharing on immigration matters. The department says that local police are required to inform federal authorities before undocumented immigrants are released from custody and allow federal access to local jails.

The latest Trump administration actions identifies 23 of those governments, including the states of California, Oregon and Illinois. They claim that local policies do not encourage cooperation with federal immigration authorities.

For the local and state governments, the stakes are high. Chicago, for example, received more than \$2 million in grants last year, which it used to buy police department vehicles and support non-profit groups working in high-crime neighborhoods.

The communities have argued that immigration enforcement is a federal responsibility and that the U.S. Constitution prohibits Washington from forcing them to assist.

<https://www.desertsun.com/story/news/politics/immigration/2018/01/24/doj-targets-sanctuary-cities-subpoenas/1061926001/>

# **Item 3**





**CITY OF BEVERLY HILLS**  
**POLICY AND MANAGEMENT**

Item 3

**MEMORANDUM**

**TO:** City Council Liaison/Legislative/Lobby Committee  
**FROM:** Cindy Owens, Senior Management Analyst  
**DATE:** January 30, 2018  
**SUBJECT:** Consideration of the League of California Cities' Draft Micro-Wireless Facilities Legislation  
**ATTACHMENT:** 1. League of California Cities Mock Draft – Micro-Wireless Facilities

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Verbal Presentation by Andrew Antwih from Shaw/Yoder/Antwih Inc.

# **Attachment 1**

**League of California Cities  
Mock Draft – Micro-Wireless Facilities**

**Section 1.**

The Legislature finds and declares that, to ensure that communities across the state have access to the most advanced communications technologies and the transformative solutions that robust wireless and wireline connectivity enables, such as Smart Communities and the Internet of Things, improved coordination between federal, state, and local officials must occur for the deployment of advanced wireless communications infrastructure in California that does all of the following:

- (a) Supports the accelerated pace of broadband deployment in a manner that fosters digital inclusion and closes the digital divide for rural and low-income communities.
- (b) Upholds the responsibility of local governments to protect the public health, safety and welfare and ensure fair compensation for the private use of public assets, facilities, structures and property paid for by residents, businesses and taxpayers.
- (c) Protects the ability of residents, businesses and taxpayers to provide public input on the deployment of wireless communications infrastructure in their communities.
- (d) Preserves the ability of local governments to require wireless communication facilities to adhere to reasonable design and location standards, including but not limited to standards related to public safety, aesthetics, location and promotion of increasingly smaller equipment to reduce visual blight, recognizing the impact these facilities can have on the character of neighborhoods, historic districts, view corridors and commercial zones in California's communities.
- (e) Supports the objectives of communities to maximize benefits to the public when public property is being used, including but not limited to benefits to public health and safety, emergency response, equitable deployment of infrastructure, digital inclusion and other public benefits in exchange the leasing or licensing of public assets, structures, facilities and property.
- (f) Preserves the proprietary rights of local public agencies to reserve space on public poles, structures and buildings for public and other innovative uses, including but not limited to the deployment of solar panels, emergency response technology and advertisements for business districts and artistic, cultural and holiday events and displays.
- (g) Recognizes that private communications service providers as profit-centered businesses may not be seeking to deploy micro-wireless facilities in some communities in the near future based on legitimate and non-discriminatory business needs, so the requirement to develop comprehensive local plans for the deployment of micro-wireless facilities should be limited to those communities where a licensed communications service provider has notified an applicable city or county of their interest.
- (h) Ensures that, in those communities where private communications service providers are seeking to deploy micro-wireless facilities, the applicable cities and counties have comprehensive plans in place to streamline deployment, while respecting the unique character of their community.

**Section 2.**

Section 65964.2 is added to the Government Code, to read:

- (a) Within xxx days of the effective date of this section or within xxx days of receiving a complete application from a Licensed Communications Service Provider to construct or install micro-wireless facilities, whichever occurs last, a city or county shall develop a deployment plan for the

installation of micro-wireless facilities on structures in the public right-of-way owned by the city or county through a right-of-way user agreement, master license agreement or similar agreement that shall include, but is not limited to, the following terms:

- 1) An annual license fee for each micro-wireless facility installation, non-pecuniary compensation in lieu of an annual license fee or some combination of both.
- 2) An initial term length of at least 10 years, with options to extend the term.
- 3) The ability for the local government to make adjustments to the license fee annually as set forth in the agreement or periodically based on a review of inflation, as well as license fees in local governments with a similar population size, population density, economic condition or geographic location.
- 4) Administrative and transactional fees that cover the City or County's costs to review, process, and administer the Right-of-Way User Agreement or Master License Agreement, any site-specific approvals, and any non-refundable deposit that the local government may require on a non-discriminatory basis.
- 5) Any deposit bond to secure the provider's faithful performance of all terms, covenants, and conditions of the agreement.
- 6) Reasonable design and location standards that are applicable to micro-wireless facilities that are adopted after a reasonable opportunity for comment has been provided to all interested persons.
- 7) A deployment siting plan negotiated between the provider and the local government that will allow for the issuance of administrative approvals for deployments in areas zoned for primarily industrial, commercial or other non-residential uses once the plan becomes effective and individual projects meet the approval criteria set out in the plan.
- 8) A requirement that the provider shall comply with all ministerial and discretionary approvals issued by the local government and all applicable local, state and federal laws and regulations.
- 9) A prohibition on the placement of micro-wireless facility on any public facility used, operated, or maintained, in whole or in part, for law enforcement, emergency medical services, or fire protection, or public works purposes without the express written consent of the local government and subject to any safety-based conditions placed upon such consent.
- 10) Compliance with all power utility connection requirements, including but not limited to paying all electricity costs associated with the operation of a micro-wireless facility and equipment and installation costs of power meters or unmetered power connections as allowed by the local power utility.
- 11) A requirement for reasonable routine inspections of micro-wireless facilities for compliance with the terms of the agreement.
- 12) A requirement to remove or relocate micro-wireless facilities at the sole cost of the plan user when and as deemed necessary by the local government to accommodate the vacation, relocation, widening, replacement or realignment of the public right-of-way or for any other public project.
- 13) Conditions to provide reasonable and proportional public benefits that include but are not limited to public safety, emergency response, and the equitable deployment of infrastructure in unserved and underserved communities.
- 14) A requirement that the provider indemnify and hold harmless the local government for any and all damage that may result from or be caused by the construction, installation, use, presence, and removal of the micro-wireless facilities in the public right-of-way or on public property.

- (b) For purposes of this section, the following definitions apply:
- 1) "Micro-wireless facility" means a wireless transmitter, receiver, and antenna configuration that is no larger than four (4) cubic feet excluding the mounting bracket and any camouflage elements required by the local government.
  - 2) "Licensed Communications Service Provider" or "provider" means a communications service provider licensed with the California Public Utilities Commission through a Certificate of Public Convenience and Necessity (CPCN), a Registration License, or a Wireless Identification Registration.
  - 3) "Local government" for purposes of this section only means a city, a county, or a city and county including a charter city or county.
- (c) A local government may modify or waive any individual requirements in an agreement subject to this section.
- (d) This section does not reduce, alter, modify, amend or extend any franchise or franchise requirements under state or federal law.
- (e) Nothing in this section shall be interpreted to apply to, supersede, or preempt an existing local government agreement with a provider for wireless and related facilities, including without limitation to any wireless facilities of any type entered into before the effective date of this section, which shall remain in effect. Upon the natural expiration or earlier termination of such an existing agreement, by mutual consent, the provider the local government may enter into an extension of the existing agreement or into a new agreement.
- (f) Nothing in this section shall be construed to modify any applicable rules adopted by the Public Utilities Commission, including without limitation General Order 95, General Order 128, and General Order 159A requirements, regarding the attachment of communications equipment and facilities to a utility pole owned by an electrical corporation or telephone corporation, as those terms are defined in Section 216 of the Public Utilities Code, or any other provision of state or federal law or regulation.

### Section 3.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a City and County has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

# **Item 4**



**SHAW/YODER/ANTWIH, inc.**  
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

**January 28, 2018**

**To:** Cindy Owens, City of Beverly Hills

**From:** Andrew K. Antwih, Partner, Shaw / Yoder / Antwih, Inc.  
Melissa Immel, Legislative Advocate, Shaw / Yoder / Antwih, Inc.  
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwih, Inc.

**Re: SB 712 (Anderson) Vehicles: license plate covers.**

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**Introduction and Overview**

Authored by Senator Anderson (R-Alpine), SB 712 would allow individuals to place license plate covers over the license plates of a lawfully parked vehicle, blocking the license plates from view. Existing law requires that license plates be mounted so they are clearly visible and legible and prohibits the use of license plate coverings, except for full vehicle covers on legally parked vehicles to protect them from the elements. Current law also allows license plate covers that do not prevent identifying information from being read by law enforcement or an electronic device. SB 712 (Anderson) expands current law to allow license plate covers on all legally parked vehicles.

Current law allows for the use of automated license plate readers (ALPRs) by law enforcement and private entities with certain requirements and restrictions. The California Highway Patrol cannot hold data collected with an ALPR for more than 60 days and data collected by an ALPR is to be treated as personal information for data breach notification purposes. ALPR operators and end-users are also required to maintain reasonable security procedures and a privacy policy with restrictions and processes for the selling and sharing of ALPR collected data.

**Legislative Update**

SB 712 (Anderson) recently failed passage on the Senate Floor with a vote of 16-16, with 8 Senators not voting. The measure was subsequently granted reconsideration by a vote of 38-0 and is eligible to be taken up on the Senate Floor again. Earlier this month, the bill passed the Senate Transportation and Housing Committee with an 8-2 vote after having initially failed in that committee in May of last year on a 5-6 vote.

**Arguments in Support/Opposition**

SB 712 (Anderson) is sponsored by the Electronic Frontier Foundation, which asserts that, through the use of ALPRs, "law enforcement is subsidizing companies that turn our privacy into a commodity to be sold to some of the most abusive and discriminatory industries." The author of the bill points to the threat posed to an individual's privacy by the use of ALPRs by private entities for data collection as the reason why the bill is necessary.

The bill is primarily opposed by law enforcement groups, with the California Police Chiefs Association stating that this bill "would allow individuals with expired registration, stolen registration tabs, stolen license plates, or stolen vehicles to park in plain sight, undetected by law enforcement."

**SUPPORT:**

Electronic Frontier Foundation (Sponsor)  
American Civil Liberties Union of California

**OPPOSITION:**

Association for Los Angeles Deputy Sheriffs  
California Police Chiefs Association  
California Public Parking Association  
League of California Cities  
Los Angeles Police Protective League  
Riverside Sheriffs' Association



# **Item 5**



**CITY OF BEVERLY HILLS**  
**POLICY AND MANAGEMENT**

**TO:** Legislative/Lobby Committee  
**FROM:** Cindy Owens, Senior Management Analyst  
**DATE:** January 30, 2018  
**SUBJECT:** Update on State Legislation  
**ATTACHMENT:** None

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Verbal presentation to be given by Andrew Antwih of Shaw/Yoder/Antwih, Inc.

# **Item 6**



**CITY OF BEVERLY HILLS**  
**POLICY AND MANAGEMENT**

**TO:** Legislative/Lobby Committee  
**FROM:** Cindy Owens, Senior Management Analyst  
**DATE:** January 30, 2018  
**SUBJECT:** Update on Federal Legislation  
**ATTACHMENT:** None

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Verbal presentation to be given by Jamie Jones with David Turch & Associates

# **Item 7**



**CITY OF BEVERLY HILLS**  
**POLICY AND MANAGEMENT**

Item 7

**MEMORANDUM**

**TO:** City Council Liaison/Legislative/Lobby Committee

**FROM:** Cindy Owens, Senior Management Analyst

**DATE:** January 30, 2018

**SUBJECT:** Consider Taking a Position on the California Public Utilities Commission Draft Resolution G-3536

**ATTACHMENT:**

1. CPUC Draft Resolution G-3536
2. Natural Gas Moratorium: Los Angeles County
3. Editorial Articles

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**INTRODUCTION**

The California Public Utilities Commission ("CPUC") issued a proposal on December 15, 2017 that would implement an emergency moratorium on new commercial and industrial natural-gas customer connections that would rely on the Aliso Canyon Natural Gas Storage Facility for service. According to the CPUC, this moratorium would occur from January 11, 2018 through March 31, 2018 which is the end of the natural gas heating season, or until further CPUC action, whichever is earlier.

This item is to request the Legislative/Lobby Liaisons consider taking a position the CPUC draft resolution G-3536 (Attached).

**DISCUSSION**

The CPUC submitted draft resolution G-3536 to help avoid an increase in demand for natural gas by new commercial and industrial customers until the CPUC can be assured by the Southern California Gas Company ("So Cal Gas") that there is adequate capacity in the system to meet the foreseeable need.

On November 28, 2017, the CPUC's Aliso Canyon Winter Risk Assessment Technical Report 2017-18 Supplement ("Report") identified an emergency moratorium on new connections as a potential measure to avoid increased demand on natural gas. This moratorium would only affect new connections for industrial and commercial connections. No new residential connections or the transfer of existing connections are affected.

The Report described a series of outages on the So Cal Gas system that include all of the major system elements, storage facilities, pipelines, and compressor stations. The outages collectively put the So Cal Gas system reliability at risk and jeopardize the dependability of natural gas services to So Cal Gas customers. The CPUC cites safety considerations as a reason for this moratorium.

The Los Angeles Economic Development Corporation is concerned about the short term impact such a moratorium will have. In their report (Attached), they state that the following estimated economic and job impacts will occur over the course of the moratorium:

- 5,160 fewer total jobs would be created;
- \$879.5 million lost in future economic output;
- \$323.9 million lost in future labor earnings; and
- \$119.7 million lost in future federal, state and local tax revenues, of which \$13.3 million and \$5.8 million will be lost in tax revenues to Los Angeles County and local cities, respectively.

Additionally, the Executive Director of the California Contract Cities Association, Marcel Rodarte, submitted an Op-Ed article to the LA Daily News (Attached). In this article, Mr. Rodarte states that "... this moratorium could result in unprecedented economic harm to the Los Angeles region, impacting health care facilities, restaurants, and other businesses large and small."

### **RECOMMENDATION**

Staff recommends that the Liaison consider taking a position on CPUC draft resolution G-3536 and provide direction on submitting a letter to the CPUC by the February 1, 2018 deadline.

# **Attachment 1**



DRAFT

**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**  
**ENERGY DIVISION**

**Agenda ID #16200**  
**RESOLUTION G-3536**  
**January 11, 2018**

## **R E S O L U T I O N**

### **EMERGENCY ORDER DIRECTING SOUTHERN CALIFORNIA GAS COMPANY TO IMPLEMENT A MORATORIUM ON NEW NATURAL GAS SERVICE CONNECTIONS**

Resolution G-3536 orders Southern California Gas Company to implement an emergency moratorium on new commercial and industrial natural gas service connections in both incorporated and unincorporated areas of Los Angeles County.

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#### **PROPOSED OUTCOME:**

- Orders Southern California Gas Company (SoCalGas) to implement an emergency moratorium on new commercial and industrial customer gas connections in the Los Angeles County area from January 11, 2018 until further action by the Commission, or March 31, 2018, whichever is earlier.
- Directs SoCalGas to file a Tier 2 Advice Letter to implement tariff changes necessary to implement the moratorium.

#### **SAFETY CONSIDERATIONS:**

- The moratorium is designed to enhance natural gas reliability to core and noncore customers during the winter heating season and thereby preserve public health and safety.

#### **ESTIMATED COST:**

- Unknown at this time.

### **SUMMARY**

This Resolution orders Southern California Gas Company (SoCalGas) to implement an emergency moratorium on new commercial and industrial customer connections in both incorporated and unincorporated areas of Los Angeles County area from January 11, 2018 until further Commission action or

March 31, 2018, whichever is earlier. SoCalGas is directed to submit a Tier 2 Advice Letter to implement the moratorium.

