

ORDINANCE NO. 2021-03

**AN ORDINANCE OF THE ALBANY CITY COUNCIL ADDING
SECTION 2-30.10 “ELECTRONIC AND PAPERLESS FILING OF FAIR
POLITICAL PRACTICES COMMISSION CAMPAIGN STATEMENTS”
TO THE ALBANY MUNICIPAL CODE**

WHEREAS, California Government Code Section 84615 provides that a legislative body of local government agency may adopt an ordinance that requires an elected offer, 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 City Clerk; and

WHEREAS, the City has entered into an agreement with NetFile, a vendor certified 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.

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

1 **NOW, THEREFORE, THE ALBANY CITY COUNCIL DOES ORDAIN AS**
2 **FOLLOWS:**

3 **SECTION 1: CHAPTER II SECTION 2-30.10 OF THE ALBANY MUNICIPAL CODE**
4 **TITLED “ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL**
5 **CAMPAIGN STATEMENTS” IS HEREBY ADDED AS FOLLOWS:**

6
7 **a. Purpose and Authority.**

8 The purpose of this chapter is to require the filing of Campaign Disclosure Statements
9 by elected officials, candidates, or committees electronically. The City Council enacts
10 this Ordinance in accordance with the authority granted to cities by State law. This
11 Ordinance is intended to supplement, and not conflict with, the Political Reform Act.

12
13 **b. Findings.**

14 Pursuant to California Government Code Section 84615, the City of Albany hereby finds
15 that the online or electronic filing system required by this chapter will operate securely
16 and effectively and will not unduly burden filers. Said system promotes the use of
17 electronic filing of campaign forms required by the State of California to provide for a
18 streamlined paperless and secure system to meet the demand for digital and transparent
19 systems.

20 **c. General.**

- 21 1. Any elected officer, candidate, committee, or other person required to file
22 statements, reports, or other documents ("Statements") as required by Chapter
23 4 of the Political Reform Act (California Government Code Section 84100 et
24 seq.) may file such Statements using the City Clerk's online filing system
25 according to procedures established by the City Clerk. These procedures shall
26 ensure that the online filing system complies with the requirements set forth in
27 Section 84615 of the Government Code. Elected officers, candidates, or
28 committees required to file statements must file such Statements using the City

1 Clerk's online filing system, unless exempt from the requirement to file online
2 pursuant to Government Code Section 84615, as may be amended from time
3 to time.
4

5 2. In any instance in which an original statement, report or other document must
6 be filed with the California Secretary of State and a copy of that statement,
7 report or other document is required to be filed with the City Clerk, the filer
8 may, but is not required to, file the copy electronically in the City Clerk's
9 online filing system.
10

11 3. The online filing system shall ensure the integrity of the data transmitted and
12 shall include safeguards against efforts to tamper with, manipulate, alter, or
13 subvert the data.

14 4. The online filing system shall only accept a filing in the standardized record
15 format that is developed by the California Secretary of State pursuant to
16 Section 84602(a)(2) of the California Government Code and that is compatible
17 with the Secretary of State's system for receiving an online or electronic filing.

18 5. The online filing system shall include a procedure for filers to comply with the
19 requirement that they sign statements and reports under penalty of perjury
20 pursuant to Section 81004 of the Government Code.

21 6. The City Clerk's office shall maintain for a period of at least 10 years
22 commencing from the date filed, or other period required by law, a secured,
23 official version of each online or electronic statement, report, form, or other
24 document on the City Clerk's online filing system, which shall serve as the
25 official version of that record for purpose of audits and any other legal purpose.
26 Data that has been maintained for at least 10 years may then be archived in a
27 secure format.
28

1 **d. Procedures for Utilizing Online Filing.**

- 2
- 3 1. Electronic filing is mandatory unless the officer, candidate, or committee is
- 4 exempt as described in Section 2-30.10(c)(1) or California Government Code
- 5 84615.
- 6
- 7 2. Any elected officer, candidate, or committee who has electronically filed a
- 8 statement using the City Clerk's online filing system is not required to file a
- 9 copy of that document in paper format with the City Clerk.
- 10
- 11 3. The City Clerk or the online filing system shall issue an electronic
- 12 confirmation that notifies the filer that the Statement was received, the
- 13 notification shall include the date and the time that the Statement was received
- 14 and the method by which the filer may view and print the data received by the
- 15 City Clerk. The date of filing for a Statement filed online shall be the day that
- 16 it is received by the City Clerk.
- 17
- 18 4. If the City Clerk's online filing system is not capable of accepting a Statement
- 19 due to technical difficulties, an elected officer, candidate, or committee shall
- 20 file that Statement in paper format with the City Clerk.
- 21
- 22 5. The online filing system shall enable electronic filers to complete and submit
- 23 filings free of charge.

24 **SECTION 2: SEVERABILITY**

25 If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or

26 any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court

27 of competent jurisdiction, such decision shall not affect the validity or effectiveness of the

28 remaining portions of this Ordinance or any part thereof. The City Council of the City of Albany

 hereby declares that it would have passed each section, subsection, subdivision, paragraph,

1 sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
2 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional
3 or invalid or ineffective.

4
5
6 **SECTION 3: CEQA - EXEMPTION:**

7 The Albany City Council finds, pursuant to Title 14 of the California Code of Regulations, Section
8 15378(b)(5), that this Ordinance is exempt from the requirements of the California Environmental
9 Quality Act (CEQA) in that it is a governmental, organizational or administrative activity that
10 will not result in direct or indirect changes in the environment.
11

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13 **SECTION 4: PUBLICATION AND EFFECTIVE DATE.**

14 This Ordinance shall be posted at three public places within the City of Albany and shall
15 become effective thirty days after the date of its adoption.


16
17 **PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on
18 the 5th day of April, 2021 by the following vote:

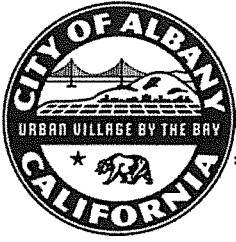
19 AYES: Council Members Jordan, McQuaid, Nason, Tiedemann and Mayor Gary

20 NOES:

21 ABSENT:

22 ABSTAIN:

23
24 
25 _____
26 GE'NELL GARY, MAYOR
27
28



City of Albany

1000 San Pablo Avenue • Albany, California 94706
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PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 5th day of April, 2021, by the following votes:

AYES: Council Members Jordan, McQuaid, Nason, Tiedemann and Mayor Gary

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 6th
day of April, 2021.

Anne Hsu
CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.