



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

**CITY OF BEVERLY HILLS
455 N. Rexford Drive
Beverly Hills, CA 90210**

TELEPHONIC / VIDEO CONFERENCE MEETING

**Beverly Hills Liaison Committee Meeting
<https://beverlyhills-org.zoom.us/my/adhoc>
Meeting ID: 549 782 5652
Passcode: 90210**

**You can also dial in by phone:
+1 669 900 9128 US
+1 877 853 5247 (Toll-Free)**

**One tap mobile
+16699009128,,5497825652# US
+18778535247,,5497825652# US (Toll-Free)**

**Thursday, December 2, 2021
5:00 PM**

Pursuant to Government Code Section 54953(e)(3), members of the Beverly Hills City Council Liaison / Elections Ad Hoc Committee and staff may participate in this meeting via a teleconference. In the interest of maintaining appropriate social distancing, members of the public can view this meeting through live webcast at www.beverlyhills.org/live and on BH Channel 10 or Channel 35 on Spectrum Cable, and can participate in the teleconference/video conference by using the link above. Written comments may be emailed to mayorandcitycouncil@beverlyhills.org.

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) Resolution of the Beverly Hills City Council Liaison / Elections Ad Hoc Committee authorizing public meetings to be held via teleconferencing pursuant to Government Code Section 54953(e) and making findings and determination regarding the same.

New legislation (AB 361) was recently adopted allowing the Beverly Hills City Council Liaison / Elections Ad Hoc Committee to continue virtual meetings during the COVID-19 declared emergency subject to certain conditions and the proposed resolution implements the necessary requirements.

3) Voluntary Campaign Expenditure Limit and Contribution Maximum

4) Adjournment


Huma Ahmed
City Clerk

Posted: November 29, 2021

**A DETAILED LIAISON AGENDA PACKET IS AVAILABLE FOR REVIEW AT
WWW.BEVERLYHILLS.ORG**



Pursuant to the Americans with Disabilities Act, the City of Beverly Hills will make reasonable efforts to accommodate persons with disabilities. If you require special assistance, please call (310) 285-1014 (voice) or (310) 285-6881 (TTY). Providing at least forty-eight (48) hours advance notice will help to ensure availability of services.



STAFF REPORT

Meeting Date: December 2, 2021

To: Elections Ad Hoc Committee

From: Huma Ahmed, Secretary of the Elections Ad Hoc Committee

Subject: A RESOLUTION OF THE COUNCIL LIAISON / ELECTIONS AD HOC COMMITTEE OF THE CITY OF BEVERLY HILLS AUTHORIZING PUBLIC MEETINGS TO BE HELD VIA TELECONFERENCING PURSUANT TO GOVERNMENT CODE SECTION 54953(e) AND MAKING FINDINGS AND DETERMINATIONS REGARDING THE SAME

Attachments: 1. Proposed resolution

RECOMMENDATION

Staff and the City Attorney's office recommend that the Council Liaison / Elections Ad Hoc Committee adopt a resolution making the following findings so that meetings of the City Council Liaison / Elections Ad Hoc Committee will be subject to the special Brown Act requirements for teleconference meetings: (1) the City Council Liaison / Elections Ad Hoc Committee has reconsidered the circumstances of the COVID-19 state of emergency; (2) the state of emergency continues to directly impact the ability of the members to meet safely in person; and (3) state or local officials continue to impose or recommend measures to promote social distancing.

FISCAL IMPACT

The proposed resolution allowing the City Council Liaison / Elections Ad Hoc Committee greater flexibility to conduct teleconference meetings is unlikely to cause a greater fiscal impact to the City as the Council Liaison / Elections Ad Hoc Committee has been conducting such teleconference meetings for over a year.

INTRODUCTION

Governor Newsom recently signed new legislation (AB 361) allowing the City Council Liaison / Elections Ad Hoc Committee to continue virtual meetings during the COVID-19 declared emergency subject to certain conditions. These special requirements give the City greater flexibility to conduct teleconference meetings when there is a declared state of emergency and either social distancing is mandated or recommended, or an in-person meeting would present imminent risks to the health and safety of attendees.

BACKGROUND

On March 4, 2020, Governor Newsom proclaimed a state of emergency to exist in California due to the spread of COVID-19. The Governor subsequently issued numerous executive orders suspending or modifying state laws to facilitate the response to the emergency. Among other things, these executive orders superseded certain Brown Act requirements and established special rules to give local public agencies greater flexibility to conduct teleconference meetings. Those special rules expired on September 30, 2021.