The Aliso Canyon Winter Risk Assessment Technical Report 2017-18 Supplement issued on November 28, 2017 (2017-18 Winter Technical Report) identified an emergency moratorium on new connections as a potential measure to avoid increased demand for natural gas (p. 25). The report described a series of outages on the SoCalGas system that include all of the major system elements: storage facilities, pipelines, and compressor stations. The outages collectively put SoCalGas system reliability at risk this winter and jeopardize reliability of natural gas service to noncore, and potentially core, customers.

A moratorium on new commercial and industrial, natural gas service connections in both incorporated and unincorporated areas of Los Angeles County is necessary to avoid increasing demand for natural gas by new commercial and industrial customers until such time as the Commission is assured that there is adequate capacity in the system to meet foreseeable need taking into account seasonal distinctions. It is reasonable and necessary to implement a moratorium as described in this Resolution, and the California Public Utilities Commission (CPUC) undertakes this action to preserve public health and safety pursuant to its authority under the California Constitution Article XII, Section 6 and Public Utilities Code Sections 451, 701, and 702.

## **BACKGROUND**

In response to the Aliso Canyon natural gas leak, a series of critical planning steps to ensure reliability have been taken along with significant energy conservation efforts by residents as documented by the timeline and resources available at <http://www.cpuc.ca.gov/aliso>. For the 2017-2018 winter period, however, significant new reliability challenges on the SoCalGas system exist due to a series of major unplanned outages and maintenance issues. The Los Angeles region faces greater uncertainty than a year ago with respect to the ability of SoCalGas to meet customer demand this winter.

## **NOTICE**

Notice of this Resolution was made by publication in the CPUC's Daily Calendar and by issuance to the service list of CPUC Investigation (I.). 17-02-002 (the

“Aliso Canyon Investigation”) and Application (A.) 17-10-008 (SoCalGas General Rate Case).

## **DISCUSSION**

### **A combination of events has created an unforeseen emergency situation.**

On January 6<sup>th</sup>, 2016, Governor Brown issued a State of Emergency Proclamation regarding the natural gas leak at Aliso Canyon. In response to the Aliso leak and reduced usage of the gas storage field a set of reviews were undertaken by the Aliso Canyon Technical Assessment Group.<sup>1</sup> The 2017-18 Winter Technical Report found that the unplanned outages of three critical natural gas pipelines have raised significant concerns SoCalGas will be unable to meet natural gas demand during peak winter conditions this winter. Three pipelines that provide almost half of all import capacity into the Los Angeles region are currently out of service. With the exception of Line 4000, it is unlikely these lines will return to service before spring 2018, further constraining gas service to this region during peak winter months.

Although several mitigation measures have been implemented, including authorizing the use of gas from the Aliso Canyon storage field when necessary, expanding programs to deploy more smart thermostats that reduce demand, and other measures taken based on recommendations in the succession of technical reports prepared by the Aliso Canyon Technical Assessment Group, it remains unclear that the actions to date will be sufficient to avoid gas service disruption to noncore customers in Southern California in the event of a colder than normal series of days this winter. As stated in the 2017-18 Winter Technical Report:

Unprecedented pipeline outages (including an October 1, 2017 pipeline rupture) on the SoCalGas system mean that reliable natural gas serve this

---

<sup>1</sup>Aliso Canyon risk assessment technical reports are prepared by an independent review team called the Aliso Canyon Technical Assessment Group, which is composed of technical experts from the CPUC, California Energy Commission, California Independent System Operator, and Los Angeles Department of Water and Power. The reports are available here: <http://www.cpuc.ca.gov/aliso>.

winter to noncore customers, including electric generators, is threatened.  
(See 2017-18 Winter Technical Report, p. 27).

A moratorium on new commercial and industrial natural gas service connections in both the incorporated and unincorporated areas of Los Angeles County served by Aliso Canyon was identified in the Winter Technical Report as a measure to avoid increased gas demand and is reasonable and necessary to address this emergency situation. The moratorium would avoid increased demand for natural gas by these customers to avoid further curtailments to existing customers. The moratorium does not apply to reassignment of customer accounts to existing connections.

SoCalGas shall submit a Tier 2 Advice Letter to implement the moratorium in its applicable tariffs. The moratorium shall remain in effect until SoCalGas can verify to the Commission, through a tier 2 Advice Letter, that it has adequate capacity to service the demand for gas in its service territory taking into account seasonal distinctions, or March 31, 2018, whichever is earlier.

In D.17-11-021, the Commission ordered SoCalGas to file a status report by December 31, 2017, that provides a detailed description of its actions to align the storage cost and storage capacity allocations approved in Decision 16-06-039 with current storage inventory, injection, and withdrawal capacity. Upon receipt of this report, the Commission may consider additional mitigation measures as necessary.

## **COMMENTS**

Public Utilities Code section 311(g)(1) provides that this Resolution must be served on all parties and subject to at least 30 days public review and comment prior to a vote of the CPUC. Section 311(g)(2) provides that this 30-day period may be reduced or waived “in an unforeseen emergency ... .” The CPUC’s Rules of Practice and Procedure also provides that public review and comment may be waived or reduced in an “unforeseen emergency situation” specifically where there are “[a]ctivities that severely impair or threaten to severely impair public health or safety...” (Rule 14.6(a)(1) and/or where there are “[c]rippling disasters that severely impair public health or safety.” (Rule 14.6(a)(2)).

The 30-day comment period is reduced pursuant to these authorities due to the unforeseen emergency situation caused by unplanned gas system outages and

maintenance issues detailed in the 2017-18 Winter Technical Report that threaten to severely impair public health and safety. The Draft Resolution in this matter was mailed to the service lists of I. 17-02-002 (Aliso Canyon Investigation) and A.17-10-008 (SoCalGas General Rate Case) on December 15, 2018. Comments were filed on \_\_\_\_\_.

### **FINDINGS**

1. Unplanned outages, as detailed in the 2017-18 Winter Technical Report, have created an unforeseen emergency situation on the SoCalGas system.
2. A moratorium on new commercial and industrial natural gas service connections in incorporated and unincorporated Los Angeles County is reasonable and necessary to address this emergency situation.
3. SoCalGas should submit a Tier 2 advice letter containing the tariff changes necessary to implement this moratorium.
4. The moratorium should be effective from January 11, 2018, until further Commission action following a Tier 2 advice letter by SoCalGas verifying that it has the capacity to service the demand for gas in its service territory taking into account seasonal distinctions, or March 31, 2018, whichever is earlier.
5. The CPUC undertakes this action pursuant to its authority under the California Constitution Article XII, Section 6 and Public Utilities Code Sections 451, 701, and 702.
6. Public Utilities Code section 311(g)(1) allows the Commission to reduce or waive the public review and comment period in an unforeseen emergency.

### **THEREFORE IT IS ORDERED THAT:**

1. Southern California Gas Company shall implement an emergency moratorium on new commercial and industrial natural gas service connections in incorporated and unincorporated areas of Los Angeles County beginning January 11, 2018. The moratorium shall remain in effect, until Commission action, consistent with General Order 96-B, on a Tier 2 Advice Letter by Southern California Gas Company verifying that Southern

California Gas Company has the capacity to service the demand for gas in its service territory taking into account seasonal distinctions, or March 31, 2018, whichever is earlier.

2. Within 2 days of the effective date of this resolution, Southern California Gas Company shall verify compliance with this Resolution's emergency moratorium in a letter to Timothy J. Sullivan, Executive Director, and Edward Randolph, Energy Division Director.
3. Within 15 days of the date of the effective date of this resolution, Southern California Gas Company shall submit a Tier 2 Advice Letter with all tariff changes necessary to implement the emergency moratorium on new commercial and industrial natural gas service connections in both incorporated and unincorporated Los Angeles County.
4. Southern California Gas Company must request expedited advice letter treatment pursuant to the Commission's General Order 96-B for the advice letters in the Ordering Paragraphs above.
5. Southern California Gas Company must serve its advice letters on all service lists for Investigation 17-02-002 and Application 17-10-008, and any proceedings reasonably impacted by the emergency moratorium adopted in this Resolution.

This Resolution is effective today.

