

ORDINANCE NO. 00-0-2347

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
IMPOSING REGISTRATION REQUIREMENTS FOR
COMPENSATED LEGISLATIVE ADVOCATES AND
AMENDING THE BEVERLY HILLS MUNICIPAL CODE

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

Section 1: Chapter 9 is hereby added to Title 1 of the Beverly Hills Municipal Code, to read as follows:

"CHAPTER 9. COMPENSATED LEGISLATIVE ADVOCATES**Sec. 1-9.01. Title and Findings.**

This Chapter shall be referred to as the Beverly Hills Municipal Legislative Advocacy Ordinance. In adopting this Ordinance, the City Council makes the following findings:

- A. City government functions to serve the interests of all citizens.
- B. The citizens of Beverly Hills have a right to know the identity of interests which attempt to influence the decisions of City government through compensated representatives.
- C. Complete disclosure of the efforts and financing of legislative advocates is essential to maintaining public confidence in the integrity of City government.
- D. It is in the public interest to ensure that legislative advocates do not misrepresent facts, the positions of their clients or others, or otherwise attempt to mislead or deceive City decision-makers.

Sec. 1-9.02. Definitions.

The following terms used in this Chapter shall have the meanings set forth below. For any term not specifically defined herein, the definitions shall be as set forth in the California Political Reform Act of 1974, as amended, and in the regulations of the California Fair Political Practices Commission, if defined therein.

"Attempting to Influence" means promoting, supporting, opposing, seeking to modify, or seeking to delay municipal legislation by any means, including, without limitation, providing or generating political contacts, presenting information, statistical analyses or studies.

"**City Official**" means the Mayor, any member of the City Council and any member of the Planning Commission, Architectural Commission or Public Works Commission.

"**Compensation**" means monetary or in-kind payment or remuneration or the expectation of such remuneration for engaging in legislative advocacy. Compensation does not include the salary of an employee who devotes less than twenty percent of that employee's work time to legislative advocacy during any one year and who engages in legislative advocacy only on behalf of a single employer. Compensation also does not include reimbursement of or payments for reasonable travel or business expenses, such as copying, telephone charges and meals.

"**Direct Communication**" means appearing as a witness before, talking to (either in person or by telephone), corresponding with, or answering questions or inquiries from, any City Official either personally or through an agent who acts under one's direct supervision or control.

"**Legislative Advocacy**" includes the following and similar conduct for compensation when the conduct is related to attempting to influence municipal legislation:

- A. Engaging in, either personally or through an agent, written, electronic, or oral direct communication with a City Official;
- B. Drafting ordinances, resolutions, or regulations;
- C. Attempting to influence the position of any third party on municipal legislation or an issue relating to municipal legislation by any means, including but not limited to engaging in community or media relations activities;
- D. Advising clients regarding strategy for legislative advocacy.

"**Legislative Advocate**" means any individual who is compensated or who is hired, directed, retained or otherwise becomes entitled to be compensated for engaging in legislative advocacy.

"**Municipal Legislation**" means any legislative, quasi-judicial, or administrative matter proposed by or pending before the City Council or Planning Commission. "Municipal Legislation" includes, without limitation, those matters involving the granting, denial, amendment, revocation, or restriction of any license, permit or entitlement for use (including all land use permits); the consideration, adoption, amendment or repeal of all municipal ordinances; and the consideration and award of bids and proposals for City contracts. "Municipal Legislation" does not include purely ministerial actions. A development application shall be considered to be pending before the City Council or

Planning Commission once any preliminary material, including an application for concept review, has been filed with the City.

Sec. 1-9.03. Exemptions.

The following persons are exempt from the requirements of this Chapter:

- A. Any public official or employee of a public entity acting in his or her official capacity and within the scope of his or her employment by the public entity.
- B. Any person who is engaging in legislative advocacy without compensation.
- C. Any person whose only activity is submitting a bid on a competitively bid contract, who submits a written or oral response to a request for more information, or who participates in an oral interview process. This exemption shall not apply to any person who attempts to influence the actions of any City Official with regard to any such contract outside an interview or public meeting.

Sec. 1-9.04. Prohibitions.

No legislative advocate shall knowingly and wilfully:

- A. Deceive or attempt to deceive any City Official with regard to any material fact pertinent to any proposed or pending municipal legislation;
- B. Cause any communication to be sent to any City official in the name of a non-existent person, or in the name of a person without the consent of such person.

Sec. 1-9.05. Registration.

- A. A legislative advocate shall not engage in legislative advocacy that includes direct communication with a City Official other than in an open public meeting unless the legislative advocate shall have first registered as a legislative advocate with the City Clerk on a form provided for that purpose. The registration form shall include the legislative advocate's name, telephone number, business address, the identity of the client, and a general description of the matter of municipal legislation the legislative advocate is attempting to influence. Copies of each registration form shall be available for public review in the City Clerk's office, and shall be forwarded to each City Official, the City Manager and the City Attorney.
- B. A legislative advocate whose legislative advocacy consists solely of direct communication with one or

more City Officials on the record in an open public meeting shall not be required to register with the City Clerk. However, each such legislative advocate shall disclose at the beginning of his or her direct communication the fact that he or she is a compensated legislative advocate and the identity of his or her client.

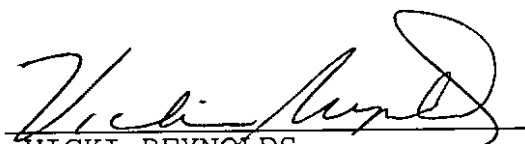
Sec. 1-9.06. Remedies for Violation.

Pursuant to the administrative remedies and procedures set forth in Title 1, Chapter 10, any person who knowingly and willingly violates any provision of this Chapter may be assessed an administrative penalty not to exceed five-hundred dollars (\$500.00) per violation."

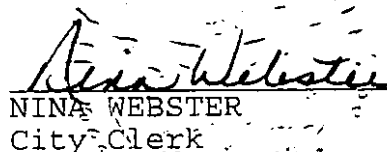

Section 2. The City Clerk shall cause this ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code, shall certify to the adoption of this ordinance, and shall cause this ordinance and her certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 3. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

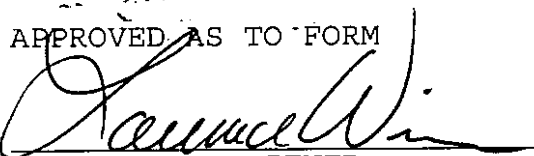
Adopted: August 1, 2000


VICKI REYNOLDS
Mayor of the City of
Beverly Hills, California

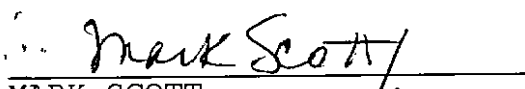
ATTEST:



NINA WEBSTER (SEAL)
City Clerk

APPROVED AS TO FORM


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:


MARK SCOTT
City Manager