

Agenda Report Reviewed by:  
City Manager: 

CITY OF SEBASTOPOL  
CITY COUNCIL  
AGENDA ITEM

Meeting Date: March 2, 2021  
To: Honorable Mayor and City Councilmembers  
From: City Clerk  
Subject: Approval and Adoption of Ordinance 1132 - Electronic Filing and Administration of Fair Political Practices Commission (FPPC) Disclosure Statements and Statements of Economic Interest Forms  
Recommendation: That the City Council Approve and Adopt the Ordinance  
Funding: Currently Budgeted: XX Yes      No      N/A

Account Code 100-10-01-4330 | Costs authorized in City Approved Budget AK (verified by Administrative Services Department)

**INTRODUCTION/PURPOSE:**

This item is for City Council consideration of Approval and Adoption of Ordinance 1132 - Electronic Filing and Administration of Fair Political Practices Commission (FPPC) Disclosure Statements and Statements of Economic Interest Forms.

**BACKGROUND:**

At the February 16<sup>th</sup> City Council Meeting, city staff introduced an ordinance for electronic filing of campaign statements and Statements of Economic Interests (Form 700) and the City Council unanimously approved the first reading and introduction of this ordinance. This new electronic filing will make it easier for officials to comply with reporting obligations and provides the public with information in a more accessible and consistent format. Electronic filing will also result in less paper being printed and handled, a change consistent with the City’s Zero Waste Goals. Additional benefits are:

- The City will offer this program at no expense to filers.
- It will help to ensure a greater level of consistency and equity between candidate filings.
- Ensures the integrity of the data transmitted and includes safeguards against tampering or altering the data.
- All filings will have a professional appearance and include quality control checks to ensure that no required entries are missed.
- The campaign disclosure statements would instantly post to the City’s website the same day as filed.
- City staff will continue to provide assistance for those filers who cannot file electronically.

**DISCUSSION:**

Per California Government Code Section 84615, local jurisdictions may require the filing of campaign statements and reports solely in an electronic form and must adopt an ordinance to specify this requirement. That ordinance is before the City Council tonight for adoption.

**PUBLIC COMMENT:**

As of the writing of this staff report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report, such comments will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of this item.

**PUBLIC NOTICE:**

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date.

**FISCAL IMPACT:**

There is no fiscal impact with this decision tonight.

**RECOMMENDATION:**

That the City Council Approve and Adopt Ordinance 1132 - Electronic Filing and Administration of Fair Political Practices Commission (FPPC) Disclosure Statements and Statements of Economic Interest Forms.

**ATTACHMENTS:**

Ordinance

**ORDINANCE NUMBER 1132**

An Ordinance of the City Council of the City of Sebastopol Adding Chapter 2.10 (Electronic Filing of Campaign Finance Disclosure and Statements of Economic Interests) to Title 2 (Administration and Personnel) of the City of Sebastopol Municipal Code Relating to Electronic Filing of Campaign Statements and Statements of Economic Interests

WHEREAS, the City of Sebastopol finds that public access to campaign disclosure information is a vital and integral component of a fully informed electorate. Transparency in campaign financing is critical in order to maintain public trust and support of the political process; and

WHEREAS, Since the enactment of the Political Reform Act candidates and committees have complied with filing requirements by filing paper copies of campaign statements and reports. The City of Sebastopol City Clerk’s Office has expended a significant amount of staff time to make such paper filings readily available to the public; and

WHEREAS, In July 2012, the California Legislature approved Assembly Bill 2452 which authorizes local jurisdictions to require the filing of campaign statements and reports solely in an electronic format. The Governor approved the legislation on July 13, 2012 and it took effect on January 1, 2013. 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 independent 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 Sebastopol intends to enter into an agreement with Granicus, 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 City of Sebastopol finds that by eliminating manual processing of filings, electronic filing requirements will conserve resources and advance the City of Sebastopol’s Zero Waste goals, and ensure the public has access to information disclosed in campaign statements and reports in a timelier manner; 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 Sebastopol desires to amend Title 2 of the City of Sebastopol Municipal Code (Administration and Personnel) to add a new Chapter relating to electronic filing of campaign and conflict of interest statements.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The purpose of this Ordinance is to require online electronic filing of campaign statements and require online reporting of contributions and independent expenditures regarding elections of Candidates to the City of Sebastopol offices and the qualification or passage of local ballot measures within the City of Sebastopol as currently required under the Political Reform Act, (commencing with California Government Code Section 84200 et seq.) in order to facilitate review and maximize the availability of this information to the public.