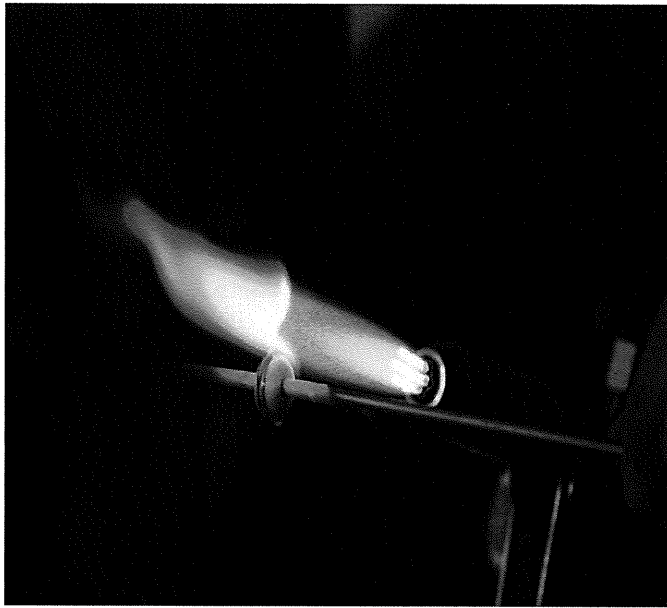
I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on January 11, 2018; the following Commissioners voting favorably thereon:

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TIMOTHY J. SULLIVAN  
Executive Director

# **Attachment 2**

# NATURAL GAS MORATORIUM: LOS ANGELES COUNTY



*an  
EXECUTIVE  
SUMMARY*





Los Angeles County Economic Development Corporation  
444 S. Flower Street, 37<sup>th</sup> Floor ♦ Los Angeles, CA 90071  
(888) 4-LAEDC-1 ♦ [www.LAEDC.org](http://www.LAEDC.org)

This executive summary was commissioned by Southern California Gas Company

The LAEDC Institute for Applied Economics provides objective economic and policy research for public agencies and private firms. The group focuses on economic impact studies, regional industry analyses, economic forecasts and issue studies, particularly in workforce development, transportation, infrastructure and environmental policy.

Every reasonable effort has been made to ensure that the data contained herein reflect the most accurate and timely information possible and they are believed to be reliable.

This report is provided solely for informational purposes and is not to be construed as providing advice, recommendations, endorsements, representations or warranties of any kind whatsoever.

## EXECUTIVE SUMMARY

On December 15<sup>th</sup>, 2017, the California Public Utilities Commission (CPUC) issued a draft resolution, G-3536, to impose an emergency moratorium on all new natural gas service connections across Los Angeles County for commercial and industrial users. The moratorium is proposed to begin on January 11, 2018 and last until CPUC lifts the abeyance or March 31, 2018, whichever occurs first.

The Los Angeles County Economic Development Corporation's (LAEDC) Institute for Applied Economics examined the potential economic implications of the proposed moratorium, including the direct, indirect and induced employment impacts within Los Angeles County.

### Background and Purpose of Inquiry

CPUC Draft Resolution G-3536 proposes to temporarily halt all new commercial and industrial natural gas connections in Los Angeles County.

There may be discernible economic costs associated with such a suspension, primarily due to the fact that industrial, commercial and retail industries depend on natural gas to fulfill their energy needs. And, this temporary suspension could make electric service connections much more expensive for business and real estate development, leading potentially to the suspension or termination of current development contracts as well as the postponement of new commercial projects.

To address these concerns and provide additional insight into potential economic ramifications of this policy proposal, the LAEDC performed a preliminary empirical analysis using relevant data and econometric techniques, as described in the following section.

### Data and Methodology

Econometric time series analysis was used to forecast the resulting effect on jobs for two scenarios: first, the current, "business as usual" path without the implementation of the moratorium; and second, the implementation of the proposed moratorium. Each case was simulated to generate an ensemble of forecasts, and the *difference* in average number of *projected jobs created* under both scenarios yielded a final estimate of the jobs impact of the moratorium in Los Angeles County.

Indirect and induced impacts were estimated using models developed with software and data from the IMPLAN Group, Inc. The economic region of interest was circumscribed to Los Angeles County. Utilizing county-level employment from the State of California Employment Development Department and limited natural gas port installation data from a natural gas utility, the LAEDC used econometric simulation techniques to forecast the effects of the proposed moratorium.

As noted above, the economic forecast employed two competing scenarios, one in which the moratorium went into effect and one in which natural gas service installation continued unabated. For purposes of this analysis, the moratorium scenario was regarded as a hard moratorium, that is, one in which an alternative utility connection was not offered to offset or mitigate the loss in natural gas connections. This assumption was made in the absence of data to suggest otherwise. Since the moratorium, if implemented, is projected to last from January 11<sup>th</sup> through March 2018, the forecasts were similarly tailored to reflect this time span.

Industry level employment, revenue and economic loss predictions reflect the current industry breakdown of current employment in Los Angeles County. Meaning, job loss predictions were based upon current industry employment distribution in the county, and income, output and tax losses reflect the hypothesized scenario of these people not working. Specific industry-level predictions should be interpreted with these assumptions in mind and do not reflect the economic dynamics that would also likely impact the actual number of jobs and associated economic losses precipitated by the moratorium.

It should again be noted that none of the economic impact forecast estimates were mitigated by the projected implementation of an alternative energy source. All forecasts were performed using the assumption of either regular natural gas port installation or a complete moratorium on new commercial and industrial connection installation. Moreover, it should be noted that these impacts may be underestimated due to spillover effects into neighboring counties. Furthermore, the limited temporal range of the forecasts did not account for continuing employment losses in successive months. Finally, all losses should be regarded under a *ceteris paribus* assumption, that is, all other unaccounted economic variables remain constant.

## LAEDC Employment Impact Forecast

If implemented, Draft Resolution G-3536, which would impose an emergency moratorium on all new natural gas service connections across Los Angeles County for commercial and industrial users, will have the following estimated economic and job impacts over the course of the moratorium (January 11<sup>th</sup> through March 2018):

- ▶ 5,160 *fewer* total jobs would be created
- ▶ \$879.5 million lost in future economic output
- ▶ \$323.9 million lost in future labor earnings
- ▶ \$119.7 million lost in future federal, state and local tax revenues, of which \$13.3 million and \$5.8 million will be lost in tax revenues to Los Angeles County and local cities, respectively

The total jobs lost are distributed amongst the current industry employment composition in Los Angeles County. Forecast specifics are presented in Exhibits 1 through 4 below. Again, non-aggregate estimates were made under the *ceteris paribus* assumption and between two competing scenarios. For the purpose of these forecasts, a hard moratorium implies a suspension of natural gas service expansion with no substitute service. The assumption of a hard moratorium was made in lieu of data suggesting substitute to natural gas services.

It should be reiterated that employment loss figures are meant to indicate that roughly 5,200 jobs *would not* be created under the forecast scenario assuming the implementation of a moratorium. This figure should not be taken to mean that this number of jobs will be lost as a result of the moratorium. Rather, the proper inference is that of an opportunity cost, that is, the policy goals of the moratorium will result in almost 5,200 *not* being created or supported in Los Angeles County.

LAEDC notes that this forecast is *only* intended to provide an initial insight into the potential economic implications and impacts of a moratorium. LAEDC suggests that a more comprehensive report be commissioned by policymakers using a more extensive sample of past natural gas service data, employing more specific industry impact data and assimilating information related to natural gas connection substitutions.

Exhibit 1 shows the total economic and fiscal impact of the estimated 5,160 jobs *not* being created in Los Angeles County absent of any mitigating impacts.

### Exhibit 1

#### Economic and Fiscal Impact

<b>Total Economic Impact:</b>		
Output (\$ millions)		\$879.5
Employment (jobs)		5,160
<i>Direct</i>	2,970	
<i>Indirect and induced</i>	2,190	
Labor earnings (\$ millions)		\$323.9
<b>Total Fiscal Impact (\$ millions)</b>		
State and local tax revenues		\$45.7
Federal tax revenues		74.0

Source: Estimates by LAEDC

Exhibit 2 includes a detailed fiscal impact of the total *loss* in tax revenues from the 5,160 jobs *not* being created in Los Angeles County including federal, state and local government impacts.

