

ORDINANCE NO. 1942

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, AMENDING ARTICLE III TO CHAPTER 7 OF THE FONTANA MUNICIPAL CODE REGARDING ELECTRONIC AND PAPER METHODS OF FILING CAMPAIGN FINANCE DISCLOSURE STATEMENTS.

WHEREAS, California Government Code Section 84615 provides that a legislative body of local government agency may adopt an ordinance that requires an elected official, candidate, committee, or other person required to file statements, reports or other documents required by Chapter 4 of the Political Reform Act, except those whose contributions and expenditures each total less than two thousand dollars (\$2,000) in a calendar year, to file such statements, reports, or other documents online or electronically with a local filing officer; and

WHEREAS, On February 8, 2022, the Fontana City Council (City Council) adopted Ordinance 1878 amending Chapter 7 of the Fontana Municipal Code adding Article III related to electronic and paperless filing of statutory Fair Political Practices Commission (FPPC) economic and financial disclosure statements by elected officials, candidates, or committees; and

WHEREAS, adoption of Ordinance 1878 included an opt-in/opt-out option for electronic filing which allows for the submission of paper filings; and

WHEREAS, the software used by NetFile's electronic filing system has been certified by the Secretary of State and meets the requirements set by Government Code section 84615; and

WHEREAS, NetFile's electronic filing system software is currently being used by the Fontana City Clerk's Department; and

WHEREAS, the Deputy City Clerk and NetFile currently operate the electronic filing system in compliance with the requirements of California Government Code section 84615 and any other applicable laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. RECITALS. The above Recitals are true, correct and incorporated herein by this reference.

Section 2. CEQA. This Ordinance is not a project within the meaning of Section 1538 of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt for the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Bernardino in accordance with CEQA Guidelines.

Section 3. FINDINGS. The City Council finds that the City's electronic filing system, NetFile software, contains multiple safeguards to protect the integrity and security of the data, and will operate securely and effectively and will not unduly burden filers.

Section 4. TITLE. "CHAPTER 7, ARTICLE III- ELECTRONIC FILING OF CAMPAIGN DISCLOSURE INFORMATION" is hereby amended to read as follows:

Sec. 7-31 Required Use of Electronic Filing.

(a) Except as set forth in subsection (b) of this Section 7-31, any elected officer, candidate, committee or other person required to file specified statements, reports, forms, or other documents with the Fontana Deputy City Clerk as required by Chapter 4 (commencing with Section 84100 of Title 9 of the California Government Code, also known as the Political Reform Act), and that has received contributions or made expenditures of \$2,000.00 or more in a calendar year, ~~may~~ shall electronically file such statement using the City's online system according to procedures established by the Deputy City Clerk. ~~However, to ensure reporting continuity, once a statement, report, form, or other document is filed electronically on behalf of any elected officer, candidate, or committee, all future statements, report, forms and other documents filed on behalf of that officer, candidate or committee must be filed electronically.~~

(b) The Deputy City Clerk, as the City's filing officer, shall have the right to accept a paper filing in lieu of an electronic filing at the Deputy City Clerk's discretion and to accommodate an Americans with Disabilities Act (ADA) request.

Sec. 7-32 Paper Filing Not Required After Electronic Filing.

Any elected officer, candidate, committee or other person who has electronically filed a statement, report, form, or other document using the City's online system is not also required to file a copy of that document in a paper format with the Deputy City Clerk.

Sec. 7-33 Filing Options When a Copy Must be Filed with Deputy City Clerk.

In any instance in which an original statement, report, form, or other document must be filed with the Secretary of State or other agency, and a copy of that document is required to be filed with the Deputy City Clerk, the filer may electronically file a copy with the Deputy City Clerk or may file in a paper format.

Sec. 7-34 Paper Filing When Cannot File Electronically.

If, for technical reasons, the City's system is not capable of accepting a particular type of statement, report, form or other document, an elected officer, candidate, committee or other person shall timely file that document in paper format with the Deputy City Clerk.

Sec. 7-35 Internet Posting of Data.

The Deputy City Clerk shall ensure that the City's system makes all electronically filed statements, reports, forms, or other documents 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/deadline. The data made available on the internet shall not contain the street name 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 Department shall also make a complete, unredacted copy of the statement, report, form, or other document available to the Fair Political Practices Commission for Government Code section 87200 filers.

Sec. 7-36 Records Retention.

The City Clerk's Department shall maintain records according to the City's Records Retention Schedule and applicable State law commencing from the date filed, a secured, official version of each online or electronic statement, report, form, or other document, which shall serve as the official version of that record.

Sec. 7-37 Administrative Policies and Procedures.

The Deputy City Clerk is authorized to adopt such administrative policies and procedures as deemed necessary to implement this Chapter.

Section 5. CERTIFICATION. The Deputy City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

Section 6. EFFECTIVE DATE. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

Section 7. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and, to this end, the provisions of this ordinance are declared to be severable.

APPROVED AND ADOPTED this 9th day of April, 2024.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Germaine Key, City Clerk of the City of Fontana and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance introduced at a regular meeting on the 26th day of March 2024, and was finally passed and adopted not less than five days thereafter on the 9th of April 2024, by the following vote to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk