

ORDINANCE NO. 22-437

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE LATHROP MUNICIPAL CODE BY ADDING NEW CHAPTER 2.60 TITLED "ELECTRONIC FILING" TO ACCEPT ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL PRACTICES COMMISSION DISCLOSURE CAMPAIGN STATEMENTS & STATEMENTS OF ECONOMIC INTEREST FORMS

WHEREAS, the City of Lathrop finds that public access to campaign disclosure information is a vital and integral component of a fully informed electorate; and

WHEREAS, transparency in campaign financing is critical in order to maintain public trust and support of the political process; and

WHEREAS, since the enactment of the Political Reform Act, candidates and committees have complied with filing requirements by filing paper copies of campaign statements and reports; and

WHEREAS, the City of Lathrop City Clerk's Office has expended a significant amount of staff time to make such paper filings readily available to the public; and

WHEREAS, in July 2012, the California Legislature approved Assembly Bill 2452 which authorizes local jurisdictions to require the filing of campaign statements and reports solely in an electronic format; and

WHEREAS, the Governor approved the legislation on July 13, 2012, and it took effect on January 1, 2013.

WHEREAS, 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 of Lathrop has entered into an agreement with Granicus, 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, Pursuant to California Government Code section 84615, the City of Lathrop hereby finds that the online or electronic filing system will facilitate the efficient and secure filing of required campaign reports and statements of economic interest forms; and

WHEREAS, the System will operate securely and effectively and will not unduly burden filers; and

WHEREAS, the System will ensure the integrity of the data and includes safeguards against efforts to tamper with, manipulate, alter, or subvert the data; and

WHEREAS, 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

WHEREAS, the System will be available free of charge to filers and to the public for viewing filings; and

WHEREAS, the City of Lathrop desires to amend Title 2 "Administration and Personnel" of the Lathrop Municipal Code by Adding New Chapter 2.60 Titled "Electronic Filing" to Accept Electronic and Paperless Filing of Fair Political Practices Commission Disclosure Campaign Statements & Statements Of Economic Interest Forms

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lathrop does hereby ordain as follows:

Section 1.

Title 2 of the Lathrop Municipal Code, titled "Administration and Personnel" is hereby amended by adding new Chapter 2.60 titled "Electronic Filing", to read in its entirety as follows:

CHAPTER 2.60 Electronic Filing

2.60.010 Electronic filing of campaign statements and statements of economic interest.

- A. Whenever any elected officer, candidate, committee or other person is required to file campaign statements, reports or other related documents required by the Political Reform Act (Title 9 of the Government Code), shall file such documents online or electronically with the City Clerk, unless exempt from the requirement to file online pursuant to Government Code Section 84615, because the elected officer, candidate, committee or other person receives contributions totaling less than two thousand dollars (\$2,000), and makes expenditures totaling less than two thousand dollars (\$2,000) in a calendar year.
- B. The provisions of this subsection shall apply to persons or combinations of persons who qualify as a committee under Section 82013 of the Political Reform Act.

- C. The provisions of this subsection shall also apply to any person holding a position listed in Government Code Section 82700 or designated in the City's local conflict of interest code adopted pursuant to Government Code Section 83700, and shall file any required statement of economic interest reports (Form 700) electronically with the Clerk / Local Filing Officer.
- D. The date of filing for a statement, report, or other document that is filed online or electronically shall be the day that it is received by the City Clerk / Local Filing Officer, and the electronic system will confirmation with a timestamp that ensuring that the statement, report, or other document was received.
- E. Filings set forth in Subsections A and B of this Section, which are filed and received electronically with the City Clerk are not required to also be filed with the City Clerk in paper format. An electronic filing will be the official record of such filing. Filers must sign electronic filings in the system under penalty of perjury.
- F. In any instance in which an original statement, report or 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.
- G. If the City Clerk's electronic 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.
- H. If access to online filings has not been prescribed in a timely manner, the elected city officer, candidate, or committee may file an original statement by paper, at the discretion of the City Clerk / Local Filing Officer.
- I. While electronic filing of statements will be mandated under this Ordinance, the City Clerk / Local Filing Officer, will have the right to accept a paper filing in lieu of an electronic filing at the City Clerk's discretion, in instances where indigency or a catastrophe prevent electronic filing, and to accommodate an Americans with Disabilities Act (ADA) request.
- J. Once a candidate or committee is subject to the electronic filing requirements imposed by this Chapter, the candidate or committee will remain subject to the electronic filing requirements until the candidate or committee files a termination statement pursuant to the Political Reform Act.

Section 2.

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability.

If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 4. Effective Date.

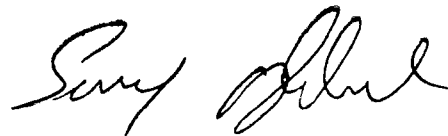
This Ordinance shall take legal effect 30 days from and after the date of its passage.

Section 5. Publication.

Within fifteen days of the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance, to be published in full accordance with Section 36933 of the Government Code.

THIS ORDINANCE was introduced at a meeting of the City Council of the City of Lathrop on the 16th day of May 2022, and was **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lathrop on the 13th day of June 2022, by the following vote, to wit:

- AYES: Akinjo, Diallo, Lazard, Torres-O’Callaghan, and Dhaliwal
- NOES: None
- ABSENT: None
- ABSTAIN: None



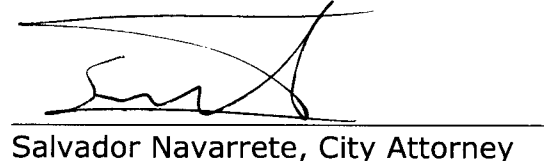
Sonny Dhaliwal, Mayor

ATTEST:



Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN JOAQUIN) ss.
CITY OF LATHROP)

I, Teresa Vargas, City Clerk of the City of Lathrop, California, do hereby certify that the foregoing Ordinance No. 22-437 was duly and regularly introduced at a special meeting of the City Council on the 16th day of May 2022, and that thereafter said Ordinance was duly and regularly adopted at a regular meeting of the City Council on the 13th day of June 2022, by the following vote, to wit:

- AYES: Akinjo, Diallo, Lazard, Torres-O’Callaghan, and Dhaliwal
- NOES: None
- ABSENT: None
- ABSTAIN: None

This Ordinance was duly published in accordance with State Law (G.C. 40806).

I hereby certify that the foregoing is the original of Ordinance No. 22-437 duly and adopted by the City of Lathrop City Council at its regular meeting held June 13, 2022, and that the Summary of the Ordinance was published on June 1, 2022, and Full Reading on June 16, 2022, in the Manteca Bulletin Newspaper.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Lathrop, California, this 16th day of June 2022.


TERESA VARGAS, MMC
CITY CLERK

(SEAL)