### Exhibit 2

#### Detailed Fiscal Impact

<b>By Type of Tax (\$ millions):</b>		
Personal income taxes		\$34.0
Social insurance		34.4
Sales and excise taxes		17.7
Property taxes		12.7
Corporate income taxes		14.4
Other taxes and fees		6.4
<b>Total</b>		<b>\$119.7</b>
<b>By Type of Government (\$ millions):</b>		
Federal		\$74.0
State		26.5
County		13.3
<i>Property taxes</i>	\$10.4	
<i>Sales taxes</i>	2.9	
Cities		\$5.8
<i>Property taxes</i>	2.3	
<i>Sales taxes</i>	1.2	
<i>Other fees and fines</i>	2.3	
<b>Total</b>		<b>\$119.7</b>

Source: Estimates by LAEDC; May not sum due to rounding

Exhibit 3 estimates direct, indirect and induced employment impacts of the moratorium. Please note that the distribution of employment impacts reflects the current industry distribution in Los Angeles County.

Exhibit 3

## Employment Impacts by Industry Sector

	Direct	Indirect	Induced	Total
11 Ag, Forestry, Fish & Hunting	2	-	-	3
21 Mining	8	6	1	15
22 Utilities	6	2	1	9
23 Construction	95	17	9	122
31-33 Manufacturing	172	19	10	201
42 Wholesale Trade	140	31	27	198
44-45 Retail trade	230	48	163	441
48-49 Transportation & Warehousing	90	66	30	187
51 Information	126	47	19	193
52 Finance & insurance	154	119	84	357
53 Real estate & rental	188	103	66	356
54 Professional- scientific & tech svcs	275	153	47	475
55 Management of companies	33	31	7	71
56 Administrative & waste services	208	216	63	487
61 Educational svcs	70	3	51	125
62 Health & social services	382	3	264	648
71 Arts- entertainment & recreation	109	42	41	191
72 Accommodation & food services	224	52	164	439
81 Other services	182	39	119	340
92 Government & non NAICs	278	19	11	308
<b>Total</b>	<b>2,972</b>	<b>1,016</b>	<b>1,177</b>	<b>5,160</b>

Source: Estimates by LAEDC; May not sum due to rounding

Exhibit 4 includes an estimate the *total* employment, labor income and output that will not be created in Los Angeles County as a result of the moratorium and absent any mitigating impacts.

Exhibit 4

## Employment Impacts by Industry Sector

	Employment	Labor Income (\$M)	Output (\$M)
11 Ag, Forestry, Fish & Hunting	3	\$0.1	\$0.2
21 Mining	15	2.8	7.0
22 Utilities	9	1.5	7.5
23 Construction	122	8.5	24.3
31-33 Manufacturing	201	16.21	100.1
42 Wholesale Trade	198	15.8	47.5
44-45 Retail trade	441	18.7	42.0
48-49 Transportation & Warehousing	187	11.8	30.7
51 Information	193	26.1	107.0
52 Finance & insurance	357	27.8	71.1
53 Real estate & rental	356	9.3	105.3
54 Professional- scientific & tech svcs	475	43.0	86.1
55 Management of companies	72	8.7	18.2
56 Administrative & waste services	487	18.9	33.6
61 Educational svcs	125	6.5	10.8
62 Health & social services	648	36.4	62.6
71 Arts- entertainment & recreation	191	9.9	21.5
72 Accommodation & food services	439	13.9	32.0
81 Other services	340	15.7	27.3
92 Government & non NAICs	308	32.3	44.9
<b>Total</b>	<b>5,160</b>	<b>\$323.9</b>	<b>\$879.5</b>

# Appendix

## Description of Industry Sectors

The industry sectors used in this report are established by the North American Industry Classification System (NAICS). NAICS divides the economy into twenty sectors, and groups industries within these sectors according to production criteria. Listed below is a short description of each sector as taken from the sourcebook, *North American Industry Classification System*, published by the U.S. Office of Management and Budget (2012).

**Agriculture, Forestry, Fishing and Hunting:** Activities of this sector are growing crops, raising animals, harvesting timber, and harvesting fish and other animals from farms, ranches, or the animals' natural habitats.

**Mining:** Activities of this sector are

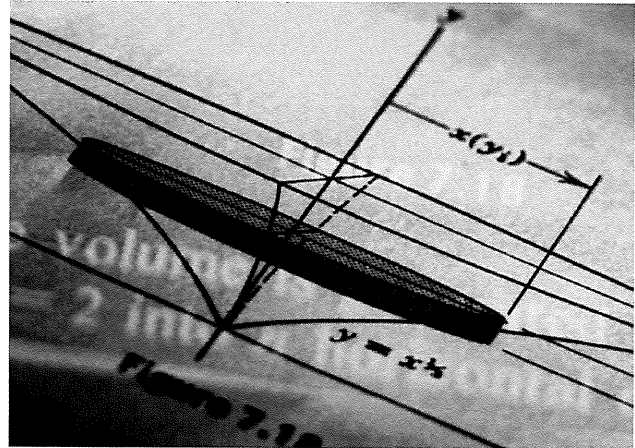
extracting naturally-occurring mineral solids, such as coal and ore; liquid minerals, such as crude petroleum; and gases, such as natural gas; and beneficiating (e.g., crushing, screening, washing and flotation) and other preparation at the mine site, or as part of mining activity.

**Utilities:** Activities of this sector are generating, transmitting, and/or distributing electricity, gas, steam, and water and removing sewage through a permanent infrastructure of lines, mains, and pipes.

**Construction:** Activities of this sector are erecting buildings and other structures (including additions); heavy construction other than buildings; and alterations, reconstruction, installation, and maintenance and repairs.

**Manufacturing:** Activities of this sector are the mechanical, physical, or chemical transformation of material, substances, or components into new products.

**Wholesale Trade:** Activities of this sector are selling or arranging for the purchase or sale of goods for resale; capital or durable non-consumer goods; and raw and intermediate materials and supplies used in production, and providing services incidental to the sale of the merchandise.



**Retail Trade:** Activities of this sector are retailing merchandise generally in small quantities to the general public and providing services incidental to the sale of the merchandise.

**Transportation and Warehousing:** Activities of this sector are providing transportation of passengers and cargo, warehousing and storing goods, scenic and sightseeing transportation, and supporting these activities.

**Information:** Activities of this sector are distributing information and cultural products, providing the means to transmit or distribute these products as data or communications, and processing data.

**Finance and Insurance:** Activities of this sector involve the creation, liquidation, or change of ownership of financial assets (financial transactions) and/or facilitating financial transactions.

**Real Estate and Rental and Leasing:** Activities of this sector are renting, leasing, or otherwise allowing the use of tangible or intangible assets (except copyrighted works), and providing related services.

**Professional, Scientific, and Technical Services:** Activities of this sector are performing professional, scientific, and technical services for the operations of other organizations.

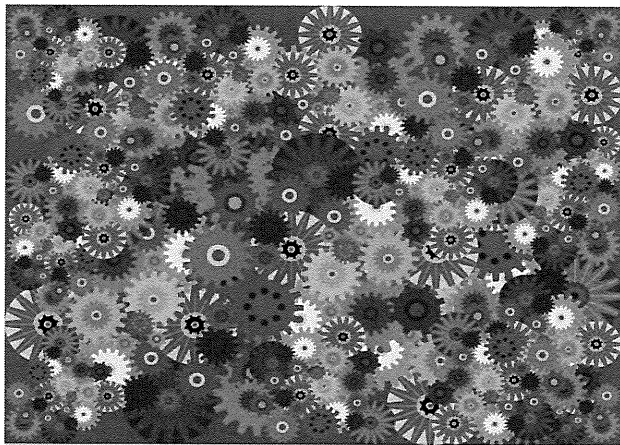


*Management of Companies and Enterprises:* Activities of this sector are the holding of securities of companies and enterprises, for the purpose of owning controlling interest or influencing their management decision, or administering, overseeing, and managing other establishments of the same company or enterprise and normally undertaking the strategic or organizational planning and decision-making of the company or enterprise.

*Administrative and Support and Waste Management and Remediation Services:* Activities of this sector are performing routine support activities for the day-to-day operations of other organizations, such as: office administration, hiring and placing of personnel, document preparation and similar clerical services, solicitation, collection, security and surveillance services, cleaning, and waste disposal services.