SECTION 3. This Ordinance is adopted pursuant to California Government Code Section 81013 which authorizes local agencies to impose additional requirements on any person so long as the requirements do not prevent the person from complying with the Political Reform Act.

SECTION 4. This Ordinance is intended to supplement the Political Reform Act as amended. Unless a word or term is specifically defined in this Ordinance or the contrary is stated or clearly appears from the context, words and terms shall have the same meaning as when they are used in Title 9 of the California Government Code, in which the Political Reform Act is codified, and as supplemented by the Regulations of the Fair Political Practices Commission as set forth in Title 2, Division 6 of the California Code of Regulations (“Regulations”), as well as any amendments to the Act or to the Regulations. If any provision of this Ordinance is held invalid, the terms of the Act and its Regulations control and supersede the terms of this Ordinance to the extent necessary to bring this Ordinance into full compliance therewith.

SECTION 5. Chapter 2.10 is hereby added to Title 2 (Administration and Personnel) of the City of Sebastopol Municipal Code to read as follows: Chapter 2.10 ELECTRONIC FILING 2.100610 – Electronic filing of campaign statements and statements of economic interests.

a. Any 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), shall file such documents online or electronically with the City Clerk, unless exempt from the requirement to file online pursuant to Government Code section 84615(a) because the elected officer, candidate, committee or other person receives contributions totaling less than two thousand dollars (\$2,000) and makes expenditures totaling less than two thousand dollars (\$2,000) in a calendar year.

b. Any person holding a position listed in Government Code Section 82700 or designated in the City’s local conflict of interest code adopted pursuant to Government Code section 83700 shall file any required Statement of Economic Interest reports (Form 700) electronically with the City Clerk.

c. Filings set forth in Section 5 (a) and (b) which are filed and received electronically with the City Clerk are not required to also be filed with the City Clerk in paper format. An electronic filing will be the official record of such filing. Filers must sign electronic filings in the system under penalty of perjury.

d. 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.

e. If the City Clerk’s electronic system is not capable of accepting a particular type of statement, report or other document, an elected officer, candidate, committee or other person shall file that document with the City Clerk in an alternative format.

f. Once a Candidate or Committee is subject to the electronic filing requirements imposed by this Ordinance, the Candidate or Committee will remain subject to the electronic filing requirements until the Candidate or Committee files a termination statement pursuant to the Political Reform Act.

SECTION 6. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(5), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect changes in the environment.

SECTION 7. If any Person violates any provision of this Ordinance, he or she shall be liable to the Filing Officer at a minimum of ten (\$10) dollars per day of violation, in addition to any other legal remedies provided by law. This amount shall be deemed a penalty in accordance with Government Code Section 91013.

SECTION 8. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, 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 Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Sebastopol at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

SECTION 6. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

APPROVED FOR WAIVING OF FIRST READING AND INTRODUCTION OF ORDINANCE at the Regular City Council Meeting of February 16, 2021.

APPROVED FOR SECOND READING AND ADOPTION OF ORDINANCE at the March 2, 2021 Regular City Council Meeting.

The above and foregoing Introduction of Ordinance was approved at a meeting by the City Council on the 2<sup>nd</sup> day of March, 2021 following a roll call vote:

**VOTE:**

Ayes:

Noes:

Absent:

Abstain:

\_\_\_\_\_  
Mayor Una Glass

ATTEST: \_\_\_\_\_  
Mary Gourley, City Clerk, MMC

APPROVED AS TO FORM: \_\_\_\_\_  
Larry McLaughlin, City Attorney