



## AGENDA REPORT

**Meeting Date:** February 15, 2011  
**Item Number:** F-6  
**To:** Honorable Mayor & City Council  
**From:** City Attorney  
**Subject:** AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO DELETE THE LIMIT ON CONTRIBUTIONS TO INDEPENDENT EXPENDITURE COMMITTEES SUPPORTING OR OPPOSING CANDIDATES FOR LOCAL OFFICE  
**Attachments:** 1. Ordinance

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### RECOMMENDATION

It is recommended that the proposed ordinance be adopted.

### INTRODUCTION

Within the last twelve months, a chain of federal court decisions first called into question and then struck down the application of campaign contribution limits to independent expenditure committees that support or oppose candidates. Unlike candidate controlled committees, independent expenditure committees are not affiliated with or controlled by a candidate. The courts have concluded that limits on contributions to independent expenditure committees are not necessary to advance the governmental interests in avoiding corruption and the appearance of corruption.

For many years, Section 1-8-3(A)(3) of the Beverly Hills Municipal Code has imposed a limit on contributions to independent expenditure committees that support or oppose candidates. In light of the recent court decisions discussed above, Section-1-8-3(A)(3) is no longer enforceable and should be repealed and removed from the municipal Code. This ordinance would do so.

### DISCUSSION

At the City Council meeting of February 3, 2011 conducted a first reading of this ordinance.

### FISCAL IMPACT

This ordinance will not have any fiscal impact on the City.

  
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Laurence S. Wiener, City Attorney

# **Attachment 1**

ORDINANCE NO. 11-O-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO  
DELETE THE LIMIT ON CONTRIBUTIONS TO  
INDEPENDENT EXPENDITURE COMMITTEES  
SUPPORTING OR OPPOSING CANDIDATES FOR LOCAL  
OFFICE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY

ORDAINS AS FOLLOWS:

Section 1. Subsection (A)(3) of Section 1-8-3 of Chapter 8 of Title 1 of the Beverly Hills Municipal Code is hereby deleted in its entirety to remove the limit previously imposed on contributions to, and the solicitation of contributions by, an independent expenditure committee.

Section 2. Subsections (A)(4) and (A)(5) of Section 1-8-3 of Chapter 8 of Title 1 of the Beverly Hills Municipal Code are hereby renumbered as Subsections (A)(3) and (A)(4), respectively.

Section 3. 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 4. 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 5. Effective Date. The City Council hereby declares that this Ordinance relates to an election and shall take effect immediately upon its adoption.

Adopted:

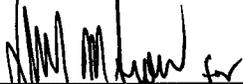
Effective:

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JIMMY DELSHAD  
Mayor of the City of Beverly Hills,  
California

ATTEST:

\_\_\_\_\_  
(SEAL)  
BYRON POPE  
City Clerk

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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JEFFREY KOLIN  
City Manager