



AGENDA REPORT

Meeting Date: August 30, 2016
Item Number: D-3
To: Honorable Mayor & City Council
From: Laurence S. Wiener, City Attorney
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE
REGARDING RESTRICTIONS PERTAINING TO FORMER
ELECTED OFFICIALS, FORMER PLANNING COMMISSIONERS
AND FORMER CITY OFFICIALS
Attachments: 1. Ordinance

RECOMMENDATION

It is recommended that the City Council move to waive the full reading and adopt the ordinance entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE REGARDING RESTRICTIONS PERTAINING TO FORMER ELECTED OFFICIALS, FORMER PLANNING COMMISSIONERS AND FORMER CITY OFFICIALS."

INTRODUCTION

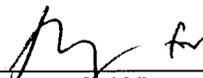
At its meeting of August 16, 2016, the City Council conducted a first reading of this ordinance and introduced it.

DISCUSSION

This ordinance will amend the Municipal Code regarding restrictions pertaining to former elected officials, former planning commissioners and former city officials to increase the time period for various restrictions to four (4) years after leaving city office or employment.

FISCAL IMPACT

The ordinance will have no significant budget or fiscal impacts to the City.



Laurence S. Wiener, City Attorney

Attachment 1

**AN ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE BEVERLY HILLS MUNICIPAL CODE
REGARDING RESTRICTIONS PERTAINING TO
FORMER ELECTED OFFICIALS, FORMER PLANNING
COMMISSIONERS AND FORMER CITY OFFICIALS**

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

Section 1. The city council hereby amends and restates the title of Article 2 (“Restrictions Pertaining To Former City Officials And Elected Officials”) of Chapter 9 (“LEGISLATIVE ADVOCATES”) of Title 1 (“GENERAL PROVISIONS”) of the Beverly Hills Municipal Code to read as follows:

Article 2. Restrictions Pertaining To Former Elected Officials, Former Planning Commissioners and Former City Officials

Section 2. The city council hereby amends and restates Section 1-9-203 (“PROHIBITION OF CERTAIN ACTIVITIES”) of Article 2 (“Restrictions Pertaining To Former City Officials And Elected Officials”) of Chapter 9 (“LEGISLATIVE ADVOCATES”) of Title 1 (“GENERAL PROVISIONS”) of the Beverly Hills Municipal Code to read as follows:

1-9-203: PROHIBITION OF CERTAIN ACTIVITIES:

A. Revolving Door Prohibition:

1. No former city official, elected official or planning commissioner shall represent, for compensation, any other person, by making any formal or informal appearance before, or by making any oral or written communication to, the city, the city council or any member thereof, or any commission, committee, subcommittee of the city or member thereof, or any other officer or employee of the city, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property; provided, however, that such prohibition shall only be applicable for the following time periods after leaving city office or employment:

a) For city officials who leave office or employment prior to October 1, 2016, for a period of two (2) years after leaving city office or employment;

b) For elected officials who leave office prior to October 1, 2016, for a period of thirty (30) months after leaving city office;

c) For city officials and elected officials who leave office or employment on or after October 1, 2016, for a period of four (4) years after leaving city office or employment;

d) For planning commissioners who are appointed prior to October 1, 2016, for a period of thirty (30) months after leaving city office.

e) For planning commissioners who are appointed or reappointed on or after October 1, 2016, for a period of four (4) years after leaving city office.

B. Representation By Former Elected Official: No former elected official shall represent, for compensation, any person or entity, by making any communication to the city, if the communication is related to a land use matter which was voted upon by the elected official during his or her term of office.

C. Acceptance Of Gifts From Applicant: Elected officials and city officials who participate in a decision to approve a land use matter, shall be prohibited for a period of thirty (30) months from the date of any decision to approve a land use matter made prior to October 1, 2016, or for a period of four (4) years from the date of any decision to approve a land use matter made after October 1, 2016, from receiving from the applicant anything of value that exceeds five hundred dollars (\$500.00), including, without limitation, any gift, payment of money, or other compensation that exceeds five hundred dollars (\$500.00). Planning commissioners appointed prior to October 1, 2016 who participate in a decision to approve a land use matter, shall be prohibited for a period of thirty (30) months from the date of any decision to approve a land use matter, or for a period of four (4) years from the date of any decision to approve a land use matter for planning commissioners appointed or reappointed on or after October 1, 2016, from receiving from the applicant anything of value that exceeds five hundred dollars (\$500.00), including, without limitation, any gift, payment of money, or other compensation that exceeds five hundred dollars (\$500.00). This prohibition shall continue in effect after the elected official, city official or planning commissioner leaves office for the applicable period. For the purposes of this prohibition, the "applicant" shall include partners, majority shareholders, and officers of the applicant, as well as any other person who provides anything of value to the elected official, city official or planning commissioner on behalf of the applicant. If the applicant is making an application as an agent of a principal, then for the purposes of this subsection the applicant shall be considered the principal, not the agent.

Section 3. The city council hereby amends and restates Section 1-9-204 ("RESTRICTIONS ON EMPLOYMENT OF FORMER ELECTED OFFICIALS") of Article 2 ("Restrictions Pertaining To Former City Officials And Elected Officials") of Chapter 9 ("LEGISLATIVE ADVOCATES") of Title 1 ("GENERAL PROVISIONS") of the Beverly Hills Municipal Code to read as follows:

1-9-204: RESTRICTIONS ON EMPLOYMENT OF FORMER ELECTED OFFICIALS:

No former elected official shall accept any position of employment or management for compensation, or act as a director or officer for compensation of any organization or entity which: a) receives more than fifty percent (50%) of its funding from the city, as determined by the city; or b) has fifty percent (50%) or more of its board members, officers

or directors appointed by the city council; provided, however, that such prohibition shall only be applicable for the following time periods after leaving city office:

- a) For elected officials who leave office prior to October 1, 2016, for a period of two (2) years after leaving city office; or
- b) For elected officials who leave office on or after October 1, 2016, for a period of four (4) years after leaving city office.

Section 4. The city council hereby deletes Section 1-9-206 (“APPLICATION OF REQUIREMENTS”) of Article 2 (“Restrictions Pertaining To Former City Officials And Elected Officials”) of Chapter 9 (“LEGISLATIVE ADVOCATES”) of Title 1 (“GENERAL PROVISIONS”) of the Beverly Hills Municipal Code and rennumbers Section 1-9-207 (“DISAPPROVAL OF TRANSACTIONS”) as Section 1-9-206 as follows:

1-9-206: DISAPPROVAL OF TRANSACTIONS:

A. If a former city official, elected official or planning commissioner violates any provision of this article, such violation or violations shall be grounds for the city to disapprove any contract, approval, permit, or transaction that was related to any such violation.

B. A violation of this article shall not be a basis for invalidating any city decision.

Section 5. 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 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 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 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:
Effective:

JOHN A. MIRISCH
Mayor of the City of Beverly Hills

ATTEST:

BYRON POPE
City Clerk

(SEAL)

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

MAHDI ALUZRI
City Manager