

## **ORDINANCE NO. 23-**

### **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, ADDING CHAPTER 2.80 "ELECTRONIC AND PAPERLESS FILING OF CAMPAIGN DISCLOSURE STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS" TO THE MAMMOTH LAKES MUNICIPAL CODE**

**WHEREAS**, Government Code Section 84615 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 Town 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 Statements of Economic Interest forms; 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 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 Town Council desires to amend the Mammoth Lakes Municipal Code to add a new chapter relating to electronic filing of Campaign Disclosure Statements and Statements of Economic Interests.

**NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES DOES ORDAIN AS FOLLOWS:**

#### **SECTION 1. RECITALS**

The above Recitals are true and correct and are incorporated as though fully set forth herein.

#### **SECTION 2. PURPOSE**

The purpose of this Ordinance is to require the filing of Campaign Disclosure Statements and Statements of Economic Interest by elected officials, candidates, staff, consultants, commissions, or committees to be completed electronically. The Town Council enacts this Ordinance in accordance with the authority granted to cities by state law. This ordinance is intended to supplement, and not conflict with, the Political Reform Act.

**SECTION 3.    ADOPTION OF MUNICIPAL CODE CHAPTER 2.80**

Chapter 2.80, entitled “Electronic and Paperless Filing of Campaign Disclosure Statements and Statements of Economic Interest”, is hereby adopted and added to Title 2 of the Mammoth Lakes Municipal Code, to read as follows:

**2.80    Electronic Filing of Campaign Disclosure Statements and Statements of Economic Interests**

**2.80.010            General.**

- A. Any elected officer, candidate, commission, committee, or other person required to file statements, reports, or other documents required by Chapter 4 of the Political Reform Act (commencing with Government Code Section 84100) shall file those statements, reports, or other documents online or electronically with the Town Clerk, unless exempt from the requirement to file online pursuant to Government Code Section 84615(a) because the officer, candidate, or committee receives less than \$2,000 in contributions and makes less than \$2,000 in expenditures in a calendar year. All other individuals required to file Statements of Economic Interest according to the Town’s adopted Conflict of Interest Code must file electronically using an online system specified by the Town Clerk.
- B. Any person holding a position listed in Government Code Section 87200 or designated in the Town’s local conflict of interest code adopted pursuant to Government Code section 87300, shall file any required Statement of Economic Interest reports (Form 700) online or electronically with the Town Clerk. Any elected officer, candidate, or committee who has electronically filed a statement using the online system specified by the Town Clerk is not required to file a copy of that document in paper format with the Town Clerk, except that if the online system is not capable of accepting a Statement due to technical difficulties, an elected officer, candidate, or committee shall file that Statement in paper format with the Town Clerk.
- C. 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 Town Clerk, the filer may, but is not required to, file the copy electronically.
- D. The online 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 online 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 online 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. The Town 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 Town Clerk. The date of filing for a Statement filed online shall be the day that it is received by the Town Clerk.
- H. The online filing system shall enable electronic filers to complete and submit filings free of charge.

2.80.020      Availability of Statements for Public Review; Record Retention

- A. The system specified by the Town Clerk shall make all the data filed available on the Town'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 Town's webpage 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 Town Clerk's office shall make a complete, unredacted copy of the statement, including any street names, building numbers, and bank account numbers disclosed by the filer, available to any person upon request.
- B. The Town Clerk's office shall maintain, for a period of at least 10 years commencing from the date filed, a secured, official version of each online or electronic statement which shall serve as the official version of that record for purpose of audits and any other legal purpose.

**Section 4.**      **SEVERABILITY**

That the Town Council declares that, should any provision, section, paragraph, sentence, or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this ordinance as hereby adopted shall remain in full force and effect.

**Section 5.**      **EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days after its adoption.

**Section 6.**      **CERTIFICATION**

The Town Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

The foregoing ordinance was approved and adopted at a meeting of the Town Council held on March 15, 2023.

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JOHN WENTWORTH, Mayor

**ATTEST:**

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JAMIE GRAY, Town Clerk