

October 3, 2022

Huntington Beach City Council,

cc: City Manager, Community Development Director, Chief Assistant City Attorney,

cc: Susan Christian Goulding, Orange County Register,

Re: October 4, 2022 City Council Public Hearing on the Downtown BID,  
Agenda Item 22-768

Dear Council Members,

I will not be attending the public hearing tomorrow, but I would like my public comments to be part of the official record. I would ask that you pay special attention to #11 and #12.

Thank you,



Kim Kramer

cc: Susan Christian Goulding, Orange County Register

**SUPPLEMENTAL  
COMMUNICATION**

Meeting Date: 10/4/22

Agenda Item No.: 18 (22-768)

**KIM KRAMER PUBLIC HEARING COMMENTS 10. 4. 2022, Agenda Item 22-768**

Mayor Delgleize, City Council Members,

My name is Kim Kramer and I would like to read to you a list of some of the accomplishments achieved over the years by our City Council's nonprofit Advisory Board to the Downtown Business District known as "the BID." These are not in any particular order.

#1. Starting in 2010, a handful of BID board members engaged in a conspiracy to understate BID cash reserves by falsifying the BID financial records, falsifying the BID annual report, and lying to the City Council at the annual public hearings for seven years. And then, the BID AND THE CITY engaged in a cover-up of the this financial malfeasance after the facts were exposed in 2016.

#2. A BID senior official committed PERJURY by twice providing false testimony under oath in representing the BID in a lawsuit where the BID denied access to legally-mandated public records in violation of the California Constitution and the California Public Records Act. This occurred in 2022, just a few weeks ago.

#3. The BID currently engages in deceptive billing practices to conceal BID assessments from the BID members. This started in 2021.

#4. The BID lacks business owner information for 70% of the BID membership and is not able to email to 14% of the BID businesses, and then lies to City Council each and every year since 2016 during the annual public hearings about their plans to make this right.

#5. The BID violates their nonprofit bylaws on a regular basis.

#6. The BID discourages BID member participation in public meetings.

#7. The BID perpetuates confusion between the "District" and the "Advisory Board." which has been on the BID's agenda to correct for over a year, with no action, yet this was approved in last year's annual report by the City Council.

#8. The BID spends District money which does not benefit the District.

#9. The BID manipulates surveys to predetermine the outcome and then reports false results to the City Council.

#10: The City Council's Advisory Board to the Downtown District gets the Golden Impunity Award for violating the City's Code of Ethics more times than any other individual or organization in the history of Huntington Beach.

And finally, here are two for the City.

#11: In 2018, there were 170 protests filed against the BID assessments, enough to be a successful protest, but during the public hearing, the City rejected 70% of these protests. The City never said why any of these protests were rejected and the Council never asked, although it's their right to do so. In a recent public record act request this year, the City was unable, (or perhaps unwilling), to provide any documentation as to why these 120 protests were rejected. It is alleged that the City acted improperly, perhaps illegally.

#12: During that 2018 protest process, the protest organizers were denied a critical public record based on confidentiality according to the City. The record being sought was the BID assessments paid by each BID member. Four years later, this was proven to have been denied illegally. It took a citizen lawsuit against the City to resolve this matter.

These "accomplishments" are presented for your consideration before you vote on agenda item 22-768; **please reference my letter dated 10.3.2022 emailed to you yesterday.**

Kim Kramer