

ORDINANCE NO. 09 - 20

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF DUBLIN**

**ADDING SECTION 2.30 TO THE DUBLIN MUNICIPAL CODE, RELATING TO ELECTRONIC
AND PAPERLESS FILING OF FAIR POLITICAL PRACTICES COMMISSION CAMPAIGN
DISCLOSURE STATEMENTS**

WHEREAS, California Government Code Section 84615 provides that a legislative body of a local government agency may adopt an ordinance that requires an elected officer, candidate, committee, or other person required to file statements, reports, or other document required by Chapter 4 of the Political Reform Act to file such statements, reports, or other documents online or electronically with the City Clerk; and

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

WHEREAS, 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; and

NOW, THEREFORE, the City Council of the City of Dublin does ordain as follows:

Section 1: Chapter 2.30 Added

Chapter 2.30 is added to the Dublin Municipal Code to read in full as follows:

CHAPTER 2.30

Electronic Filing of Campaign Disclosure Statements

2.30.010 Purpose

The purpose of the Chapter is to allow, prior to January 1, 2021, and require, beginning January 1, 2021, elected officials, candidates, or committees to electronically file Campaign Disclosure Statements, except where state law does not authorize the City to require electronic filing. The City Council enacts this Chapter in accordance with the authority granted to cities by state law. This ordinance is intended to supplement, and not conflict with, the Political Reform Act.

2.30.020 General

- A. Any elected officer, candidate, committee, or other person required to file statements, reports, or other documents ("Statements") as required by Chapter 4 of the Political Reform

Act (California Government Code Section 84100 et seq.) may file such Statements using the City Clerk's online system according to procedures established by the City Clerk. These procedures shall ensure that the online system complies with the requirements set forth in Section 84615 of the Government Code. From and after January 1, 2021, elected officers, candidates and committees required to file Statements must file such Statements using the City Clerk's online system, unless exempt from the requirement to file online pursuant to Government Code Section 84615.

- B. The online filing system shall ensure the integrity of the data transmitted and shall include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.
- C. The online filing system shall only accept a filing in the standardized record format that is developed by the California Secretary of State pursuant to Section 84602(a)(2) of the California Government Code and that is compatible with the Secretary of State's system for receiving an online or electronic filing.
- D. The online filing system shall include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury pursuant to Section 81004 of the Government Code.

2.30.030 Procedures for Utilizing Online Filing

- A. During the period commencing with the effective date of this Ordinance and ending January 1, 2021, an elected officer, candidate, appointee, committee or consultant may choose to utilize the electronic filing system by electronically filing a Statement that is required to be filed with the City Clerk pursuant to Chapter 4 of the Political Reform Act. Once the elected officer, candidate, appointee, committee or consultant has filed electronically, all subsequent Statements shall be filed electronically. From and after January 1, 2021, electronic filing is mandatory unless the officer, candidate, or committee is exempt as described in Section 2.30.010(A).
- B. Any elected officer, candidate, appointee, committee or consultant who has electronically filed a Statement using the City Clerk's online system is not required to file a copy of that document in paper format with the City Clerk.
- C. The City Clerk shall issue an electronic confirmation that notifies the filer that the Statement was received, which notification shall include the date and the time that the Statement was received and the method by which the filer may view and print the data received by the City Clerk. The date of filing for a Statement filed online shall be the day that it is received by the City Clerk.
- D. If the City Clerk's system is not capable of accepting a Statement due to technical difficulties, an elected officer, candidate, or committee shall file that Statement in paper format with the City Clerk.
- E. The online filing system shall enable electronic filers to complete and submit filings free of charge.

2.30.040 Availability of Statements for Public Review; Record Retention

- A. The City Clerk's system shall make all data filed available on the City's webpage in an easily understood format that provides the greatest public access. The data shall be made available free of charge as soon as possible after receipt. The data made available on the City's webpage shall not contain the street name and building number of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed by the filer. The City Clerk's office shall make a complete, unredacted copy of the statement, including any street names, building numbers, and bank account numbers disclosed by the filer, available to any person upon request.
- B. The City Clerk's Office shall maintain, according to the City's Retention Schedule, a secured, official version of each online or electronic statement which shall serve as the official version of that record for purpose of audits and any other legal purpose.

Section 2: Effective Date and Posting of Ordinance

This Ordinance shall take effect and be in force thirty (30) days from and after the date of its final adoption. The City Clerk of the City of Dublin shall cause this Ordinance to be posted in at least three (3) public places in the City of Dublin in accordance with Section 36933 of the Government Code of California.

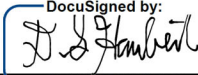
PASSED, APPROVED, AND ADOPTED BY the City Council of the City of Dublin on this 21st day of July 2020, by the following votes:

AYES: Councilmembers Goel, Hernandez, Josey, Kumagai and Mayor Haubert

NOES:

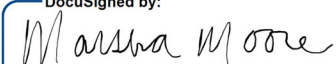
ABSENT:

ABSTAIN:

DocuSigned by:

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Mayor

ATTEST:

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City Clerk