

**ORDINANCE NO. 863-C.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA TO AMEND SECTION 2-8.05 "CAMPAIGN FILING AND DISCLOSURE REQUIREMENTS" AND ADD SECTION 2-8.06 "ELECTRONIC FILING OF CAMPAIGN DISCLOSURE INFORMATION" WITHIN CHAPTER 8 OF TITLE 2 OF THE PACIFICA MUNICIPAL CODE REGARDING ELECTRONIC AND PAPER METHODS OF FILING CAMPAIGN FINANCE DISCLOSURE STATEMENTS**

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**WHEREAS**, California Government Code Section 84615 provides that a legislative body of local government agency may adopt an ordinance that requires an elected officer, candidate, committee, or other person required to file campaign statements, reports or other documents required by Chapter 4 of the Political Reform Act, except those whose contributions and expenditures each total less than two thousand dollars (\$2,000) in a calendar year, to file such statements, reports, or other documents online or electronically with the City Clerk; and

**WHEREAS**, the City Council expressly finds and determines that NetFile software web-based system, as proposed by the City Clerk, contains multiple safeguards to protect the integrity and security of the data, and will operate securely and effectively and will not unduly burden filers; and

**WHEREAS**, the software used by NetFile's electronic filing system has been certified by the Secretary of State and meets the requirements set by Government Code Section 84615; and

**WHEREAS**, the City Clerk and NetFile will operate the electronic filing system in compliance with the requirements of California Government Code Section 84615 and any other applicable laws.

**NOW, THEREFORE**, the City Council of the City of Pacifica does hereby ordain as follows:

**Section 1. Recitals.** The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

**Section 2. Amendment.** Subsections (a) and (b) of Section 2-8.05, "Campaign filing and disclosure requirements" within Chapter 8, "General and Special Municipal Elections" of Title 2, "Administration" of the Pacifica Municipal Code is hereby amended (deletions shown in ~~strike through~~ and additions shown in underline) as follows:

"(a) Definitions. The following definitions apply for the purposes of this section:

"Candidate" shall mean a candidate, as that phrase is defined in Section 82007 of the Government Code, for any City elective office.

"Committee" has the meaning set forth in Section 82013 of the Government Code.

"Contribution" has the meaning set forth in Section 82015 of the Government Code.

“Duplicate” shall mean one of two or more identical things; a copy.

“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 84100 et seq.

"Independent expenditure" has the meaning set forth in Section 82031 of the Government Code.

"Person" has the meaning set forth in Section 82047 of the Government Code.

"Recall" shall mean a recall of an elective officer of the City made pursuant to Division 11 (commencing with Section 11000) of the Elections Code.

~~(b) Posting of campaign reports and statements on City website. All reports and statements required to be filed with the City Clerk by any candidate or committee under Title 9, Chapter 4, Articles 1 and 2 (commencing with Section 84100) of the Government Code shall be scanned and stored in an electronic format. The reports and statements shall be posted on the City's website no later than two (2) working days after filing. All campaign statements, reports, forms, or other documents filed with the City Clerk pursuant to Chapter 4, “Campaign Disclosures” (commencing with Section 84100) of Title 9 of the California Government Code, as may be subsequently amended, on the City’s electronic filing system shall be made available to the public via the City’s website as set forth in Section 2-8.06(e), as soon as possible after receipt but no later than two (2) working days after filing. Reports filed with the City Clerk in paper form will be posted as soon as possible after receipt but no later than two (2) working days after filing.~~

All other subsections of Section 2-8.05 shall remain unchanged.

**Section 3. Added.** Section 2-8.06 within Chapter 8, “General and Special Municipal Elections” of Title 2, “Administration” of the Pacifica Municipal Code is hereby added to read in its entirety (deletions shown in ~~strike through~~ and additions shown in underline) as follows:

**“Sec. 2-8.06 Electronic Filing of Campaign Disclosure Information**

**(a) Use of Electronic Filing System.**

- (1) Except as set forth in subsection (3) of this Section 2-8.06(a), any elected officer, candidate, committee other person required to file specified campaign statements, reports, forms, or other documents with the City Clerk pursuant to Chapter 4, “Campaign Disclosures” (commencing with Section 84100) of Title 9 of the California Government Code, as may be subsequently amended, and has received contributions or made expenditures of \$2,000 or more in a calendar year, may electronically file such statement using the City’s electronic filing system in accordance with any applicable administrative policies and procedures established by the City Clerk.
- (2) To ensure reporting continuity, once a campaign statement, report, form, or other document is filed electronically on behalf of any elected officer, candidate, or committee, all future campaign statements, reports, forms, and other documents filed on behalf of that officer, candidate or committee for that election cycle must be filed electronically.

(3) An elected officer, candidate, committee or other person may choose not to use the City's electronic filing system by filing all original campaign statements, reports, forms, or other documents in paper form with the City Clerk.

(b) Filing Options When a Duplicate Must be Filed with City Clerk. In any instance in which an original campaign statement, report, form, or other document must be filed with the Secretary of State or other agency, and a duplicate of that document is required to be filed with the City Clerk, the duplicate version filed with the City Clerk may be in electronic or in paper form.

(c) Inability to Access City's Electronic Filing System. If, for technical reasons, the City's electronic filing system is inoperable for a period of time or cannot accept a particular type of campaign statement, report, form or other document, an elected officer, candidate, committee or other person shall timely file that document in paper form with the City Clerk, unless otherwise directed by the City Clerk.

(d) Posting of Data. The City Clerk shall ensure that the City's electronic filing system makes all electronically-filed campaign statements, reports, forms, or other documents available in a format that provides the greatest public access. The data shall be made available free of charge. The data made available on the City's electronic filing system shall be redacted to ensure that street name of the persons or entity representatives listed on the electronically filed forms or any bank account number required are not disclosed.

(e) Administrative Policies and Procedures. The City Clerk is authorized to adopt such administrative policies and procedures as deemed necessary to implement this Chapter."

**Section 3. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentence, clauses or phrases be declared unconstitutional.

**Section 4. Publication.** The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published in accordance with State law.

**Section 5. Compliance with CEQA.** The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment.

**Section 6. Effective Date.** This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

\* \* \* \* \*

**PASSED AND ADOPTED** this 24<sup>th</sup> day of May, 2021 by the following vote:

**AYES**, Councilmembers: Beckmeyer, Bier, Bigstycck, O'Neill, Vaterlaus.

**NOES**, Councilmembers: n/a.

**ABSENT**, Councilmembers: n/a.

**ABSTAIN**, Councilmembers: n/a.



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Sue Beckmeyer, Mayor

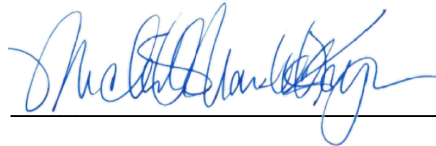
ATTEST:



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Sarah Coffey, City Clerk

APPROVED AS TO FORM:



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Michelle Kenyon, City Attorney









# For Signature: OrdinanceNo863-CS\_VoluntaryE-Filing\_CampaignContributions\_20210524\_Final

Final Audit Report

2021-05-28

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