

ORDINANCE NO. 1440

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINEZ ADDING CHAPTER 2.88 "ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL PRACTICES COMMISSION CAMPAIGN DISCLOSURE STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS" TO TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE MARTINEZ MUNICIPAL CODE

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 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 of Martinez desires to enter 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 Statements of 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

WHEREAS, the City of Martinez desires to amend the Martinez Municipal Code to add a new Section relating to electronic filing of Fair Political Practices Commission Campaign Disclosure Statements and Statements of Economic Interests;

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

SECTION 1. RECITALS. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. CEQA. The City Council finds that the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Title 14, Chapter 3, California Code of Regulations, Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment. The adoption of this ordinance does not entitle new development or any changes to the physical environment.

SECTION 3. PURPOSE. The purpose of this Ordinance is to require the filing of Campaign Disclosure Statements and Statements of Economic Interest by elected officials, candidates, staff, consultants, commissions, or committees to be completed electronically. The City Council enacts this Ordinance 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.

SECTION 4. CODE ADDITION. Chapter 2.88 of Title 2 of the Martinez Municipal Code is hereby added to read as follows:

Chapter 2.88 – ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL PRACTICES COMMISSION CAMPAIGN DISCLOSURE STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS

2.88.010 Electronic Filing of Campaign Disclosure Statements and Statements of Economic Interests

(a) Any elected officer, candidate, commission, committee, or other person required to file statements, reports, or other documents required by Government Code Chapter 4 – Political Reform Act (commencing with Section 84100) shall file those statements, reports, or other documents online or electronically with the City Clerk. Elected officers, candidates, or 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(a) because the officer, candidate, or committee receives less than \$2,000 in contributions and makes less than \$2,000 in expenditures in a calendar year. All other individuals required to file Statements of Economic Interest according to the City's adopted Code of Conflict of Interest must file electronically using the City Clerk's online system.

(b) Any person holding a position listed in Government Code Section 87200 or designated in the City's local conflict of interest code adopted pursuant to Government Code section 87300, shall file any required Statement of Economic Interest reports (Form 700) online or electronically with the City Clerk.

(c) In any instance in which an original statement, report or other document must be filed with the California Secretary of State and a 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.

(d) 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.

(e) The online filing system shall only accept a filing in the standardized record format that is accepted 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.

(f) 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.

(g) Any elected officer, candidate, or committee 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.

(h) The City Clerk shall issue an electronic confirmation that notifies the filer that the Statement was received, the 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.

(i) If the City Clerk's system is not capable of accepting a Statement due to technical difficulties, the filer shall be so informed the elected officer, candidate, or committee shall file that Statement in paper format with the City Clerk.

(j) The online filing system shall enable electronic filers to complete and submit filings free of charge.

(k) The City Clerk's system shall make all the 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 and 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.

(l) The City Clerk's office shall maintain, for a period of at least 10 years commencing from the date filed, 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 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. The City Council

hereby declares that it would have passed this and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrase, or clauses be declared unconstitutional on their face or as applied.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective 30 days after the date of adoption.

SECTION 7. POSTING. The City Clerk shall cause this ordinance to be published and/or posted in accordance with Government Code section 36933.

 APPROVED

ROB SCHRODER
MAYOR

ATTEST



KAT GALILEO
ASSISTANT CITY CLERK

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This ordinance was introduced on the 19th day of October, 2022, and adopted on the 2nd day of November 2022, by the following vote:

AYES: Councilmember Mark Ross, Brianne Zorn, Debbie McKillop
Vice Mayor Lara DeLaney, Mayor Rob Schroder

NOES: None


ABSTAIN: None

ABSENT: None



RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

Approved as to form:



TERESA HIGHSMITH
CITY ATTORNEY

