

ORDINANCE NO. 1869

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, ADDING CHAPTER 2.70 TO TITLE 2 OF THE GARDENA MUNICIPAL CODE RELATING TO STATEMENTS OF ECONOMIC INTEREST AND ELECTRONIC AND PAPERLESS FILING OF CAMPAIGN DISCLOSURE STATEMENTS

WHEREAS, The Political Reform Act of 1974 requires the filing of specified statements, reports, and other documents. Under the Act, a local government agency may require these filings to be made online or electronically with the local filing officer (the City Clerk). With the enactment of more recent legislation, AB2452 and AB2151, the Act requires the local filing officer to make all data available on the internet in an easily understood format that provides the greatest public access within 72 hours of the filing deadline, and;

WHEREAS, Historically, City Council candidates and campaign committees have filed paper copies of required campaign statements and reports. Once filed, the documents are made available for review by the public. The City Clerk's Office spends a significant amount of staff time to make such paper filings readily available and posted online which requires further handling. 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. Nevertheless, these values require staff resources to implement. As a means to more cost-effectively maintain the public trust, the City recently contracted with NetFile for installation of two electronic programs for on-line submittal and posting of Fair Political Practices Commission (FPPC) forms related to Conflict of Interest (i.e., Form 700s) and Campaign Disclosure documents (i.e. Form 460s). Both programs have been installed and are operational, however, there is one remaining authorization necessary by Council in order to make these filings fully electronic, and;

WHEREAS, Pursuant to California Government Code Section 84615, the City Council must officially adopt an Ordinance memorializing their approval to require and authorize complete electronic signature and submission of electronic campaign disclosure forms. Tonight's action is the first of a two-step process to implement electronic filing.

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

SECTION 1. Purpose and Authority. 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

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granted to cities by state law. This ordinance is intended to supplement, and not conflict with, the Political Reform Act.

SECTION 2. Findings.

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

- A. That 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 City Clerk.
- B. In any instance in which the original statement is required to be filed with the Secretary of State and a copy of that statement is required to be filed with the City, the filer is permitted, but not required, to file a copy electronically;
- C. The City Clerk's web-based system contains multiple safeguards to protect the integrity and security of the data, will operate securely and effectively, and will not unduly burden filers; and
- D. The City Clerk/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.
- E. This Ordinance is not a project within the meaning of Section 15378 of the CEQA Guidelines because it has no potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment, either directly or ultimately. In the event that the Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility to have a significant effect on the environment.

SECTION 3. Addition:

Gardena Municipal Code 2.70, " Statements of Economic Interest and Electronic Filing of Campaign Disclosure Statements" is hereby added to read as follows:

2.70.010 Definitions

For the purposes of this chapter, the following words, terms, and phrases shall be defined as follow:

- A. "Electronic filing system" means a system established by the City Clerk pursuant to Section 84615 of the Government Code for electronic filing of statements, as defined herein.
- B. "Filer" means any elected officer, candidate, committee, or other person required to file statements, as defined herein.
- C. "Statements" shall mean any statements, reports, or other documents that filers must file in accordance with Chapter 4 of the Political Reform Act (Government Code Section 84100, et seq.).

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2.70.020 Electronic Filing System.

- A. Pursuant to Government Code section 84615, the City Clerk may establish an electronic filing system.
- B. The electronic filing system shall meet the following requirements:
 - 1. Comply with all requirements set forth in Section 84615 of the Government Code.
 - 2. Ensure the integrity of data transmitted, including by establishing safeguards against efforts to tamper with, manipulate, alter, or subvert data.
 - 3. Accept filing in the standardized record format developed by the California Secretary of State pursuant to Section 84602(a)(2) of the California Government Code, compatible with the Secretary of State's system for receiving an online or electronic filing.
 - 4. 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.

2.70.030 Required Online Filing.

- A. Upon establishment of an electronic filing system by the City Clerk pursuant to Section 2.70.010(A), each filer shall file statements using the City Clerk's electronic filing system according to procedures established by the City Clerk. Notwithstanding the preceding sentence, filers are exempt from these requirements if they received less than \$1,000 in contributions and made less than \$1,000 in expenditures, or another amount as established by the Political Reform Act. in a calendar year.
- B. Filers who have electronically filed a statement using the City Clerk's electronic filing system are not required to file copies in a copy of that document in paper format with the City Clerk.
- C. Filers shall file statements in paper format with the City Clerk if the electronic filing system is not capable of accepting a statement for any reason.,
- D. The electronic filing system shall allow filers to complete and submit statements free of charge.

2.70.040 Availability of Statements for Public Review; Record Retention.

- A. The City Clerk shall make available on the City's website all data filed pursuant to this Chapter in an easily understood format that provides the greatest feasible public access. Data shall be made available free of charge and as soon as possible after receipt.
- B. Data made available on the City's webpage 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. A complete, unredacted copy of the statement shall be made available to any person upon request to the City Clerk's office.

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C. The City Clerk's office shall maintain online or electronic statements in compliance with State law and the City's adopted Retention Schedule.

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, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council 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 section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

SECTION 5. Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a publication of general circulation.

SECTION 6. Effective Date. This ordinance shall not become effective or be in force until thirty (30) days from and after the date of its adoption.

Passed, approved, and adopted this 23rd day of April, 2024.

Tasha Cerda, Mayor
TASHA CERDA, Mayor

ATTEST:

Mina Semenza
MINA SEMENZA, City Clerk

APPROVED AS TO FORM:

Carmen Vasquez
CARMEN VASQUEZ, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF GARDENA)

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance, being **Ordinance No. 1869** duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of said City Council held on the **23rd day of April 2024**, and that the same was so passed and adopted by the following roll call vote:

AYES: COUNCIL MEMBER FRANCIS, MAYOR PRO TEM HENDERSON,
 COUNCIL MEMBERS TANAKA AND LOVE, AND MAYOR CERDA

NOES: NONE

ABSENT: NONE



City Clerk of the City of Gardena, California

(SEAL)