



Council Agenda Report

To: Mayor Pierson and the Honorable Members of the City Council

Prepared by: Heather Glaser, City Clerk

Approved by: Reva Feldman, City Manager

Date prepared: January 12, 2020 Meeting date: January 25, 2021

Subject: Second Reading and Adoption of Ordinance No. 479

RECOMMENDED ACTION: Conduct second reading, unless waived, and adopt Ordinance No. 479 adding Chapter 2.68 (Electronic Filing) to Title 2 (Administration and Personnel) of the Malibu Municipal Code to require electronic filing of campaign statements and statements of economic interests and finding the same exempt from the California Environmental Quality Act.

FISCAL IMPACT: Funding for this item was not included in the Adopted Budget for Fiscal Year 2020-2021. NetFile is allowing the City to utilize services free of charge through June 30, 2021. Funding for these services will be added to future year budgets.

WORK PLAN: This item was included as item 6e in the Adopted Work Plan for Fiscal Year 2020-2021.

DISCUSSION: On January 11, 2021, the Council introduced on first reading Ordinance No. 479.

ATTACHMENT: Ordinance No. 479

ORDINANCE NO. 479

AN ORDINANCE OF THE CITY OF MALIBU ADDING CHAPTER 2.68 (ELECTRONIC FILING) TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE MALIBU MUNICIPAL CODE TO REQUIRE ELECTRONIC FILING OF CAMPAIGN STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS AND FINDING THE SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Malibu does ordain as follows:

SECTION 1. Purpose

A. 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.

B. The City intends to enter into an agreement with NetFile, Inc., a vendor that will ensure the City meets all of the requirements of Government Code 84615, to provide an online electronic filing system ("System") for campaign disclosure statements and statements of economic interest forms; and

C. 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

D. The City desires to amend the Malibu Municipal Code to add a new Chapter relating to electronic filing of campaign and conflict of interest statements.

SECTION 2. Chapter 2.68 Electronic Filing is hereby added to read in its entirety as follows:

Chapter 2.68

ELECTRONIC FILING

2.68.010 Campaign Finance Filing

2.68.020 Statements of Economic Interests Filing

2.68.010 Campaign Finance Filing

1. Any elected officer, candidate, committee, or other person required to file statements, reports, or other documents required by Government Code Chapter 4 (commencing with Section 84100), except an elected officer, candidate, committee, or other person who 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, shall file those statements, reports, or other documents online or electronically with the City Clerk.

2. 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.

3. 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.

2.68.020 Statements of Economic Interests Filing

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 (Form 700) online or electronically with the City Clerk.

SECTION 3. Environmental Review.

The City Council finds that adoption and implementation of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment, and Section 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 4. The City Clerk shall certify the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published or posted in the same manner required by law.

PASSED, APPROVED AND ADOPTED this ____ day of ____ 2021.

MIKKE PIERSON, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

Date: _____

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED

BY THE CITY ATTORNEY'S OFFICE
JOHN COTTI, Interim City Attorney