

**DRAFT 5/19/2017 MCT****ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO ADD CHAPTER 2.29 (ELECTRONIC FILING) TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO ELECTRONIC FILING OF CAMPAIGN STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS**

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 \$1,000, or makes independent expenditures totaling less than \$1,000, 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 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 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 of Sunnyvale desires to amend Title 2 of the Sunnyvale Municipal Code (Administration and Personnel) to add a new Chapter relating to electronic filing of campaign and conflict of interest statements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES  
ORDAIN AS FOLLOWS:

**SECTION 1. CHAPTER 2.29 ADDED.** Chapter 2.29 (Electronic Filing) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code is hereby added to read as follows:

**Chapter 2.29.****ELECTRONIC FILING**

**2.29.010. Electronic filing of campaign statements and statements of economic interests.**

**2.29.010. Electronic filing of campaign 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 Chapter 4 (commencing with Section 84100 of the Government Code), except an elected officer, candidate, committee or other person who receives contributions totaling less than one thousand dollars (\$1,000), or makes expenditures totaling less than one thousand dollars (\$1,000), in a calendar year shall file those statements, reports or other documents online or electronically with the city clerk. This section also requires online or electronic filing of Statement of Economic Interest reports (Form 700) by any person holding a position listed in Government Code Section 82700 or designated in a local conflict of interest code adopted pursuant to Government Code section 83700.

(b) 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.

(c) 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.

**SECTION 2. CEQA - EXEMPTION.** The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(5), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect changes in the environment.

**SECTION 3. CONSTITUTIONALITY; SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

**SECTION 5. POSTING AND PUBLICATION.** The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on \_\_\_\_\_, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

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City Clerk

Date of Attestation: \_\_\_\_\_

Mayor

(SEAL)

APPROVED AS TO FORM:

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City Attorney