

ORDINANCE NO. 759 N.S.

AN ORDINANCE ADDING CHAPTER 14, DIVISION 14.02 TO THE CITY CODE RELATING TO ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL PRACTICES COMMISSION CAMPAIGN DISCLOSURE STATEMENTS

SECTION 1. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to require the electronic filing of (1) campaign-related disclosure forms, statements, or other related documents, and (2) Statements of Economic Interest by individuals specified in Government Code section 87200 and the City's Conflict of Interest Code. 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 2. FINDINGS

The City Council of the City of Piedmont finds and determines as follows:

- A. The Political Reform Act (Cal. Gov. Code § 81000, *et seq.*) requires the filing of certain disclosure forms, statements, and other documents, which requirements are specified in Title 9, Chapter 4 of the California Government Code;
- B. California Government Code section 87200 and the City's Conflict of Interest Code require certain individuals to disclose investments, interests in real property, and income by timely submitting a Statement of Economic Interests, commonly known as Form 700;
- C. 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, or committee, required to file statements, reports, or other documents required by Chapter 4 of the Political Reform Act to file such statements, reports, or other documents online or electronically with the City Clerk;
- D. Government Code section 84615 also provides that in any instance in which the original statement is required to be filed with the Secretary of State and a copy of that statement 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;
- E. The City Council expressly finds and determines that the City Clerk's web-based system contains multiple safeguards to protect the integrity and security of the data, will operate securely and effectively, and will not unduly burden filers; and
- F. The City Clerk will operate the electronic filing system in compliance with the requirements of California Government Code Section 84615 and any other applicable laws.

SECTION 3. ENACTMENT OF DIVISION 14.02 – ELECTRONIC FILING OF CAMPAIGN DISCLOSURES AND STATEMENTS OF ECONOMIC INTEREST

Division 14.02 of the Piedmont City Code is hereby enacted, to read in its entirety:

“14.02.010 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.*) shall file such Statements using the City Clerk’s online system according to procedures established by the City Clerk, unless exempt from the mandatory electronic filing requirements pursuant to Government Code section 84615(a).
- B. All 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.
- C. The City Clerk’s online filing system shall comply with the requirements set forth in Government Code section 84615.
- D. 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 Government Code section 84602(a)(2) and that is compatible with the Secretary of State’s system for receiving an online or electronic filing.
- E. 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 Government Code section 81004.

14.02.020 Procedures for Utilizing Online Filing

- A. Electronic filing is mandatory unless the officer, candidate, or committee is exempt as described in Section 14.02.010 (A) and/ or California Government Code 84615(a).
- B. 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.
- C. The City Clerk shall issue an electronic confirmation that notifies the filer that the Statement was received. The notification shall also 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. In the event that the City Clerk’s online filing system is not 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 City Clerk’s online filing system shall enable electronic filers to complete and submit filings free of charge.

14.02.030 Availability of Statements for Public Review; Record Retention

- A. The City Clerk’s online filing system shall make all the data filed available on the City’s webpage. The data shall be made available expeditiously after the City’s receipt, and will be made available free of charge. 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 retain a complete, unredacted copy of any Statement filed, which will be made available to any person upon request.
- B. 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 electronic Statement, which shall serve as the official version of that record for purpose of audits and any other legal purpose.

SECTION 4. CODIFICATION

The City Clerk is directed to codify this division into a new Chapter 14 of the Piedmont City Code entitled “Elections and Financial Disclosure”

SECTION 5. SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part of it is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, the illegality, invalidity, unconstitutionality, or inapplicability will not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of the Ordinance or their applicability to other persons or circumstances.

SECTION 6. EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council determines that the actions contemplated by this ordinance are exempt from the California Environmental Quality Act (CEQA), under CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that there is no possibility for the proposed ordinance to have a significant effect on the environment.

SECTION 7. POSTING, FILING, AND EFFECTIVE DATE

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least 30 days and shall become effective 30 days after the second reading



I certify that the foregoing ordinance was passed and adopted as a part of the consent calendar by Resolution 01-2021 at the regular meeting of the City Council of the City of Piedmont on January 19, 2021, by the following vote:

Ayes:	Andersen, Cavanaugh, McCarthy, Rood
Noes:	None
Absent:	King

Attest: _____
John O. Tulloch, City Clerk