

ORDINANCE NO. 1878

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA ADDING ARTICLE III TO CHAPTER 7 OF FONTANA MUNICIPAL CODE TO MANDATE ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL PRACTICES COMMISSION CAMPAIGN DISCLOSURE STATEMENTS AND STATEMENTS OF ECONOMIC INTEREST

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 Deputy City Clerk; and

WHEREAS, the City of Fontana (“City”) has entered into an agreement with a vendor approved by the California Secretary of State and meets the requirements set by Government Code Section 84615, to provide an online electronic filing system (“System”) for the California Fair Political Practices Commission campaign statements; 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 temper 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.

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

SECTION 1. FINDINGS.

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

- A. 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 Deputy City Clerk.
- B. The web-based system operated by the Deputy City Clerk contains multiple safeguards to protect the integrity and security of the data, it will operate securely and effectively, and it will not unduly burden filers.
- C. The Deputy 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 2. ADOPTION OF CITY CODE CHAPTER 7, ARTICLE III.

Fontana Municipal Code Chapter 7 (Elections), Article III (Electronic Filing of Campaign Disclosure Statements and Statements of Economic Interest) is hereby added to read as follows:

ARTICLE III. - ELECTRONIC FILING OF CAMPAIGN DISCLOSURE STATEMENTS AND STATEMENTS OF ECONOMIC INTEREST

Section 7.31. Purpose and Authority.

- A. The purpose of this ordinance is to require the filing of Campaign Disclosure Statements and Statements of Economic Interest by elected officials, candidates, staff, consultants or committees to be completed electronically. 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.
- B. While electronic filing of statements will be mandated under this ordinance, the Deputy City Clerk, as the City's filing officer, will have the right to accept a paper filing in lieu of an electronic filing at the Deputy City Clerk's discretion, under certain circumstances, and to accommodate an Americans with Disabilities Act (ADA) request.

Section 7.32. Basic Requirement.

- A. 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 or designated in the City's local conflict of interest code adopted pursuant to Government Code Section 87300 shall file any required Statement of Economic Interests (Form 700) online or electronically with the Deputy City Clerk. Electronic filing is mandatory unless the officer, candidate, or committee is exempt as described Government Code 8415(a).
- B. The Deputy City Clerk shall issue an electronic confirmation that notifies the filer that the Statement was received, and the 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 Deputy City Clerk. The date of filing for a Statement filed online shall be the day that it is received by the Deputy City Clerk.
- C. If the Deputy City Clerk's system is not capable of accepting a Statement due to technical difficulties, a Statement in paper format shall be filed with the Deputy City Clerk.
- D. The Deputy City Clerk will operate the electronic filing system in compliance with the requirements of California Government Code Section 84615.

SECTION 3. CEQA- EXEMPTION: This proposed ordinance has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.). The ordinance is not a project under CEQA Guidelines Section 15378 because it involves administrative activities that will not result in direct or indirect physical changes in the environment.

SECTION 4. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Fontana hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

SECTION 5. EFFECTIVE DATE. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

APPROVED AND ADOPTED this 25th day of January 2022.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Tonia Lewis, 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 of said City Council on December 14, 2021, and was finally passed and adopted not less than five days thereafter on January 25, 2025, by the following vote, to wit:

AYES:

NOES:

ABSENT:

City Clerk

Mayor

ATTEST:

City Clerk