

RESOLUTION NO. 8312

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, AMENDING AND CLARIFYING THE TEXT OF RESOLUTION 8158 PASSED ON AUGUST 7, 2001 ESTABLISHING GUIDELINES FOR THE IMPOSITION AND WAIVING OF FINES FOR THE LATE FILING OF CAMPAIGN STATEMENTS PURSUANT TO THE POLITICAL REFORM ACT OF 1974

WHEREAS, The Political Reform Act of 1974 (Government Code Section 81000 et. seq.) requires that elected officers; candidates and committees as defined in Government Code Section 82013 file various statements each year; and;

WHEREAS, The City Clerk for the City of El Monte has the responsibility for receiving the completed campaign statements, and;

WHEREAS, Government Code Section 91013 requires that a late fine be imposed on any person or committee who files a campaign statement or report after the deadline imposed by the Political Reform Act, and;

WHEREAS, The City of El Monte has been assessing said fines when applicable, and;

WHEREAS, The City of El Monte finds it desirable to adopt guidelines for itself setting form clear rules for the imposition of, or when appropriate the waiver of the late fines, and;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of El Monte hereby clarifies Resolution 8158 by noting that "various" statements must be filed by candidates and committees pursuant to Government Code Section 82013.

SECTION 2. The City Council of the City of El Monte further reaffirms its adoptions of the Guidelines for the Imposition and Waiver of fines for the late filing of Campaign Statements of Reports Statements attached hereto as Exhibit "A".

PASSED, APPROVED and ADOPTED this 1<sup>st</sup> day of April, 2003.

(d)(5)

Ernest C. Gutiérrez  
Mayor of the City of El Monte

ATTEST:

(d)(5)

M. Helen Lopez  
Assistant Chief Deputy City Clerk of El Monte

STATE OF CALIFORNIA        )  
 COUNTY OF LOS ANGELES    )  
 CITY OF EL MONTE         )       SS:

I, M. Helen Lopez, Assistant Chief Deputy City Clerk of the City of El Monte, hereby certify that the foregoing Resolution No. 8312 was passed and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the Assistant Chief Deputy City Clerk at a regular meeting of said Council held on the 1<sup>st</sup> day of April, 2003 and that said resolution was adopted by the following vote, to-wit:

AYES:           Mayor Gutierrez, Councilman Barrios, Councilwoman Ishigaki and Councilwoman Wallach

NOES:           None

ABSENT:        None

(d)(5) 

M. Helen Lopez  
 Assistant Chief Deputy City Clerk of the City of El Monte

## EXHIBIT "A"

CITY OF EL MONTE  
OFFICE OF THE CITY CLERKGUIDELINES FOR IMPOSING AND WAIVING FINES  
FOR THE LATE FILING OF CAMPAIGN STATEMENTS

1. The campaign statement must be filed by the filing deadline. **No extension of the deadline to file the statement will be granted.**
2. The City Clerk or his/her designee shall assess a fine of \$10 per day for each day a campaign statement is late. A campaign statement shall be late starting the day after the filing deadline imposed by the Political Reform Act until the date it is filed.
3. Upon failure of a person or committee subject to the filing requirement to file a campaign statement on or before the filing deadline the City Clerk or his/her designee will send written notice of the filing requirement.

If, after written notice of the filing requirement is sent the person or committee does not request, or is not granted a waiver pursuant to paragraphs 4 through 7 hereof, a \$10 late fee will be assessed for each day the statement is late beginning the first day after the filing deadline until the campaign statement is filed. However, the late fees may not exceed the greater of the cumulative amount of reported contributions or expenditures or \$100.

4. City Clerk or his/her designee has discretion whether to assess a fine on a statement filed late if on an impartial basis he or she determines that good cause exists for the late filing **and:**
5. A request for waiver of the late filing fee must be in writing signed by the person(s) required to file the particular statement upon which the late fee was assessed.
6. "Good Cause" shall be found only in those cases where the reason for the late filing involves situations beyond the filer's control that relate to the person required to file the statement.

The following reason, with supporting documentation will be deemed "good cause":

- a. Incapacitation for medical reasons. This must be supported by documentation consisting of the statement of a doctor, psychologist, therapist or chiropractor identifying the filer, the nature of the filer's incapacitation and the dates therefore. The statement must be on the medical provider's letterhead.
- b. Hospitalization. Documentation supporting this reason must be in the form of a hospital bill or physician's statement (on letterhead) showing the patient's name and the date(s) of the hospitalization.
- c. Accident Involvement. If involvement in an accident causes the late filing, such involvement shall be documented by one or more of the following:
  - ii. a police report showing the filer's name, the date and time of the accident, and if applicable, whether or not the vehicle was disabled;
  - iii. if medical attention is provided and results in the late filing, and copy of the hospital bill, emergency room service, or a doctor's statement (on letterhead) showing the patient's name and date(s) and time(s) of medical attention.

In addition, the filer must provide the City Clerk or his/her designee with a written statement explaining how the accident caused the late filing.

- d. Death. Adequate documentation consists of a copy of the filer's death certificate, published death notice or obituary.
- e. Other unique, unintentional factors beyond the filer's control not stemming from a negligent act or nonaction. The factors are:
  - i. The loss or unavailability of records due to fire, flood, theft, earthquake or similar reason. This must be supported by documentation consisting of a police, fire or insurance report containing the date of the occurrence and the extent of the loss or damage.
  - ii. Other unique reason. These include compelling reasons beyond the filer's control, including problems associated with electronic filing of campaign or lobbying disclosure information. Electronic filing problems must be documented for waiver consideration.
- f. The following will not be considered "good cause":
  - i. Not receiving notice of filing requirements
  - ii. Not being avail
  - iii. Not sending filing to proper official
  - iv. Not having complete information by filing deadline
  - v. Not picking up mail
  - vi. Secretarial error

**Late filing penalties may be assessed only when a report or statement is filed late. Failure to file required reports or statements can result in civil and criminal penalties. If the City Clerk or his/her designee has notified a non-filer of the obligation to file a statement and the candidate, officeholder or committee does not file the required statement, the matter should be referred to the FPPC Enforcement Division.**

**The City Clerk or his/her designee may bring a civil action and obtain a judgment in small claims, municipal, or superior court, depending on the jurisdictional amount.**