



REPORT TO THE CITY COUNCIL

AGENDA ITEM NO. 1L  
COUNCIL MEETING: 1/9/14  
APPROVED BY

DATE: December 9, 2013

DEPARTMENT DIRECTOR

FROM: YVONNE SPENCE, CMC   
City Clerk

SUBJECT: Revise Local Campaign Contribution Ordinance

RECOMMENDATION

It is recommended that Council approve the amendments to the Local Campaign Contribution Ordinance, Section 2-1105 of the Fresno Municipal Code. The amendments include revising Subsections (a) and (b) of Section 2-1105 and adding Subsection (d) relating to contribution limits and filing methods.

EXECUTIVE SUMMARY

On June 27, 2013, City Council approved a resolution authorizing the City Clerk to enter into an agreement for services of an e-filing and administration system for FPPC Campaign Disclosure Forms 450, 460, 461, 465, 470, 496, and 497. The City Clerk's Office will accept electronically filed campaign statements beginning with forms due January 31, 2014. Prior to allowing electronically-filed campaign statements, City Council needs to adopt an ordinance approving the use of online or electronic filing on a system that will operate securely and effectively and will not unduly burden filers. The system should also meet all the requirements stated in AB2452, which the Netfile system does. Additionally, the amended ordinance reflects the increased contribution limits.

BACKGROUND

On January 1, 2013, Assembly Bill 2452 went into effect adding Government Code 84615 which allows a local government agency to require an elected officer, candidate, committee, or other person to file statements, reports, or other documents online or electronically with a local filing officer. Assembly Bill 2452 does not include an elected officer, candidate, committee, or other person who receives contributions totaling less than one thousand dollars (\$1,000), in a calendar year. The new law prescribes criteria that must be satisfied by a local government agency to require online or electronic filing of statements, reports, or other documents. The system must be available free of charge to filers and the public for viewing filings, and must include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury.

The decision before Council is whether to mandate electronic filings for elected officers, candidates, committees or other persons required to file statements, reports, or other documents or alternatively,

Presented to City Council

12/19/13

introduced / laid over  
B-47

to allow filers to "opt in". , A filer "opts in" after electronically filing one time and thereafter is required to electronically file all documents in the future.

The City Clerk recommends Council mandate electronic filing beginning with the next due date of January 31, 2014, and approve the amendments to increase the contribution limits.

#### **FISCAL IMPACT**

Electronic filing reduces the staff time needed to process the campaign forms. The cost of the Netfile System is free this fiscal year.

Attachment:

Ordinance  
AB2452

TNP:ns [63549ns/tnp]

BILL NO. \_\_\_\_\_

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

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA AMENDING SUBSECTIONS (a) AND (b) OF SECTION 2-1105 AND ADDING SUBSECTION (d) OF THE FRESNO MUNICIPAL CODE, RELATING TO CONTRIBUTION LIMITS AND FILING METHODS

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2-1105 of the Fresno Municipal Code is amended to read:

SECTION 2-1105. CAMPAIGN CONTRIBUTIONS – LIMITATIONS ON AMOUNT [AND DOCUMENT FILING METHODS.]

SECTION 2. Subsections (a) and (b) of Section 2-1105 of the Fresno Municipal Code is amended to read:

(a) A person, other than a small contributor committee or a political party committee, may not make to any candidate for elective City office, and a candidate for elective City office may not accept from a person, any contribution totaling more than ~~three~~ [four] thousand ~~two~~ [one] hundred dollars (~~\$3,200~~) [\$4,100] per election. The provisions of this section do not apply to a candidate's contributions of his or her personal funds to his or her own campaign.

(b) A small contributor committee may not make to any candidate for elective City office, and a candidate for elective City office may not accept from a small contributor committee, any contribution totaling more than ~~six~~ [eight] thousand ~~four~~ [two] hundred dollars (~~\$6,400~~) [\$8,200] per election.

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:

(INP)

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Ordinance No.

SECTION 3. Section 2-1105 of the Fresno Municipal Code is amended by adding subsection (d) thereto to read:

[(d) It is the finding of the City Council that an elected officer, candidate, committee or other person required to file statements, reports, or other documents described by Chapter 4 of the Government Code (commencing with Section 84100) who receives contributions or makes expenditures totaling more than \$1,000 in a calendar year shall file those statements, reports, or other documents online or electronically with the City. The City's online system can and will operate securely and effectively and will not unduly burden filers. By way of this finding, the use of online or electronic filing is hereby authorized and required for elected officers, candidates, committees and other persons filing statements, reports or other documents described in Chapter 4 of the Government Code.]

(1) In any instance in which an original statement, report or other document must be filed with the Secretary of State and a copy of that statement, report, or other document is required to be filed with the City, the filer may, but is not required to, file the copy online or electronically.]

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

\* \* \* \* \*

STATE OF CALIFORNIA )

COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

AYES :  
NOES :  
ABSENT:  
ABSTAIN:

Mayor Approval: \_\_\_\_\_, 2013

Mayor Approval/No Return: \_\_\_\_\_, 2013

Mayor Veto: \_\_\_\_\_, 2013

Council Override Vote: \_\_\_\_\_, 2013

YVONNE SPENCE  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

DOUGLAS T. SLOAN  
City Attorney

BY: \_\_\_\_\_  
Tracy N. Parvanian, Deputy City Attorney

TNP:ns [63547ns/tnp]- 12/10/13

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