



## AGENDA REPORT

**Meeting Date:** November 13, 2007  
**Item Number:** F-4  
**To:** Honorable Mayor & City Council  
**From:** City Attorney  
**Subject:** AN ORDINANCE OF THE CITY OF BEVERLY HILLS REVISING THE RESTRICTIONS ON ACTIVITIES BY FORMER ELECTED OFFICIALS AND PLANNING COMMISSIONERS AND AMENDING THE BEVERLY HILLS MUNICIPAL CODE  
**Attachments:** 1. Ordinance

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### RECOMMENDATION

It is recommended that the proposed ordinance be adopted.

### INTRODUCTION

This ordinance amends the revolving door provision to 30 months from one year for Elected Officials and Planning Commissioners. This provision will apply to any Elected Official or Planning Commissioner who is in office as of April 1, 2009. This ordinance also clarifies other provisions of the ethics code.

### DISCUSSION

At the City Council meeting of October 16, 2007 the City Council conducted a first reading of this ordinance.

### FISCAL IMPACT

This ordinance will have no fiscal impact on the City.

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Laurence S. Wiener, City Attorney

ORDINANCE NO. 07-O-

AN ORDINANCE OF THE CITY OF BEVERLY HILLS  
REVISING THE RESTRICTIONS ON ACTIVITIES BY  
FORMER ELECTED OFFICIALS AND PLANNING  
COMMISSIONERS AND AMENDING THE BEVERLY  
HILLS MUNICIPAL CODE

Section 1. Section 1-9-202 of Article 2, Chapter 9 of Title I of the Beverly Hills Municipal Code, is hereby amended to read as follows:

**1-9-202. Definitions.**

The following words and phrases shall have the following meanings for purposes of this Article, unless otherwise indicated:

A. "Administrative or Legislative Action" means the proposal, drafting, introduction, development, consideration, amendment, enactment, or defeat by the City, the city council, or any Commission, Committee, or subcommittee of the City of any ordinance, amendment, resolution, report, initiative or other matter, including any rule, regulation, or other action in any regulatory proceeding, whether legislative, administrative, quasi-legislative or quasi-judicial. Administrative Action does not include any action that is solely ministerial.

B. "City Official" shall mean every officer or employee of the City who is required to file a statement of economic interests pursuant to the City's conflict of interest code, except that "City Official" shall not include any member of the City Council or a member of a City Commission, Committee or sub-committee.

C. "Commission" and "Committee" shall mean any body created by the city council as set forth in Chapter 2 of Title 2 and Chapter 1 of Title 10 of the Beverly Hills Municipal Code.

D. "Elected Official" shall mean any person elected or appointed to hold an elected office of the City.

E. "Planning Commissioner" shall mean each member of the Beverly Hills Planning Commission.

F. "Land Use Matter" for purposes of Section 1-9-203 shall mean those matters for which an application has been submitted to the City for Administrative or Legislative Action pursuant to the provisions set forth in Title 10 of the Beverly Hills

Municipal Code such as, but not limited to, a general plan amendment, specific plan, conditional use permit, variance or a planned development.

G. "Communication to the City" for purposes of Section 1-9-203 shall mean any formal or informal appearance before, or the making of 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 a Land Use Matter.

H. "Voted Upon By the Elected Official" for purposes of Section 1-9-203 shall refer to a Land Use Matter on which the City Council has taken action at a formal meeting during the Elected Official's term of office, unless the Elected Official was absent from all meetings at which the Land Use Matter was considered."

Section 2. Section 1-9-203 of Article 2, Chapter 9 of Title I of the Beverly Hills Municipal Code, is hereby amended to read as follows:

A. Revolving Door Prohibition.

1. No former City Official, for a period of two years after leaving City office or employment and no Elected Official or Planning Commissioner for a period of one year after leaving City office, 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.

2. For any Elected Official or Planning Commissioner who is in office as of April 1, 2009, such Elected Official or Planning Commissioner shall not, for a period of 30 months after leaving City office, 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.

B. 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. Elected Officials, City Officials and Planning Commissioners who participate in a decision to approve a Land Use Matter, shall be prohibited for a period of thirty months from the date of the decision from receiving from the applicant anything of value that exceeds \$500, including without limitation, any gift, payment of money, or other compensation that exceeds \$500. This prohibition shall continue in effect after the Elected Official, City Official or Planning Commissioner leaves office during the three year 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 Section the applicant shall be considered the principal, not the agent.

Section 3. Section 1-9-205 of Article 2, Chapter 9 of Title I of the Beverly Hills Municipal Code, is hereby amended to read as follows:

**1-9-205. Exceptions.**

The prohibitions in this Article shall not apply to the following:

A. Appearances or communications by former City Officials, Elected Officials or Planning Commissioners representing their personal interests, such as, but not limited to, an appearance before a City Commission or Committee concerning development of their home.

B. Appearances or communications by former City Officials, Elected Officials or Planning Commissioners at the request of, or on behalf of any government entity or public agency, including the City of Beverly Hills.

C. Appearances or communications by former City Officials, Elected Officials or Planning Commissioners who are engaged in such activity without compensation.

D. Any former City Official, Elected Official or Planning Commissioners whose only activity is submitting a bid on a competitively bid contract, who submits a written or oral response to a request for more information, or who participates in an oral interview process. This exemption shall not apply to any person who attempts to influence the actions of any City Official or Elected Official with regard to any such contract outside an interview or public meeting."

Section 4.     Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective.

Section 5.     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 attest and 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 6.     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:

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JIMMY DELSHAD  
Mayor of the City of Beverly Hills,  
California

ATTEST:

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

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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

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RODERICK J. WOOD  
City Manager