

Attachment 1

ORDINANCE NO. XXXX N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES AMENDING CHAPTER 2.65 OF THE EL PASO DE ROBLES MUNICIPAL CODE TO INCLUDE SECTION 2.65.050 TO ALLOW FOR ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL PRACTICES COMMISSION (FPPC) CAMPAIGN DISCLOSURE STATEMENTS

WHEREAS, Government Code Section 84615 currently provides that a local agency may adopt an ordinance to require an elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by Chapter 4 of the Political Reform Act (commencing with Section 84100 of the Government Code), except an elected officer, candidate, committee, or other person who receives contributions totaling less than \$2,000 and who makes independent expenditures totaling less than \$2,000 in a calendar year, to file those statements, reports, or other documents online or electronically with the local filing officer; and

WHEREAS, the City has entered into an agreement with NetFile, Inc., a vendor approved by the California Secretary of State, to provide an online electronic filing system ("System") for campaign disclosure statements; and

WHEREAS, the City of El Paso de Robles desires to amend the El Paso de Robles Municipal Code adding section, 2.65.050 "Municipal Elections and Electronic Filing" regarding electronic filing of Campaign Disclosure Statements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. All of the above recitals are true and correct and are incorporated herein by reference.

Section 2. Findings. The City Council of the City of El Paso de Robles finds that the System will operate securely and effectively and will not unduly burden filers. Specifically: (1) the System will ensure the integrity of the data and includes safeguards against efforts to tamper with, manipulate, alter, or subvert the data; (2) the System will only accept a filing in the standardized record format developed by the Secretary of State and compatible with the Secretary of State's system for receiving an online or electronic filing; and (3) the System will be available free of charge to filers and to the public for viewing filings. These findings are based upon the vendor's approval by the California Secretary of State to provide these services and the representations of the vendor that the System meets the requirements of Government Code Section 84615.

Section 3. The Council hereby amends Chapter 2.65 to include Section 2.65.050, Electronic and Paperless Filing of Fair Political Practices Commission Campaign Disclosure Statements, as follows:

Chapter 2.65 - ELECTIONS

2.65.050 Electronic and Paperless Filing of Fair Political Practice Commission Campaign Disclosure Statements.

A. Definitions. The following definitions apply for the purposes of this section:

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- "Candidate" shall mean a candidate, as that phrase is defined in Section 82007 of the Government Code, as may be amended from time to time, for any City elective office for any general, special or recall election.
 - "Committee" has the meaning set forth in Section 82013 of the Government Code, as may be amended from time to time.
 - "Contribution" has the meaning set forth in Section 82015 of the Government Code, as may be amended from time to time.
 - "Electronic filing system" shall mean the electronic online filing and data storage system provided for by the City Clerk for campaign statements, reports, forms, or other documents filed pursuant to Government Code Section 81000 et seq.
 - "Person" has the meaning set forth in Section 82047 of the Government Code, as may be amended from time to time.
 - "Statements" shall mean any statements, reports, forms, or other documents required by Government Code Chapter 4 – Political Reform Act (Section 81000 et seq.), as may be amended from time to time.
- B. Any elected officer, candidate, commission, committee, or other person required to file campaign disclosure statements, reports, forms or other documents required by Government Code Chapter 4 (Campaign Disclosure) – Political Reform Act (Section 84100 et seq.) shall file those statements, reports, or other documents online or electronically with the electronic filing system unless exempt from the requirement to file online pursuant to Government Code Section 84615(a) because the officer, candidate, or committee or person receives less than \$2,000 in contributions and makes less than \$2,000 in expenditures in a calendar year.

In any instance in which an original statement, report or other document required by Government Code Chapter 4 (Campaign Disclosure) – Political Reform Act (Section 84100 et seq.) must be filed with the California Secretary of State and a duplicate or copy of that statement, report or other document is required to be filed with the City Clerk, the filer may, but is not required to, file the copy electronically.

The legislative body for the local government agency shall adopt an ordinance approving the use of online or electronic filing, which shall include a legislative finding that the online or electronic filing system will operate securely and effectively and would not unduly burden filers. The ordinance adopted by the legislative body for the local government agency may, at the discretion of that legislative body, specify that the electronic or online filing requirements apply only to specifically identified types of filings or are triggered only by identified monetary thresholds. In any instance in which the original statement, report, or other document is required to be filed with the Secretary of State and a copy of that statement, report, or other document is required to be filed with the local government agency, the ordinance may permit, but shall not require, that the copy be filed online or electronically.

The electronic filing system shall be implemented and maintained to be consistent with the requirements of Government Code Section 84615, as that section may be amended from time to time.

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The City Clerk is authorized to adopt such administrative policies and procedures as deemed necessary by the City Clerk to implement this Section 2.65.050.”

Section 4. The City finds that this action is not a project under the California Environmental Quality Act pursuant to State Guidelines Section State CEQA Guidelines, §§ 15060, subd. (c)(2)-(3), 15378.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect 30 days after its passage and adoption as provided by Government Code section 36397.

Section 7. Publication. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed Ordinance is to be adopted and shall post a certified copy of the proposed Ordinance in the Office of the City Clerk. Within fifteen (15) days of the adoption of the Ordinance, the City Clerk shall cause a summary of the Ordinance to be published, including the vote for and against the same, in accordance with Government Code Section 36937.

INTRODUCED at a regular meeting of the City Council held on May 7, 2024, for first reading by the City Council of the City of El Paso de Robles, and adopted on the ___ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John R. Hamon, Jr., Mayor

ATTEST:

Melissa Boyer, City Clerk