

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, ADDING CHAPTER 2.68 "ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL PRACTICES CAMPAIGN DISCLOSURE STATEMENTS" OF TITLE 2 "ADMINISTRATION AND PERSONNEL" TO THE DESERT HOT SPRINGS MUNICIPAL CODE RELATING TO ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL PRACTICES COMMISSION CAMPAIGN DISCLOSURE STATEMENTS

WHEREAS, the City of Desert Hot Springs ("City") is a charter city organized pursuant to Article XI of the California Constitution; and

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 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; and

WHEREAS, the City Council now desires to add the option of electronically filing Campaign Disclosure Statements by elected officials, candidates, committees, or other persons.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS DOES ORDAIN AS FOLLOWS:

Section 1. RECITALS

That the above recitals are true and correct and are incorporated as though fully set forth herein.

Section 2.. PURPOSE AND AUTHORITY

That the purpose of this Ordinance is to add the option of electronically filing Campaign Disclosure Statements by elected officials, candidates, committees or other persons. The City Council enacts this Ordinance in accordance with the authority granted to cities by State law.

Section 3. FINDINGS

That the City Council of the City of Desert Hot Springs finds and determines as follows:

- A. The City Clerk's web-based system contains multiple safeguards to protect the integrity and security of the data, and
- B. The City Clerk's web-based system will operate securely and effectively and will not unduly burden filers.

Section 4. CHAPTER 2.68 TO THE MUNICIPAL CODE RELATING TO ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL PRACTICES COMMISSION CAMPAIGN DISCLOSURE STATEMENTS

That Chapter 2.68 ("Electronic and Paperless Filing of Fair Political Practices Campaign Disclosure Statements") of Title 2 ("Administration and Personnel") of the Desert Hot Springs Municipal Code is hereby added to read as follows:

2.68.010 General.

- A. **Any elected officer, candidate, committee, or other person required to file statements, reports or other documents ("Statement" or "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 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 or makes less than \$2,000 in expenditures in a calendar year. These procedures shall ensure that the online**

system complies with the requirements set forth in Section 84615 of the Government Code.

- 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.

2.68.020 Procedures for Utilizing Online Filing.

- A. During the period commencing with the effective date this Ordinance, an elected officer, candidate, committee, or other person may choose to opt into the City's 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, committee, or other person has opted in, all subsequent Statements shall be filed electronically. An elected officer, candidate, committee, or other person may opt out of the electronic filing system by filing original Statements in paper format with the City Clerk. Thereafter the elected officer, candidate, committee, or other person shall file all original Statements in paper format with the City Clerk.
- 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, 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.

2.68.030 Availability of Statements for Public Review; Record Retention

- A. The City Clerk's system shall make all the data filed available on the Internet 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 Internet 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, 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.

That, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 6. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Municipal Code as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this Ordinance are hereby repealed.

Section 7. AMENDING OF BAIL SCHEDULE

That the City Attorney's Office is hereby directed to determine whether this Ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 8. EFFECTIVE DATE

That this Ordinance shall take effect thirty (30) days after its adoption.

Section 9. CERTIFICATION

That the City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published according to law.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held this 18th day of September, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer Mizrahi, City Attorney