

**ITEM 2 ATTACHMENT
ORDINANCE NO. 2023-401**

**AN ORDINANCE OF THE CITY OF CALABASAS, CALIFORNIA,
ADDING CHAPTER 2.06 TO THE CALABASAS MUNICIPAL CODE
REGARDING CAMPAIGN DISCLOSURE STATEMENTS AND
STATEMENTS OF ECONOMIC INTERESTS.**

WHEREAS, California Government Code §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 (commencing with §84100 of the Government Code), except an elected officer, candidate, committee, or other person whose contributions and expenditures each total less than two thousand dollars (\$2,000.00) in a calendar year, to file such statements, reports, or other documents online or electronically with the City Clerk; and

WHEREAS, California Government Code §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, or other document required by Chapter 4 (commencing with §84100) that is filed with that agency in paper format; and

WHEREAS, the City has entered 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 statement of economic interest forms; and

WHEREAS, the System shall operate securely and effectively and will not unduly burden filers. Specifically: (1) the System will ensure the integrity of the data and will include 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 Calabasas desires to amend the Calabasas Municipal Code and to add a new Chapter relating to campaign finance disclosure statements.

**THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS
FOLLOWS:**

Section 1. "Chapter 2.06 (Campaign Finance Disclosure Statements and Statements of Economic Interest) of Title 2 (Administration and Personnel) of the Calabasas Municipal code is added to read as follows:

Section 2.06.010 Purpose and authority.

The purpose of this chapter is to authorize the electronic filing of statements, reports, or other documents required by Chapter 4 of the Political Reform Act by elected officials, candidates, staff, consultants, or committees. The City Council enacts this chapter in accordance with the authority granted to cities by California Government Code §84615.

Section 2.06.020 Findings.

Pursuant to California Government Code §84615, the City of Calabasas hereby finds that the electronic filing system required by this chapter will contain multiple safeguards to protect the integrity and security of the data, it will operate securely and effectively and it will not unduly burden filers.

Section 2.06.030 Electronic Filing of Campaign Finance Disclosure Statements and Statements of Economic Interests.

A. Any elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by California Government Code required by Government Code Chapter 4 (commencing with Section 84100), except an elected officer, candidate, committee, or other person whose contributions and expenditures each total less than two thousand dollars (\$2,000.00) in a calendar year, may electronically file such statements using the procedure established by the City Clerk. Once an elected officer, candidate, committee, or other person files a statement, report, or other document electronically pursuant to subsection (a), all future statements, reports, or other documents on behalf of that filer shall be filed electronically.

B. Any person holding a position listed in Government Code §82700 or designated in the City's Conflict of Interest Code adopted pursuant to Government Code §83700, shall file any required Statement of Economic interest report form (Form 700) online or electronically with the City Clerk.

C. An elected officer, candidate, committee or other person may choose not to use the electronic filing system by filling campaign finance original statements, reports, forms, or other documents in paper format with the City Clerk, until such time as the City Council determines that electronic filing is mandatory for all filers.

D. In any instance in which an original statement, report, or other document must be filed with the California Secretary of State or other agency, and a copy of that 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.

E. If, for technical reasons, the City's electronic filing system is not capable of accepting a statement, report, or other document, an elected officer, candidate, committee, or other person shall file that document with the City Clerk in paper format.

F. 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 internet 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 Department shall also make a complete, un-redacted copy of the statement, report, form, or other document available to the Fair Political Practices Commission for Government Code §87200 filers.

G. The City Clerk's Department shall continue to 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.

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

Section 2.06.040 Posting of Campaign Finance Disclosure Statements and Statements of Economic Interests

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

B. 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.

C. Before posting, the City Clerk shall redact the street name and

building number of the persons or entity representative listed on any statement, report, or document, or any bank account number required to be disclosed by the filing.

D. Statement, reports, or other documents posted in accordance with this section shall be made available on the City’s website for four (4) years from the date of the election associated with the filing.”

Section 2. Severability. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

Section 3. Certification. This Ordinance shall take affect thirty (30) days after its adoption. The City Clerk is directed to certify to the enactment of this Ordinance and to cause this Ordinance to be published and/or posted as required by law.

Section 4. CEQA. The adoption of this Ordinance is not subject to review under the California Environmental Quality Act, Public Resources Code Section 21000 etseq., as this Ordinance is an administrative matter that will not result in any physical changes in the environment. (14 Cal. Code Regs., Section 15378.)

PASSED, APPROVED, AND ADOPTED this __ day of _____ 2023.

David J. Shapiro, Mayor

ATTEST:

Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

APPROVED AS TO FORM:

Matthew T. Summers
Colantuono, Highsmith & Whatley, PC
Assistant City Attorney