On September 16, 2021, in anticipation of then-imminent expiration of his special rules for teleconference meetings, the Governor signed AB 361. In key part, this bill amends the Brown Act to establish special requirements for teleconference meetings if a legislative body of a local public agency holds a meeting during a proclaimed state of emergency and either state or local officials have imposed or recommended measures to promote social distancing, or the body determines, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

AB 361 builds upon Executive Order (“EO”) N-29-20, issued by the Governor on March 17, 2020, which relaxed the teleconferencing requirements of the Brown Act to facilitate virtual meetings during the COVID-19 declared emergency. EO N-29-20’s provisions concerning public meetings applied through September 30, 2021.

AB 361 authorizes local agencies to continue meeting remotely without following the Brown Act’s standard teleconferencing provisions if the meeting is held during a state of emergency proclaimed by the Governor and either of the following applies: (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the agency has already determined or is determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

EO N-29-20 required legislative bodies to make remote public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body, and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Brown Act. AB 361 adds new procedures and clarifies the requirements for conducting remote meetings as follows:

- **Public Comment Opportunities in Real Time:** A legislative body that meets remotely pursuant to AB 361 must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda

for the remote meeting must provide an opportunity for members of the public to directly address the body in real time. Although the agency may still ask for public comments to be submitted in advance, the agency cannot require public comments to be submitted in advance of the meeting. If an agency does not provide a timed public comment period, but takes public comment separately on each agenda item, it must allow a reasonable amount of time per agenda item to allow members of the public the opportunity to provide public comment, including time to “be recognized for the purpose of providing public comment.”

- ***No Action During Disruptions:*** In the event of a disruption that prevents the local agency from broadcasting the remote meeting, or in the event of a disruption within the local agency’s control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored.
- ***Periodic Findings:*** To continue meeting remotely pursuant to AB 361, an agency must make periodic findings that: (1) the body has reconsidered the circumstances of the declared emergency; and (2) the emergency impacts the ability of the body’s members to meet safely in person, or state or local officials continue to impose or recommend measures to promote social distancing. These findings should be made not later than 30 days after teleconferencing for the first time pursuant to AB 361, and every 30 days thereafter.

DISCUSSION

To continue to hold meetings under these special teleconferencing requirements, the City Council Liaison / Elections Ad Hoc Committee needs to make two findings pursuant to Government Code Section 54953(e)(3). First, there must be a declared state of emergency and the City Council Liaison / Elections Ad Hoc Committee must find that it has reconsidered the circumstances of such emergency. Second, the City Council Liaison / Elections Ad Hoc Committee must find that such emergency continues to directly impact the ability of the City Council Liaison / Elections Ad Hoc Committee members to meet in person. Alternatively, for the second finding, the City Council Liaison / Elections Ad Hoc Committee must find that state or local officials continue to impose or recommend social distancing measures. These findings must be made within 30 days after the City Council Liaison / Elections Ad Hoc Committee teleconferences for the first time under AB 361 and every 30 days thereafter.

The declared emergency is still in effect. Furthermore, the State of California and the County of Los Angeles have recommended measures to promote social distancing. The Centers for Disease Control and Prevention continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time. Additionally, the Los Angeles County Department of Public Health still encourages people at risk for severe illness or death from COVID-19 to take protective measures such as social distancing and, for those not yet fully vaccinated, to physically distance from others

Meeting Date: December 2, 2021

whose vaccination status is unknown. The County Health Department also continues to recommend that employers take steps to support physical distancing.

Please note that AB 361 applies to all legislative bodies. Therefore, Commissions and standing committees will need to also comply with the requirements of AB 361.

Huma Ahmed
Secretary of the City Council Liaison /
Elections Ad Hoc Committee

Approved By

RESOLUTION NO. CCL-EC-01

RESOLUTION OF THE CITY COUNCIL LIAISON /
ELECTIONS AD HOC COMMITTEE OF THE CITY OF
BEVERLY HILLS AUTHORIZING PUBLIC MEETINGS TO
BE HELD VIA TELECONFERENCING PURSUANT TO
GOVERNMENT CODE SECTION 54953(e) AND MAKING
FINDINGS AND DETERMINATIONS REGARDING THE
SAME

WHEREAS, the City Council Liaison/Elections Ad Hoc Committee is committed to public access and participation in its meetings while balancing the need to conduct public meetings in a manner that reduces the likelihood of exposure to COVID-19 and to support physical distancing during the COVID-19 pandemic; and

WHEREAS, all meetings of the City Council Liaison/Elections Ad Hoc Committee are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Beverly Hills City Council Liaison/Elections Ad Hoc Committee conduct its business; and

WHEREAS, pursuant to Assembly Bill 361, signed by Governor Newsom and effective on September 16, 2021, legislative bodies of local agencies may hold public meetings via teleconferencing pursuant to Government Code Section 54953(e), without complying with the requirements of Government Code Section 54953(b)(3), if the legislative body complies with certain enumerated requirements in any of the following circumstances:

1. The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the

emergency, meeting in person would present imminent risks to the health or safety of attendees.

