



AGENDA REPORT

Meeting Date: December 1, 2009

Item Number: G-6

To: Honorable Mayor & City Council

From: David L. Snowden, Chief of Police

Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE SOLICITATIONS ORDINANCE, THE NAME OF THE SOLICITATIONS ADVISORY COMMISSION AND THE BEVERLY HILLS MUNICIPAL CODE

Attachment: Ordinance

INTRODUCTION

The Solicitations Advisory Commission ("Commission") has recommended the introduction of a new ordinance to clarify the perception of the Commissions' role and the City's charitable solicitation rules.

DISCUSSION

The Commission is charged with oversight of fundraising activities and is responsible for issuing and reviewing applications to make charitable solicitations in the City of Beverly Hills. It ensures that applicants comply with the City's rules about charitable solicitations. The Commission also reviews the financial statements from particular charitable fundraising events to monitor and publicize the amount of funds raised at the event as compared to the amount expended collecting those funds. This information assists potential donors in making educated and knowledgeable decisions about charitable giving.

RECOMMENDATIONS

The Commission recommends certain changes to improve and simplify the administration of the charitable solicitation rules, and to clarify the Commission's role for the community.

First, the current rules make it difficult for applicants to understand when they should apply for a permit for a single event and when they should apply for a permit for an ongoing monetary drive that includes multiple events. The proposed amendment expands the definition of "monetary drive" to explain that monetary drive permits are intended for ongoing telephone and mail fundraising drives such as PTA drives, rather than single-day events such as dinners, fairs or dances.

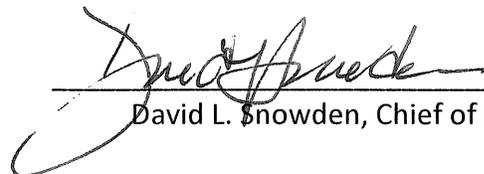
Second, to aid charities in fulfilling their obligation to comply with municipal code requirements, the Commission recommends extending the time parameters for which permits are valid and the deadline for organizations to submit financial reports on their fundraising. This extension will reduce the administrative burden on the charities themselves by reducing the possibility that the permit will lapse before the fundraising event actually occurs, and it provides charities adequate time to calculate the receipts from and expenditures on a fundraising event. Additionally, it will increase City staff efficiencies since under current guidelines, permit holders often needed to reapply when their permits lapsed before their event, which requires follow up and the processing of additional paper work associated with permit renewals. Staff is confident that this extension will continue provide the donating community with timely information regarding an organization's fundraising activities with which to make informed decisions on.

Finally, it would like to clarify its role by changing the name of the Commission to the "Charitable Solicitations Commission" rather than the "Solicitations Advisory Commission." The Commission's purview extends exclusively to charitable solicitations therefore; the inclusion of the word "Charitable" would properly depict the scope of the Commission's responsibilities. Furthermore, to provide uniformity with the City's other commissions, it is requested that the word "Advisory" be eliminated from its title.

The City Attorney's office has worked with the current Commission to discuss these recommended changes and the Commission unanimously voted to support them.

FISCAL IMPACT

There is no fiscal impact.



David L. Snowden, Chief of Police

ATTACHMENT

ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE SOLICITATIONS ORDINANCE, THE
NAME OF THE SOLICITATIONS ADVISORY COMMISSION
AND THE BEVERLY HILLS MUNICIPAL CODE

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

Section 1. The definition of “Monetary Drive” in Section 4-3-803 of Article 8 of Chapter 3 of Title 4 of the Beverly Hills Municipal Code is hereby amended to read as follows:
”MONETARY DRIVE: Multiple solicitation activities by a single organization for a single purpose in a twelve month period, including membership drives or solicitations by mail or telephone, but not including events such as dinners, carnivals, fairs or dances.”

Section 2. Section 4-3-805 of Article 8 of Chapter 3 of Title 4 of the Beverly Hills Municipal Code is hereby amended to read as follows:

“4-3-805: REVIEW OF APPLICATIONS BY CHARITABLE SOLICITATIONS
COMMISSION:

After filing of the application, the application shall be submitted to the Charitable Solicitations Commission for review and recommendation. The Commission shall review the application, and shall also review any information furnished by the police department, based on their investigation of the applicant; and the Commission shall then make a recommendation to the official empowered by the city to grant or deny the permit.”

Section 3. Section 4-3-808 of Article 8 of Chapter 3 of Title 4 of the Beverly Hills

Municipal Code is hereby amended to read as follows:

“4-3-808: TERM OF PERMIT:

A solicitation permit issued for an event pursuant to this article shall be valid until one hundred and eighty (180) days from the date of issue, or until the completion of the event, whichever comes first. A solicitation permit issued for a monetary drive pursuant to this article shall be valid until twelve (12) months from the date of issue, or the completion of the monetary drive, whichever comes first.”

Section 4. Section 4-3-813 of Article 8 of Chapter 3 of Title 4 of the Beverly Hills

Municipal Code is hereby amended to read as follows:

“4-3-813: RECORDS AND REPORTS:

A. The permittee shall compile and retain for a period of not more than three (3) years detailed records and a financial statement showing the amount of funds raised by the solicitation, the amount expended in collecting such funds, including a detailed report of the wages, fees, commissions, and expenses paid to any person in connection with such solicitation, and the disposition of the balance of the funds collected by the solicitation.

B. Within sixty (60) days of the expiration of the permit the permittee shall file a complete and detailed report of the information required by subsection A of this section with the city. Such report shall be a public record and be available for public inspection.”

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:
Effective:

NANCY KRASNE
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

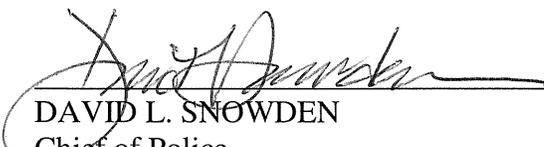
APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD, ICMA-CM
City Manager



DAVID L. SNOWDEN
Chief of Police