

ORDINANCE NO. 532

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERCULES ADDING CHAPTER 2-1.06 “ELECTRONIC FILING OF CAMPAIGN DISCLOSURE DOCUMENTS” TO TITLE 2 “ADMINISTRATION” OF THE HERCULES MUNICIPAL CODE RELATING TO CAMPAIGN DISCLOSURE DOCUMENTS

WHEREAS, California 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 intends to enter into 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 City Council finds that 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 include 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 California 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 Hercules desires to amend the Hercules Municipal Code 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 HERCULES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The City Council hereby incorporates the above recitals into this Ordinance by this reference.

SECTION 2. Amendment. That the City Council of the City of Hercules does hereby amend Hercules Municipal Code Title 2 by adding Section 2-1.06, to read as follows:

Chapter 2.106 – Electronic Filing of Campaign Disclosure Documents and Statements of Economic Interests.

- (a) Any elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by Title 9 of the Government Code, commencing with Section 84100, except an elected officer, candidate, committee or other person who receives contributions totaling less than \$2,000, and makes expenditures totaling less than \$2,000 in a calendar year shall file those statements, reports or other documents online or electronically with the City Clerk.
- (b) Any person holding a position listed in Government Code section 87200 or designated by the City's conflict of interest code shall file any required Statement of Economic Interest reports online or electronically with the City Clerk.
- (c) In any instance in which an original statement, report of 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) If the city's electronic filing 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.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be deleted.

SECTION 4. Effective Date and Publication. The City Clerk shall certify to the adoption of this Ordinance and shall publish or post the Ordinance as required by law. This Ordinance shall be effective thirty (30) days from date of final adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Hercules City Council on the 12th day of January, 2021, and was passed and adopted at a regular meeting of the Hercules City Council on the ____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chris Kelley, Mayor

Lori Martin, MMC
Administrative Services Director / City Clerk