

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FOSTER CITY CREATING CHAPTER 2.56 "MUNICIPAL ELECTIONS AND ELECTRONIC FILING" AND ADDING SECTION 2.56.030 "ELECTRONIC AND PAPERLESS FILING OF FAIR POLITICAL PRACTICES COMMISSION CAMPAIGN DISCLOSURE STATEMENTS" TO CHAPTER 2.56; AND AMENDING SECTIONS 2.08.380 "TERM LIMITS" AND 2.08.390 "GENERAL MUNICIPAL ELECTIONS DESIGNATED" TO REMOVE THEM FROM CHAPTER 2.08 "CITY COUNCIL" AND RELOCATING THEM TO SECTIONS 2.56.010 AND 2.56.020 OF CHAPTER 2.56 WITHIN TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE FOSTER CITY MUNICIPAL CODE

CITY OF FOSTER CITY

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 has entered into an agreement with NetFile, Inc., a vendor approved by the California Secretary of State, to provide an online electronic filing system ("System") for campaign disclosure statements; and

WHEREAS, the City of Foster City desires to amend the Foster City Municipal Code to creating a new Chapter 2.56 "Municipal Elections and Electronic Filing", adding a Section regarding electronic filing of Campaign Disclosure Statements and relocating Sections 2.08.380 "Term limits" and 2.08.390 "General municipal elections designated" from Chapter 2.08 to Chapter 2.56.

THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES FIND AND ORDAIN as follows:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein as findings which are basis for this Ordinance.

Section 2. Findings. The City Council of the City of Foster City finds that 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.

Section 3. Amendment. Chapter 2.08, "City Council" of the Foster City Municipal Code is hereby amended by deleting Sections 2.08.380 "Term limits" and 2.08.390 "General municipal elections designated" of Chapter 2.08 within Title 2, "Administration and Personnel" in their entirety.

Section 4. Amendment. A new Chapter 2.56, "Municipal Elections and Electronic Filing" is hereby added to the Foster City Municipal Code and Sections 2.56.010, "Term limits" and 2.56.020, "General Municipal Elections Designated" and 2.56.030 "Electronic and Paperless Filing of Fair Political Practices Commission Campaign Disclosure Statements" to Chapter 2.56 within Title 2, "Administration and Personnel" is added to read in their entirety as follows:

## **Chapter 2.56**

### **MUNICIPAL ELECTIONS AND ELECTRONIC FILING**

#### **Sections:**

- 2.56.010      Term Limits.**
- 2.56.020      General Municipal Elections Designated.**
- 2.56.030      Electronic and Paperless Filing of Fair Political Practices  
Commission Campaign Disclosure Statements.**

#### **Section 2.56.010    Term Limits.**

A.    No person may hold the office of councilmember for more than two terms in succession. This provision does not prohibit holding the office for more than two terms.

B.    "Term of office" as used in this section is defined as a four-year term.

C.    For the purpose of determining the number of terms of office only those terms of office occurring after the effective date of the ordinance codified in this section shall be counted.

#### **2.56.020      General Municipal Elections Designated.**

After January 1, 2018, the general municipal elections of the city shall be consolidated with the statewide election date in accordance with Elections Code Sections 1301, 10000 to 10735, and 14050 to 14057, as amended. The terms for the local elected officials that are scheduled to end in 2017 and 2019 are hereby extended by twelve months. As used in this section, "twelve months" means the period between the day upon which the term of office would otherwise have commenced and the first Tuesday after the second Monday in the twelfth month before or after that day, inclusive.

**2.56.030      Electronic and Paperless Filing of Fair Political Practice  
Commission Campaign Disclosure Statements.**

A.      Definitions. The following definitions apply for the purposes of this section:

"Candidate" shall mean a candidate, as that phrase is defined in Section 82007 of the Government Code, as may be amended from time to time, for any City elective office for any general, special or recall election.

"Committee" has the meaning set forth in Section 82013 of the Government Code, as may be amended from time to time.

"Contribution" has the meaning set forth in Section 82015 of the Government Code, as may be amended from time to time.

"Electronic filing system" shall mean the electronic online filing and data storage system provided for by the City Clerk for campaign statements, reports, forms, or other documents filed pursuant to Government Code Section 81000 et seq.

"Person" has the meaning set forth in Section 82047 of the Government Code, as may be amended from time to time.

"Statements" shall mean any statements, reports, forms or other documents required by Government Code Chapter 4 – Political Reform Act (Section 81000 et seq.), as may be amended from time to time.

B.      Any elected officer, candidate, commission, committee, or other person required to file campaign disclosure statements, reports, forms or other documents required by Government Code Chapter 4 (Campaign Disclosure) – Political Reform Act (Section 84100 et seq.) shall file those statements, reports, or other documents online or electronically with the electronic filing system unless exempt from the requirement to file online pursuant to Government Code Section 84615(a) because the officer, candidate, or committee or person receives less than \$2,000 in contributions and makes less than \$2,000 in expenditures in a calendar year.

C.      In any instance in which an original statement, report or other document required by Government Code Chapter 4 (Campaign Disclosure) – Political Reform Act (Section 84100 et seq.) must be filed with the California Secretary of State and a duplicate or 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.

D.      The electronic filing system shall ensure the integrity of the data transmitted and shall include safeguards against efforts to tamper with, manipulate, alter, or subvert the data.

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

F. The electronic filing system shall 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.

G. Any elected officer, candidate, committee or person who has electronically filed a statement required by Section 2.56.030(B) using the electronic filing system is not required to file a duplicate copy of that document in paper format with the City Clerk.

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

I. If the electronic filing system is not capable of accepting a statement due to technical difficulties, an elected officer, candidate, or committee or other person shall timely file that statement required by Section 2.56.030(B) in paper format with the City Clerk, unless otherwise directed by the City Clerk.

J. The electronic filing system shall enable electronic filers to complete and submit statements or other filings free of charge.

K. The electronic filing system shall make all the data filed pursuant to Section 2.56.030(B) available on the City's webpage in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt. The data made available on the City's webpage shall be redacted to remove the street name and building number of the persons or entity representatives listed or any bank account number required to be disclosed by the filer.

L. The City Clerk's office shall maintain, for a period of at least 10 years commencing from the date filed, a secured, official version of each statement filed on the electronic filing system pursuant to Section 2.56.030(B), which shall serve as the official version of that record for purpose of audits and any other legal purpose.

M. The City Clerk is authorized to adopt such administrative policies and procedures as deemed necessary by the City Clerk to implement this Section 2.56.030."

Section 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council does hereby declare that it should have adopted the Ordinance and each section, subsection, sentence, clause

or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 6. Environmental Determination. This Ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et. seq.), including without limitation, Public Resources Code section 21065 and California Code of Regulations 15378 as this is not a “project” that may cause a direct, or reasonably foreseeable indirect, physical change in the environment.

Section 7. Publication. This Ordinance shall be published in accordance with the law.

Section 8. Effective Date. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 9. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

This Ordinance was introduced and read on the 7th day of August, 2023, and passed and adopted on the 21<sup>st</sup> day of August, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

JON FROOMIN, MAYOR

ATTEST:

---

PRISCILLA SCHAUS, CITY CLERK