*Educational Services:* Activities of this sector are providing instruction and training in a wide variety of subjects. Educational services are usually delivered by teachers or instructors that explain, tell, demonstrate, supervise, and direct learning. Instruction is imparted in diverse settings, such as educational institutions, the workplace, or the home through correspondence, television, or other means.

*Health Care and Social Assistance:* Activities of this sector are operating or providing health care and social assistance for individuals.



*Arts, Entertainment and Recreation:* Activities of this sector are operating facilities or providing services to meet varied cultural, entertainment, and recreational interests of their patrons, such as: (1) producing, promoting, or participating in live performances, events, or exhibits intended for public viewing; (2) preserving and exhibiting objects and sites of historical, cultural, or educational interest; and (3) operating facilities or providing services that enable patrons to participate in recreational activities or pursue amusement, hobby, and leisure-time interests.

*Accommodation and Food Services:* Activities of this sector are providing customers with lodging and/or preparing meals, snacks, and beverages for immediate consumption.

*Other Services (except Public Administration):* Activities of this sector are providing services not specifically provided for elsewhere in the classification system. Establishments in this sector are primarily engaged in activities, such as equipment and machinery repairing, promoting or administering religious activities, grant-making, advocacy, and providing dry-cleaning and laundry services, personal care services, death care services, pet care services, photofinishing services, temporary parking services, and dating services. ❖

# **Attachment 3**

OPINION

## Moratorium on new gas connections fails Economics 101



Photo by Dean Musgrove, Los Angeles Daily News/SCNG  
Firas Hamze of SoCalGas inspects the Porter 44 well with a FLIR camera at the Aliso Canyon natural gas storage facility in Jan. 2017.

By **MARCEL RODARTE** |

PUBLISHED: January 5, 2018 at 6:30 pm | UPDATED: January 6, 2018 at 5:15 pm



A resolution recently introduced by the California Public Utilities Commission is a clear sign that someone missed Economics 101 the day the professor taught about supply and demand.



Concerned with whether Southern Californians will have enough gas to heat their homes this winter, the PUC is recommending a moratorium on all new gas service connections to commercial and industrial customers in Los Angeles County. This means that hundreds of businesses currently under construction, from affordable housing projects to hospitals and universities to restaurants and national chains, would not be able to get natural gas service this winter. Without gas lines, most, if not all, of these businesses will not be allowed to open.

When demand is increasing, the correct response is to increase supply — not shut down the demand.

Moving forward with this moratorium could result in unprecedented economic harm to the Los Angeles region, impacting health care facilities, restaurants, and other businesses large and small. The resolution could jeopardize the funding of many projects currently under construction, including affordable housing projects that are desperately needed by the region, and result in the disruption of work for local employees. Finally, it takes away the customer's choice for energy service. This moratorium could result in a higher energy burden for local communities should projects be forced to electrify rather than wait for natural gas service.

The impact on our communities would be significant and unwarranted.

California Contract Cities Association represents more than 70 member cities with 7.5 million residents. One of the key principles of our mission is to protect local control. Local elected officials are the ones who vote on developments, issue business licenses and inspect new buildings. It is not within the Public Utilities Commission's authority to deny new businesses a service that is a condition of operation. As a result, this resolution threatens the rights of our local municipalities.

The commission's draft proposal was introduced with the intention of ensuring reliability during the cold winter months when demand often spikes as customers turn on their heat. But the truth is this resolution would have no effect on the short-term energy reliability issues facing Southern California this winter.

Rather than curbing demand, the PUC should be focused on the prudent use of natural gas storage facilities, which exist to protect families and businesses against reliability risks like the ones we are seeing now. Improving the supply of natural gas would be a more effective and immediate way for state regulators to prevent energy outages this winter.

Southern California Gas Co. actually addressed this issue in an October 2017 letter to the Public Utilities Commission and California Energy Commission. The utility noted that the PUC's restrictions on the Aliso Canyon storage field challenge regional stability and could increase natural gas prices. While returning Aliso Canyon to its normal operation would be the most effective way to address reliability issues, the utility offered three other mitigation measures — a targeted marketing and education campaign to conserve gas, the creation of demand response programs and custom energy efficiency projects and behavior programs. The PUC should consider all of these measures before taking the dramatic step of approving a moratorium on service to new commercial and industrial developments.

This type of a moratorium is unprecedented in the PUC's history. The commission should not be deciding who in Los Angeles County gets a basic utility service — and who does not.

Members of the Public Utilities Commission are scheduled to vote on the resolution on Jan. 11. For the sake of Southern California's local governments and business communities, I urge them to rescind this disastrous resolution. If you're similarly concerned, please let your voice be heard.

*Marcel Rodarte is executive director of the California Contract Cities Association.*

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Tags: **Guest Commentary**



**Marcel Rodarte**

# A natural gas crisis has put California at an energy crossroads

By The Times Editorial Board

For a few days earlier this winter, it looked like Los Angeles County might run out of natural gas. Even though the country is swimming in natural gas reserves, half the gas pipelines serving the county were shut down (one has since reopened). Meanwhile, the Aliso Canyon storage facility near Porter Ranch has been operating at reduced capacity ever since the massive methane leak there two years ago. The county was one cold snap away from service interruptions.

At least, that was the worst-case scenario the California Public Utilities Commission painted as it sought to impose a moratorium on new gas hookups to commercial and industrial customers until the end of March. Southern California Gas Co. officials said the moratorium would do virtually nothing to ensure there was enough gas for a cold winter, and business groups howled their objections to this unprecedented step (no one can remember a time when natural gas supplies were in such a perilous state that so drastic an action was even suggested). As many as 700 new businesses would have been forced to wait until spring to open their doors, leaving thousands of people out of work for nearly three months. It would have been an economic blow to the region for relatively little gain, local economists said.

*What are state and local elected leaders doing to prepare? Not much.*

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*Share quote & link*

So why all the drama? The moratorium proposal was a showdown of sorts between regulators who want local governments to take steps to curtail gas demand, local officials who want Aliso Canyon shut down for good, and SoCal Gas, which wants restrictions lifted at Aliso Canyon so it can continue selling

natural gas to all its current and new customers. Though it certainly got attention, it was wrong for regulators to threaten to punish a small group of businesses for the sins of others. There are protocols for cutting off gas service in emergencies crafted to avoid such punitive action.

But it is also wrong for elected officials to sit around waiting for the next local gas crisis. There will be one.

Fortunately, a warmer-than-expected winter put the moratorium on hold before anyone could feel its impact. But the issue hasn't gone away. The PUC will consider the moratorium on gas hookups again next month. And then there's always next year. Or the year after that. And what are state and local elected leaders doing to prepare? Not much.

The Aliso Canyon blowout was the largest methane leak in U.S. history. It should have been a catalyst for a state already moving away from fossil-fueled energy to adopt new policies inducing consumers to shift from gas to electricity generated by renewable resources. The lack of action is what prompted the PUC's threat in the first place. SoCal Gas had been warning for months that it couldn't promise there would be enough natural gas on hand to get through the winter unless restrictions on Aliso Canyon were lifted. Gas isn't like electricity; it moves slowly and requires significant supplies in proximity to serve customers.

In a Dec. 4 letter to County Supervisor Kathryn Barger, who represents the communities affected by the Aliso Canyon leak, PUC President Michael Picker and California Energy Commission Chairman Robert Weisenmiller urged the county to adopt a temporary moratorium on new gas connections, noting that the county had made its wish clear for the Aliso Canyon facility to be shuttered. "However," they added, "on the same note, the Los Angeles County has also failed to step up on behalf of its constituents and provide any alternative that would ensure they could still heat their homes in the winter and conduct other necessary household functions."

Even if Aliso Canyon eventually gets restrictions lifted, there are still risks associated with natural gas facilities near residential neighborhoods, as a recent report by the nonpartisan California Council on Science and Technology points

out. The risks can be managed with investment, but "the state needs to weigh the risks associated with underground gas storage against the benefits" and also "compare potential alternatives to underground gas storage in a similar risk-benefit framework," the report's authors contend.