3. The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency in response to the COVID-19 pandemic (the “Emergency”); and

WHEREAS, the Centers for Disease Control and Prevention continue to advise that COVID-19 spreads more easily indoors than outdoors and that people are more likely to be exposed to COVID-19 when they are closer than 6 feet apart from others for longer periods of time; and

WHEREAS, the Los Angeles County “Responding together at Work and in the Community Order (8.23.21)” provides that all individuals and businesses are strongly encouraged to follow the Los Angeles County Public Health Department Best Practices. The Los Angeles County Public Health Department “Best Practices to Prevent COVID-19 Guidance for Businesses and Employers”, updated on September 13, 2021, recommend that employers take steps to reduce crowding indoors and to support physical distancing between employees and customers; and

WHEREAS, the Beverly Hills City Council has adopted a resolution that continues to recommend steps to reduce crowding indoors and to support physical distancing at City meetings to protect the health and safety of meeting attendees; and

WHEREAS, due to the ongoing COVID-19 pandemic and the need to promote social distancing to reduce the likelihood of exposure to COVID-19, the City Council Liaison/Elections

Ad Hoc Committee intends to hold public meetings via teleconferencing pursuant to Government Code Section 54953(e).

NOW, THEREFORE, the City Council Liaison/Elections Ad Hoc Committee of the City of Beverly Hills resolves as follows:

Section 1. The Recitals provided above are true and correct and are hereby incorporated by reference.

Section 2. The City Council Liaison/Elections Ad Hoc Committee hereby determines that, as a result of the Emergency, meeting in person presents imminent risks to the health or safety of attendees.

Section 3. The City Council Liaison/Elections Ad Hoc Committee shall conduct its meetings pursuant to Government Code Section 54953(e).

Section 4. Staff is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. The City has reconsidered the circumstances of the state of emergency and finds that: (i) the state of emergency continues to directly impact the ability of the members to meet safely in person, and (ii) state or local officials continue to impose or recommend measures to promote social distancing.

Section 6. The Secretary of the City Council Liaison/Elections Ad Hoc Committee shall certify to the adoption of this Resolution and shall cause this Resolution and his/her certification

to be entered in the Book of Resolution of the City Council Liaison/Elections Ad Hoc
Committee of this City.

Adopted:

LILI BOSSE
Presiding Councilmember of the City
Council Liaison/Elections Ad Hoc
Committee of the City of Beverly Hills,
California



CITY OF BEVERLY HILLS

CITY CLERK'S OFFICE

MEMORANDUM

TO: City Council Election Ad Hoc Committee Liaisons

FROM: Huma Ahmed, City Clerk

DATE: December 2, 2021

SUBJECT: Request for the City Council Election Ad Hoc to review the City's Voluntary Campaign Expenditure Limit and Contribution Maximum

ATTACHMENTS: 1. Beverly Hills Ordinance 12-O-2632 (Voluntary Campaign Expenditure Limit)
2. Beverly Hills Ordinance 14-O-2668 (Campaign Contribution Limits)

INTRODUCTION

The next Municipal Election for the City of Beverly Hills is scheduled for Tuesday, June 7, 2022. Per California Senate Bill (SB) 970 election dates have been revised to the following: on a non-Presidential Primary year, elections will be in June. During a Presidential Primary year, local elections will return to March.

In preparation for the upcoming City election in June 2022, staff requests direction on:

- Voluntary campaign expenditure limits and campaign contribution maximums

DISCUSSION

Voluntary Campaign Expenditure Limit / Campaign Contribution Maximum

The City of Beverly Hills has a voluntary campaign expenditure limit of \$80,000. If a candidate accepts the \$80,000 limit, then the candidate may accept contributions of \$450 per person/entity Beverly Hills Ordinance 12-O-2632 (see attached).

If a candidate chooses to not accept the \$80,000 voluntary campaign spending limit, then the candidate may only accept contributions of \$125 per person/entity. The current voluntary campaign expenditure limit and campaign contribution maximum have been the same for Beverly Hills Municipal Elections held in 2015 and 2017.

Please note, the campaign contribution maximum was increased from \$400 to \$450 in 2014 per Beverly Hills Ordinance 14-O-2668 (see attached) but the voluntary campaign spending limit of \$80,000 has remained the same.

FISCAL IMPACT

There are no fiscal impacts associated with this discussion.

RECOMMENDATION

It is recommended that the City Council Ad Hoc Liaisons provide direction on the City's voluntary campaign expenditure limit and campaign contribution maximum.

