

ORDINANCE NO. 14-O-2656

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING TITLE 1, CHAPTER 9, ARTICLE 1 OF THE
MUNICIPAL CODE REGARDING COMPENSATED
LEGISLATIVE ADVOCATES

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

Section 1. Section 1-9-102 (Definitions) of Article 1 of Chapter 9 of Title 1 of
the Beverly Hills Municipal Code is amended to read as follows:

“1-9-102: DEFINITIONS:

The following terms used in this Article 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: 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: The mayor, any member of the city council and any member of a City of Beverly Hills commission.

CLIENT: Any Person who provides compensation to a Legislative Advocate for Legislative Advocacy, whether the compensation is provided directly, indirectly or through an intermediary.

COMPENSATION: Monetary or in-kind payment or remuneration in an amount in excess of fifty dollars, or the expectation of such remuneration, for engaging in the Legislative Advocacy. Compensation does not include the salary of an employee who devotes less than twenty percent (20%) 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: 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: 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: Any legislative, quasi-judicial, or administrative matter proposed by or pending before the City Council or any City 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 a City commission once any preliminary material, including an application for concept review, has been filed with the City."

Section 2. Section 1-9-105 (Registration) of Article 1 of Chapter 9 of Title 1

of the Beverly Hills Municipal Code is amended to read as follows:

"1-9-105: REGISTRATION:

A. Within 10 days after a Legislative Advocate begins to engage in Legislative Advocacy that includes Direct Communication with a City Official other than in an open public

meeting, the Legislative Advocate shall register as a Legislative Advocate with the City Clerk on a form provided by the City for that purpose. The registration form shall include the name, telephone number, business address, email address and fax number of the Legislative Advocate and the Legislative Advocate's employer, the identity of the Client, the contact information for the Client, a description of the specific business in which the Client is involved, a description with specificity of the matter of Municipal Legislation the Legislative Advocate is attempting to influence, and the outcome desired by the Client. The form shall also include a description of Legislative Advocacy conducted during the previous twelve months that was not previously reported to the City by the Legislative Advocate.

Any form submitted by a Legislative Advocate shall be signed under penalty of perjury, shall be available for public view in the City Clerk's office as well as posted on the City's website in a searchable database and shall be forwarded by the City Clerk to each City Official, the City Manager and the City Attorney."

Section 3. Section 1-9-106 (Remedies) of Article 1 of Chapter 9 of Title 1 of the Beverly Hills Municipal Code is revised to address disclosure at public meetings and to read as follows:

1-9-106: DISCLOSURE AT PUBLIC MEETINGS

At any time that a Legislative Advocate engages in Legislative Advocacy at a City Council or City Commission meeting, the Legislative Advocate shall announce the specific matter being addressed and shall identify the Client who is being represented by the Legislative Advocate.

Section 4. Section 1-9-107 (Remedies for Violations) is hereby added to Article 1 of Chapter 9 of Title 1 of the Beverly Hills Municipal Code to read as follows:

1-9-107: REMEDIES FOR VIOLATIONS:

Pursuant to the administrative remedies and procedures set forth in Chapter 3 of this Title, any person who knowingly and willfully violates any provision of this Article, may be assessed an administrative penalty not to exceed five hundred dollars (\$500) per violation.

Additionally, the City Prosecutor is delegated the authority to investigate any charge that a person has knowingly and willfully violated this Article. If the City Prosecutor determines that there is probable cause to believe that a Legislative Advocate has knowingly, willfully and materially violated the provisions of this Article, the City Prosecutor may request that the City conduct an administrative hearing to determine whether such a violation has occurred and, if so, whether the Legislative Advocate should be prohibited from engaging in Legislative Advocacy for a period of time.

Upon the request of the City Prosecutor, a hearing officer shall be retained and an administrative hearing shall be conducted substantially in accordance with the procedures set forth in Chapter 3 of this Title for conducting hearings on administrative citations.

If, after conducting a hearing pursuant to this Section, a hearing officer determines that the Legislative Advocate has knowingly, willfully and materially violated the provisions of this Article, then for the first violation of this Article, the hearing officer may prohibit the Legislative Advocate from engaging in Legislative Advocacy for a period of up to six months, for a second violation, the hearing officer may prohibit the Legislative Advocate from engaging in Legislative Advocacy for a period of up to one year, and for a third or subsequent violation, the hearing officer may prohibit the Legislative Advocate from engaging in Legislative Advocacy for a period of up to four years. The hearing officer may issue an order prohibiting the Legislative Advocate from engaging in Legislative Advocacy for a period of less than the maximum period set forth in this paragraph if the hearing officer determines that mitigating circumstances justify a lesser period of prohibition.

If the hearing officer determines that the Legislative Advocate has knowingly, willfully and materially violated the provisions of this Article, or if the Legislative Advocate accepts the allegation of knowing, willful and material violation and waives the opportunity for a hearing, then the City's website shall identify the Legislative Advocate and indicate that the Legislative Advocate has violated the City's regulations governing Legislative Advocacy. The website identification shall remain posted on the website for one year.

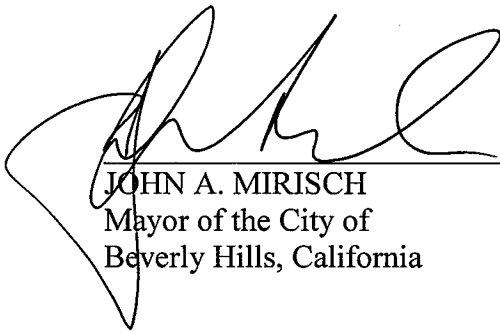
Notwithstanding the provisions of Chapter 3 of this Title, any decision by a hearing officer pursuant to this Section 1-9-07 shall be a final decision and not subject to appeal or review by the City Council.

Section 5. The City Council hereby approves this Ordinance and authorizes the Mayor to execute the Ordinance on behalf of the City.

Section 6. Publication. 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 his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.


Section 7. Effective Date. 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: March 4, 2014
Effective: April 4, 2014



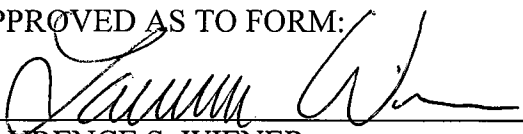
JOHN A. MIRISCH
Mayor of the City of
Beverly Hills, California

ATTEST:




BYRON POPE (SEAL)
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



JEFFREY C. KOLIN
City Manager