Natural gas is also a fossil fuel, which is why environmentalists support a short-term hookup moratorium as a wake-up call to California's elected officials. If state lawmakers are serious about moving away from fossil fuels such as natural gas, and if local officials want a future without the risks that come with nearby gas storage wells, they can't wait until the next crisis. They must take action now.

# **Item 8**



**CITY OF BEVERLY HILLS**  
**POLICY AND MANAGEMENT**

Item 8

**MEMORANDUM**

**TO:** City Council Liaison/Legislative/Lobby Committee

**FROM:** Cindy Owens, Senior Management Analyst

**DATE:** January 30, 2018

**SUBJECT:** Consideration of a Request for the City to Establish a Definition of Anti-Semitism

**ATTACHMENT:**

1. City Resolution No. 16-R- 13078
2. Fact Sheet Published by the United States Department of State's Special Envoy to Monitor and Combat Anti-Semitism
3. Bal Harbor, Florida Ordinance
4. Article – Why a Florida Village Define Anti-Semitism

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**INTRODUCTION**

In December 2017, Dr. Pablo Nankin contacted the City Council requesting to know what the City's position was in regards to anti-Semitism and if the City was considering implementing the United States Department of State's definition of anti-Semitism.

This item is being brought to the Legislative/Lobby Liaison Committee for consideration and direction.

**DISCUSSION**

The City Council of Beverly Hills entered into a cooperative agreement with Israel in September 2015, when the City Council approved the establishment of a Memorandum of Understanding between the City of Beverly Hills and Israel. This strategic partnership enables joint innovation, research and economic development to achieve collaboration in key sectors such as water conservation, clean energy technology, and arts and culture.

In May 2016, the City Council adopted a resolution to support Assembly Bill 2844, as amended (Bloom), the "California Combating the Boycott, Divestment and Sanctions of Israel Act of 2016". This legislation prohibits a public entity from contracting with a company that is engaging in discriminatory business practices in furtherance of a boycott of any sovereign nation or peoples recognized by the government of the United States, including, but not limited to, the nation of Israel. This legislation was signed into law on September 24, 2016 by Governor Jerry Brown.

The Village of Bal Harbor, Florida adopted an ordinance in 2017 that defined anti-Semitism due to a rise in anti-Semitic crime. The ordinance they adopted provides their law enforcement officials with a uniform definition of antisemitism. This definition assists their law enforcement

officials in evaluating the possible anti-Semitic intent behind criminal offenses, ensuring appropriate treatment of such incidents.

### **RECOMMENDATION**

Staff recommends that the Legislative/Lobby Liaison Committee consider the request by Dr. Nankin and provide direction to staff.



# **Attachment 1**

RESOLUTION NO. 16-R- 13078

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY  
HILLS IN SUPPORT OF AB 2844, CALIFORNIA COMBATING  
THE BOYCOTT, DIVESTMENT, AND SANCTIONS OF ISRAEL  
ACT OF 2016

WHEREAS, in 2016, the Mayor and City Council signed a memorandum of understanding (MOU) with the State of Israel for strategic partnerships for joint innovation, exchanges, and cooperation between Beverly Hills and Israel; and

WHEREAS, partnerships between Beverly Hills and Israel have supported innovation across California, Israel, and the rest of the United States in a wide variety of areas including water conservation and cybersecurity; and

WHEREAS, furthermore, the MOU envisioned these partnerships to encourage mutual cooperation and understanding that could be leveraged to foster peace and democracy in the Middle East; and

WHEREAS, boycotts of Israel by companies doing business in California undermine cultural, academic, and economic cooperation between California and Israel; and

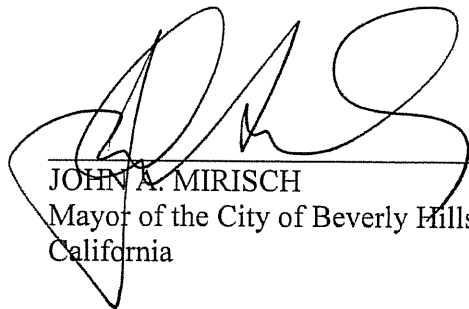
WHEREAS, currently pending before the California State Assembly is a bill, AB 2844, as amended (Bloom), the "California Combating the Boycott, Divestment, and Sanctions of Israel Act of 2016". This legislation would prohibit a public entity from entering into a contract for \$10,000 or more on or after January 1, 2017, to acquire or dispose of goods, services, information technology, or for construction, if the contracting company is engaging in discriminatory business practices in furtherance of a boycott of any sovereign nation or peoples recognized by the government of the United States, including, but not limited to, the nation of Israel; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES HEREBY RESOLVE AS FOLLOWS:

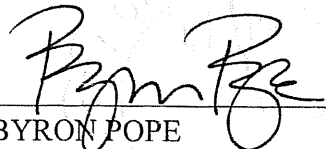
Section 1. The City of Beverly Hills hereby supports AB 2844, as amended, (Bloom), the "California Combating the Boycott, Divestment, and Sanctions of Israel Act of 2016," which would prohibit a public entity from entering into a contract for \$10,000 or more with a company that is engaging in discriminatory business practices in furtherance of a boycott of any sovereign nation or peoples recognized by the government of the United States, including, but not limited to, the nation of Israel.

Section 2. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

Adopted: May 17, 2016

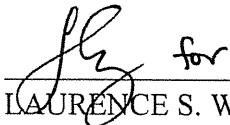
  
\_\_\_\_\_  
JOHN A. MIRISCH  
Mayor of the City of Beverly Hills,  
California

ATTEST:

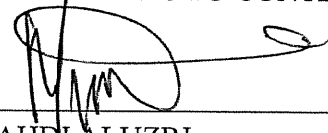
  
\_\_\_\_\_  
BYRON POPE  
City Clerk

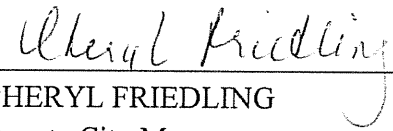
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

  
\_\_\_\_\_  
CHERYL FRIEDLING  
Deputy City Manager

# **Attachment 2**



*“Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”*

*WORKING DEFINITION of ANTI-SEMITISM*

*by the European Monitoring Center on Racism and Xenophobia*

#### **CONTEMPORARY EXAMPLES OF ANTI-SEMITISM**

- Calling for, aiding, or justifying the killing or harming of Jews (often in the name of a radical ideology or an extremist view of religion).
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective—especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the state of Israel, or even for acts committed by non-Jews.
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interest of their own nations.



## WHAT IS ANTI-SEMITISM RELATIVE TO ISRAEL?

**EXAMPLES** of the ways in which anti-Semitism manifests itself with regard to the state of Israel, taking into account the overall context could include:

### **DEMONIZE ISRAEL:**

- Using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis
- Drawing comparisons of contemporary Israeli policy to that of the Nazis
- Blaming Israel for all inter-religious or political tensions

### **DOUBLE STANDARD FOR ISRAEL:**

- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation
- Multilateral organizations focusing on Israel only for peace or human rights investigations

### **DELEGITIMIZE ISRAEL:**

- Denying the Jewish people their right to self-determination, and denying Israel the right to exist

*However, criticism of Israel similar to that leveled against any other country cannot be regarded as anti-Semitic.*

# **Attachment 3**

ORDINANCE NO. 2017- \_\_\_\_

**AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA;  
AMENDING DIVISION 2, "POLICE" IN ARTICLE IV "OFFICERS  
AND EMPLOYEES" OF CHAPTER 2 "ADMINISTRATION" OF  
THE CODE OF ORDINANCES IN ORDER TO CREATE SECTION  
2-112 "CONSIDERATION OF ANTI-SEMITISM IN ENFORCING  
LAWS;" PROVIDING FOR SEVERABILITY, INCLUSION IN THE  
CODE, CONFLICTS, FINDINGS, AND AN EFFECTIVE DATE**

**WHEREAS**, the Village Council of the Village of Bal Harbour ("Village Council") will not tolerate discrimination within its jurisdiction; and

**WHEREAS**, in 2015, the Village Council passed Ordinance No. 15-585, prohibiting the Village from entering into agreements with businesses that boycott a person or entity based in or doing business with an Open Trade Jurisdiction such as Israel, and requiring businesses to pledge not to engage in such a boycott during agreements with the Village; and