Attachment 1

ORDINANCE NO. 12-O- 2632

**ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE
TO INCREASE THE VOLUNTARY EXPENDITURE
CEILING FOR CITY ELECTIONS**

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

Section 1. Voluntary Expenditure Ceiling. The City Council hereby amends and restates Section 1-8-4 (“ELECTION CAMPAIGNS; VOLUNTARY EXPENDITURE CEILING”) of Chapter 8 (“CITY ELECTION CAMPAIGNS; CONTRIBUTION LIMITS, VOLUNTARY EXPENDITURE LIMIT AND DISCLOSURE REQUIREMENTS”) of Title 1 (“GENERAL PROVISIONS”) of the Beverly Hills Municipal Code to read as follows:

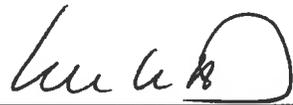
“A voluntary expenditure ceiling is hereby established for each election for city elective office in the amount of eighty thousand dollars (\$80,000.00). As used in this section, the term “city elective office” shall mean the offices of members of the city council and city treasurer. This section shall not apply in recall elections.”

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 3 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 the City Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 4. 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.

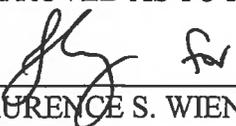
Adopted: September 20, 2012
Effective: October 21, 2012



WILLIAM M. BRIEN, M.D.
Mayor

ATTEST:


BYRON POPE (SEAL)
City Clerk

APPROVED AS TO FORM:


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:


JEFFREY KOLIN
City Manager

Attachment 2

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO INCREASE THE CAMPAIGN CONTRIBUTION LIMIT FOR CANDIDATES WHO ACCEPT THE VOLUNTARY EXPENDITURE LIMIT FOR CITY ELECTIONS

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. In order to increase the contribution limits, for candidates who accept voluntary spending limits, from four hundred dollars \$400 to \$450, the City Council hereby amends and restates paragraph A of Section 1-8-3 ("CONTRIBUTION LIMITATIONS") of Chapter 8 ("CITY ELECTION CAMPAIGNS; CONTRIBUTION LIMITS, VOLUNTARY EXPENDITURE LIMIT AND DISCLOSURE REQUIREMENTS") of Title 1 ("GENERAL PROVISIONS") of the Beverly Hills Municipal Code to read as follows:

"1-8-3: CONTRIBUTION LIMITATIONS:

A. Limits On Contributions By Persons And Committees:

1. Except as provided in this section and section 1-8-4 of this chapter, no person or committee shall make to any candidate, including the controlled committee of such candidate, a contribution in excess of one hundred twenty five dollars (\$125.00) for any single election at which the candidate is attempting to be, or is, on the ballot. Additionally, no candidate or candidate's controlled committee shall solicit or accept any contribution that will cause the amount contributed by the contributor to the candidate or the candidate's controlled committee to exceed one hundred twenty five dollars (\$125.00) for any single election at which the candidate is attempting to be, or is, on the ballot.

2. Notwithstanding subsection A1 of this section, if a candidate accepts the voluntary expenditure ceiling established by section 1-8-4 of this chapter, no person or committee shall make to any such candidate, including the controlled committee of such candidate, a contribution in excess of four hundred fifty dollars (\$450.00) for any single election at which the candidate is attempting to be, or is, on the ballot. Additionally, no candidate or candidate's controlled committee shall solicit or accept any contribution that will cause the amount contributed by the contributor to the candidate or the candidate's controlled committee to exceed four hundred fifty dollars (\$450.00) for any single election at which the candidate is attempting to be, or is, on the ballot.

3. The city council may, by resolution, adjust the contribution limit established in this subsection A in October of every even numbered year to reflect any increase or decrease in the California consumer price index since the last such adjustment of the contribution limit. Such adjustments shall be rounded to the nearest ten dollar (\$10.00) amount.

4. The limitations of this subsection A shall not apply to contributions of a candidate's personal funds to his or her controlled campaign committee on behalf of his or her own candidacy, and shall apply to contributions from the candidate's spouse."

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 3. 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 the City Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

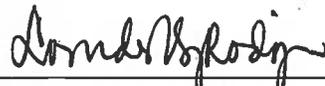
Section 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted: November 4, 2014
Effective: December 5, 2014



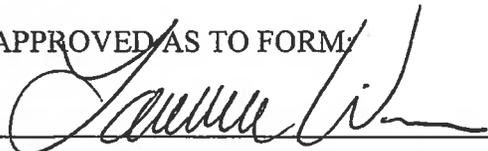
LILI BOSSE
Mayor

ATTEST:

for  (SEAL)

BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY KOLIN
City Manager