

REPORT TO CITY COUNCIL

DATE: DECEMBER 13, 2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: KIMBERLY M. RODRIGUES, CITY CLERK

SUBJECT: ADOPTION OF ORDINANCE 23-474; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADDING CHAPTER 12 (ELECTRONIC FILING OF CAMPAIGN DISCLOSURE STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS) TO ARTICLE II (ADMINISTRATION) OF THE AGOURA HILLS MUNICIPAL CODE

At the meeting held on November 8, 2023, the City Council, by a vote of 5-0, unanimously waived full reading and introduced Ordinance No. 23-474, adding Chapter 12 (Electronic Filing of Campaign Disclosure Statements and Statements of Economic Interests) to Article II (Administration) of the Agoura Hills Municipal Code.

FISCAL IMPACT

There is no additional fiscal impact to the City Council 2023-24 adopted Budget.

RECOMMENDATION

Staff recommends the City Council adopt Ordinance No. 23-474.

Attachment: Ordinance No. 23-474

ORDINANCE NO. 23-474

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADDING CHAPTER 12 (ELECTRONIC FILING OF CAMPAIGN DISCLOSURE STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS) TO ARTICLE II (ADMINISTRATION) OF THE AGOURA HILLS MUNICIPAL CODE

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, forms, 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 whose contributions and expenditures each total less than \$2,000 in a calendar year, to file such statements, reports, or other documents online or electronically with the City Clerk; and

WHEREAS, California Government Code Section 84616 provides that within seventy-two (72) hours of each applicable filing deadline, a local government agency shall post on its website a copy of any statement, report, form, or other document required by Chapter 4 (commencing with Section 84100) that is filed with that agency in paper format; and

WHEREAS, the City will enter into an agreement with 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 Interests forms; 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 tamper 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; and

WHEREAS, the City of Agoura Hills desires to amend Article II (Administration) of the Agoura Hills Municipal Code to add a new Chapter 12 relating to Campaign Disclosure Statements and Statements of Economic Interests forms.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES ORDAIN AS FOLLOWS:

SECTION 1. Article II (Administration) of the Agoura Hills Municipal Code is hereby amended to add a new Chapter 12 (Electronic Filing of Campaign Disclosure Statements and Statements of Economic Interests) to read as follows:

“Chapter 12. ELECTRONIC FILING OF CAMPAIGN DISCLOSURE STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS.

- 21200. Use of Electronic Filing System.
- 21201. Paper Filing Not Required After Electronic Filing.
- 21202. Filing Options When a Copy Must be Filed With City Clerk.
- 21203. Electronic Confirmation.
- 21204. Paper Filing When Cannot File Electronically.
- 21205. Internet Posting of Data.
- 21206. Records Retention.
- 21207. Administrative Policies and Procedures.

21200. Use of Electronic Filing System.

(a) Any elected officer, candidate, committee or other person required to file specified statements, reports, forms, or other documents with the 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) that has received contributions or made expenditures of \$2,000 or more in a calendar year, shall electronically file such statements, reports, forms or other documents online or electronically with the City Clerk.

(b) Any person holding a position listed in Government Code Section 87200 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 reports (Form 700) online or electronically with the City Clerk.

21201. 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 paper format with the City Clerk.

21202. Filing Options When a Copy Must be Filed With City Clerk.

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

21203. Electronic Confirmation.

The City Clerk shall issue an electronic confirmation that notifies the filer that the statement, report, form or other document was received. The notification shall include the date and the time that the document 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, report, form or other document filed online shall be the day that it is received by the City Clerk.

21204. 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 City Clerk.

21205. Internet Posting of Data.

(a) The City Clerk shall ensure that the City's system makes all electronically filed statements, reports, forms, or other documents available on the internet free of charge and as soon as possible after receipt/deadline. The 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. The City Clerk's office 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.

(b) Within seventy-two (72) hours of each applicable filing deadline, the City Clerk shall make available on the City's website a copy of any statement, report, form, or other document required by Chapter 4 (commencing with Government Code Section 84100) that is filed with the City in paper format. Providing a link on the City's website to the statement, report, form, or other document satisfies the requirements of this section.

(c) If the final day of the seventy-two (72) hour period is a Saturday, Sunday, or holiday, the period is extended to the next day that is not a Saturday, Sunday, or holiday.

21206. Records Retention.

The City Clerk's Office 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.

21207. Administrative Policies and Procedures.

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

SECTION 2. SEVERABILITY.

The City Council declares 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 3. EFFECTIVE DATE.

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

SECTION 4. CERTIFICATION.

The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published at least once in the local newspaper of general circulation within the City of Agoura Hills.

PASSED, APPROVED, AND ADOPTED, this 13th day of December, 2023, by the following vote to wit:

AYES: (
NOES: (
ABSENT: (
ABSTAIN: (
)

Illece Buckley Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney