



CITY OF BEVERLY HILLS

455 NORTH REXFORD DRIVE ▪ BEVERLY HILLS, CALIFORNIA 90210

Julian A. Gold M.D., Vice Mayor

November 16, 2022

Richard C. Miadich, Chair
Fair Political Practices Commission
1102 Q Street, Suite 3800
Sacramento, CA 95811
CommAsst@fppc.ca.gov

Re: Item 10: In re Kendrick Opinion - Senate Bill 1439 – Retroactive Application

Dear Chairman Miadich,

Senate Bill 1439 (Glazer), which becomes law on January 1, 2023, expands the application of Government Code Section 84308 (the Levine Act) to elected city councilmembers and makes them subject to certain conflict of interest rules. This expansion will disqualify a city councilmember from participating in a proceeding involving a prior campaign donor's license, permit, or other entitlement for twelve months after the date of a donation exceeding \$250. This disqualification is also triggered by the receipt of a donation of \$250 or more from any "participant" in a decision.

Although the law does not go into effect until January 1, 2023, I am expressing my concern regarding the provision that disqualifies city councilmembers from participating in decisions involving a prior donor's license, permit or other entitlement for twelve months after the date a donation exceeding \$250 is made. This disqualification is also triggered by receipt of donation over \$250 from any "participant" in a decision. A participant is broadly defined in SB 1439 as any non-party who has a financial interest in the decision and lobbies, testifies, or attempts to influence the outcome. To avoid disqualification, the official must return the donation within thirty days from the time that the officer knows, or should have known, about "the contribution and the proceeding."

If the "look back" provision is applied retroactively, it could disqualify a city councilmember who lawfully accepted campaign donations in 2022 from participating in important decisions affecting the community in 2023. These contributions may have been received from either a party or participant, such as a member of the public who owns property within 1,000 feet of a proposed project and later speaks at a public hearing. This outcome could be perceived as unfair not only to the officials, but to donors who made lawful campaign contributions to candidates of their choice in 2022. The official also has no opportunity to cure the disqualification by returning the donation if the 30-day period for cure has passed.

I am respectfully requesting the FPPC to carefully consider agenda item 10 on November 17, 2022 and the implementation of SB 1439. I am urging the FPCC to consider a fair and reasonable approach to applying

SB 1439 and to clarify the new rules in SB 1439 do not apply retroactively and instead applies to those donations made going forward. This letter expresses only my individual views and does not reflect the views of the City Council of the City of Beverly Hills.

Sincerely,

A handwritten signature in black ink, appearing to read "Julian Gold". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Julian Gold, M.D.

Vice Mayor, City of Beverly Hills

cc: Commissioner Catharine Baker
Commissioner E. Dotson Wilson
Commissioner Dr. Jose A. Gomez, Ph.D.
Commissioner Abby Wood