**WHEREAS**, the Village Police Department should consider potential anti-Semitic motivation for criminal offenses in order to ensure the safety and well-being of its Jewish community; and

**WHEREAS**, the United States Department of State's Special Envoy to Monitor and Combat Anti-Semitism published a fact sheet issued June 8, 2010 containing a proposed working definition and providing contemporary examples of anti-Semitism, attached as Exhibit "A"; and

**WHEREAS**, the Village Council seeks to require its Police Department to consider this definition and the examples in Exhibit "A" in investigating crimes, in a manner consistent with the federal hate crime statute, 18 U.S.C. §249 and the state hate crime statute, Fla. Stat. §775.085, as both may be amended from time to time; and



WHEREAS, the Village Council hereby finds and determines that this Ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS<sup>1</sup>:

**Section 1. Recitals Adopted.** That each of the above recitals is hereby adopted and confirmed.

**Section 2. Section 2-112 of the Village Code Created.** That Section 2-112 “Consideration of Anti-Semitism in Enforcing Laws,” is hereby created in Chapter 2 “Administration,” Article IV “Officers and Employees,” Division 2 “Police,” of the Code of Bal Harbour Village, Florida, to read as follows:

**DIVISION 2 “POLICE”**

\*

\*

\*

**Sec. 2-112. - Consideration of Anti-Semitism in Enforcing Laws.**

(a) For purposes of this section, the term ‘definition of anti-Semitism’ includes the following:

(1) Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals or their property, or toward Jewish community institutions and religious facilities.

(2) Examples of anti-Semitism include:

a. Calling for, aiding, or justifying the killing or harming of Jews

(often in the name of a radical ideology or an extremist view of religion);

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<sup>1</sup> Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~strikethrough~~.

b. Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as a collective—especially, but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions;

c. Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, the state of Israel, or even for acts committed by non-Jews;

d. Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust; or

e. Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interest of their own nations.

(3) Examples of anti-Semitism related to Israel include:

a. Demonizing Israel by using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis, drawing comparisons of contemporary Israeli policy to that of the Nazis, or blaming Israel for all inter-religious or political tensions;

b. Applying a double standard to Israel by requiring behavior of Israel that is not expected or demanded of any other democratic nation, or focusing peace or human rights investigations only on Israel; or

c. Delegitimizing Israel by denying the Jewish people their right to self-determination, and denying Israel the right to exist.

d. However, criticism of Israel similar to that levied against any other country cannot be regarded as anti-Semitic.

(b) In investigating whether there has been a violation of law, the Bal Harbour Police Department shall take into consideration the definition of anti-Semitism for purposes of determining whether the alleged violation was motivated by anti-Semitic intent, consistent with the federal and state statutes prohibiting hate crimes.

(c) Nothing in this section may be construed to diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States, or the State of Florida's Constitution. Nothing in this section may be construed to conflict with Federal or State discrimination laws.

\*

\*

\*

**Section 3. Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Inclusion in the Code.** That it is the intention of the Village Council, and it is hereby ordained that this Ordinance shall become and made part of the Village Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 5. Conflict.** That all sections or parts of sections of the Village Code, all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 6. Sections Reserved.** That Sections 2-113 through 2-125 are hereby reserved.

**Section 7. Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED AND ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor Gabriel Groisman

ATTEST:

\_\_\_\_\_  
Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Village Attorney  
Weiss Serota Helfman Cole & Bierman, P.L.

## EXHIBIT A

June 8, 2010 Fact Sheet Issued by the Special Envoy  
to Monitor and Combat Anti-Semitism of the U.S.  
Department of State

# **Attachment 4**

# Why a Florida Village Defined Antisemitism

by Aviva Vogelstein , “The Algemeiner”, November 28, 2017



The Village Council of Bal Harbour, Fla., meets on Nov. 21, when the council adopted the State Department’s definition of antisemitism. Photo: Village of Bal Harbour.

Last week, the Bal Harbour Village Council took a tremendous step forward in the fight against antisemitism: under the leadership of Mayor Gabriel Groisman, the Council voted 5-0 in favor of the “Anti-Semitism Definition Act.”

I had the honor of testifying in support of this important ordinance, which seeks to provide Bal Harbour’s law enforcement officials with a uniform definition of antisemitism. Such a definition would help them evaluate possible antisemitic intent behind criminal offenses, ensuring appropriate treatment of such incidents. If the ordinance passes its second reading in December, Bal Harbour will be the first government body in the country to adopt such legislation.

“This fight is important not only for the Jewish community but for the entire American community at large — as hate breeds hate, and we cannot stand still and allow intolerance to threaten our society,” said Mayor Groisman.

Bal Harbour is also a leader in anti-BDS legislation. Nearly two years ago, Bal Harbour became the country's first municipality to pass an anti-BDS ordinance. At the time, only two states had passed anti-BDS measures. Now, an estimated three dozen cities and 24 states have passed similar bills.

Antisemitism is unfortunately on the rise. The Anti-Defamation League recorded 1,299 antisemitic incidents in the first three quarters of 2017, a glaring 67% increase from the 779 in the same period last year. In Florida, the ADL recorded 137 antisemitic incidents in 2016, with South Florida — where Bal Harbour is located — having the highest percentage.

In October, a Naples Chabad was burglarized, trashed and defaced with antisemitic graffiti. Reportedly, someone had drawn a swastika and written on a window in red lipstick “! YOU JEWS NEVER! LEARN!! HEIL HITLER!” In January, “BDS” was spray-painted in front of Jewish-owned businesses in Miami.

Including the US State Department's definition in Bal Harbour's Code would be an important tool for law enforcement. Law enforcement concerns were crucial to developing the European Union Monitoring Committee's International Working Definition of Anti-Semitism, upon which the State Department and International Holocaust Remembrance Alliance's (IHRA) definitions are based.

The UK College of Policing adopted the definition in its “Hate Crime Operational Guidance.” A 2017 European Parliament Resolution called for adopting the definition in supporting law enforcement efforts to identify and prosecute antisemitic attacks more efficiently and effectively. The Office for Democratic Institutions and Human Rights included the full IHRA definition in its 2017 guide, “Understanding Anti-Semitic Hate Crimes and Addressing the Security Needs of Jewish Communities.”

Valid monitoring, informed analysis and effective policymaking start with uniform definitions. Uniform definitions are especially important for antisemitism, because much confusion clouds the line between antisemitism and legitimate criticism of



Israel. Bal Harbour's initiative — and other similar federal and state bills that have been introduced — seek to apply the State Department's widely-established definition of antisemitism domestically. Under the State Department definition, anti-Zionism crosses the line into antisemitism if one seeks to demonize Israel, delegitimize Israel's right to exist, or hold Israel to a double-standard by demanding behavior not expected of any other democratic nation.

The definition importantly notes, "Criticism of Israel similar to that leveled against any other country cannot be regarded as anti-Semitic." Former State Department Special Envoy to Monitor & Combat Anti-Semitism, Ira Forman, explained, "It is especially important to define anti-Semitism clearly to more effectively combat it."

Federal bipartisan legislation incorporating the State Department's definition of antisemitism unanimously passed the Senate in December 2016. Although the House did not have time to vote before the winter recess, the House Judiciary Committee recently held a hearing on the bill, and it is expected to be re-introduced. In the states, South Carolina is expected to be the first state to pass similar legislation soon. The Louis D. Brandeis Center has been working to educate lawmakers about the importance of defining antisemitism and has testified in support of several state bills.

None of these bills burden free speech. Rather, they provide a uniform tool for ascertaining intent, similar to the use of confessions in criminal proceedings. The point is not to penalize or restrict antisemitic speech, which is typically protected by the First Amendment and should not be curbed. However, antisemitic activities may violate the law, such as when they involve vandalism or physical assault. This conduct should be addressed in a manner consistent with law enforcement policies.

Mayor Groisman and the Bal Harbour Village Council deserve tremendous praise for their support of this vital ordinance.

*Aviva Vogelstein is the Director of Legal Initiatives at the Louis D. Brandeis Center for Human Rights Under Law.*