



AGENDA REPORT

Meeting Date: November 5, 2008
Item Number: F-4
To: Honorable Mayor & City Council
From: City Attorney
Subject: AN URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS INCREASING THE VOLUNTARY EXPENDITURE CEILING FOR CITY ELECTIONS, INCREASING CONTRIBUTION LIMITS, MODIFYING RULES REGARDING AGGREGATION OF CONTRIBUTIONS, AMENDING THE BEVERLY HILLS MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF
Attachments: 1. Ordinance

RECOMMENDATION

Staff recommends that the City Council adopt the urgency ordinance. A four-fifths vote is required to adopt the urgency ordinance.

INTRODUCTION

This urgency ordinance will increase voluntary expenditure and contribution limits for City Council and Treasurer elections, will make it easier for spouses to make separate contributions with one check, and will modify contribution limits in recall elections to comply with a recent court decision.

DISCUSSION

Per the Council's request, this urgency ordinance (1) increases the voluntary expenditure ceiling for City Council and City Treasurer candidates to \$75,000; (2) increases the contribution limits for City Council and City Treasurer elections to \$125 for candidates who do not accept voluntary spending limits, to \$300 for candidates who do accept voluntary spending limits, and to \$300 for committees which support or oppose candidates; (3) allows spouses to make a combined donation on if either (a) the check is from a joint checking account with the names of both spouses printed on the check, or (b) the check is accompanied by a letter from either spouse indicating that the check is from both spouses.

An urgency ordinance may take effect immediately if the City Council finds that it is necessary for the preservation of the public peace, health and safety. This urgency ordinance makes the finding that it is necessary for the ordinance to take effect immediately to prevent confusion and ambiguity in the enforcement and application of the City's campaign finance rules and regulations. If it did not become effective immediately, then the City's campaign finance regulations will change after the close of the filing period for nomination papers and after candidates have begun to campaign.

Meeting Date: January 10, 2005

immediately, then the City's campaign finance regulations will change after the close of the filing period for nomination papers and after candidates have begun to campaign.

FISCAL IMPACT

The ordinance will have no material financial impact on the City.



Laurence S. Wiener, City Attorney

ORDINANCE NO. _____

AN URGENCY ORDINANCE OF THE CITY OF BEVERLY HILLS INCREASING THE VOLUNTARY EXPENDITURE CEILING FOR CITY ELECTIONS, INCREASING CONTRIBUTION LIMITS, MODIFYING RULES REGARDING AGGREGATION OF CONTRIBUTIONS, AMENDING THE BEVERLY HILLS MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF

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

Section 1. Subsection A of Section 1-8-3 of Chapter 8, Title 1 of the Beverly Hills Municipal Code is hereby amended to increase the contribution limits for City Council and City Treasurer elections to one hundred and twenty-five dollars (\$125) for candidates who do not accept voluntary spending limits, to three hundred dollars (\$300) for candidates who do accept voluntary spending limits, and to three hundred dollars (\$300) for committees which support or oppose candidates, and to read as follows:

“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 and 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 and 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 three hundred dollars (\$300.00) 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 three hundred dollars (\$300.00) for any single election at which the candidate is attempting to be, or is, on the ballot. This subsection A2 shall not apply to any recall election, although it shall apply to elections to choose the successor to any officer sought to be recalled.
3. No person shall make to any committee which supports or opposes any candidate or candidates for the city council or city treasurer, other than a candidate's controlled committee subject to subsections A1 or A2 of this section, and no such committee shall

accept from any such person a contribution or contributions totaling more than three hundred dollars (\$300.00) for any single election. If any such committee supports or opposes a candidate or candidates in a recall election, the total contribution limit imposed herein shall be one hundred and twenty-five dollars (\$125) for that recall election only.”

Section 2. Subsection A of Section 1-8-4 of Chapter 8, Title 1 of the Beverly Hills Municipal Code is hereby amended to increase the voluntary expenditure ceiling for City Council and City Treasurer elections to seventy-five thousand dollars (\$75,000.00) and to read as follows:

“A. A voluntary expenditure ceiling is hereby established for each election for City elective office in the amount of seventy-five thousand dollars (\$75,000.00). As used in this Section, the term “City elective office” shall mean the offices of Member of the City Council and City Treasurer. This Section shall not apply in recall elections, although it shall apply to elections to choose the successor to any officer sought to be recalled.”

Section 3. Subsection D of Section 1-8-3 of Chapter 8, Title 1 of the Beverly Hills Municipal Code is hereby amended to allow spouses to make their separate contributions on one check if accompanied by a letter indicating the contribution is from both spouses and to read as follows:

“D. Family Contributions: Contributions by a husband and wife shall be treated as separate contributions and shall not be aggregated. Nothing in this chapter shall prevent a husband and wife from making such separate contributions through the use of one check if (1) the check is from a joint checking account with the names of both spouses printed on the check, or (2) the check is accompanied by a letter from either spouse indicating that the check is from both spouses. Contributions by children under eighteen (18) years of age shall be treated as contributions by their parents and attributed one-half (1/2) to each parent or the total amount to a single custodial parent.”

Section 4. The City Council finds that it is necessary for the preservation of the public peace, health and safety that this Ordinance take effect immediately. This Ordinance will alter the City’s campaign finance rules and regulations. If the ordinance does not become effective immediately, but instead becomes effective thirty days after its second reading, then the City’s campaign finance regulations will change after the close of the filing period for nomination papers and after candidates have begun to campaign under the previously adopted rules and regulations. It is necessary that this Ordinance take effect immediately to prevent confusion and ambiguity in the enforcement and application of the City’s campaign finance rules and regulations. Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health and safety and its urgency is hereby declared. This Ordinance shall take effect immediately upon its adoption.

Section 5. 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 6. This ordinance is an urgency ordinance for the immediate preservation of the public peace, health and safety and therefore shall be passed immediately upon its introduction and shall become effective immediately upon its adoption.

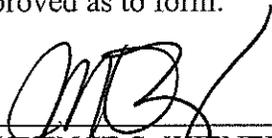
Adopted:

BARRY BRUCKER
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:

RODERICK J. WOOD, CCM
City Manager