

**ORDINANCE NO. 894-22**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY TO ADD SECTION 2.05.050 TO CHAPTER 2.05 "CAMPAIGN REPORTING REQUIREMENTS" OF THE UNION CITY MUNICIPAL CODE TO REQUIRE ELECTRONIC FILING OF CAMPAIGN STATEMENTS**

**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 Granicus, LLC, a vendor approved by the California Secretary of State, to provide an online electronic filing system ("System") for campaign disclosure statements; 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 City of Union City desires to amend the Union City Municipal Code to add a new section relating to electronic filing of campaign statements.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION CITY DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.** The City Council of the City of Union City finds that all of the above Recitals are true and correct and incorporated herein by reference.

**SECTION 2. CEQA.** Approval of the ordinance is exempt from environmental review in accordance with California Environmental Quality Act Guidelines section 15061(b)(3), the general exemption for projects with no potential for significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the Municipal Code Amendment will have a significant effect on the environment.

**SECTION 3. Municipal Code Amendment.** Section 2.05.050, "Electronic Filing," is hereby added to Chapter 2.05 "Campaign Reporting Requirements" of the Union City Municipal Code as follows:

**2.05.050 Electronic Filing**

A. 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.

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.

D. The electronic filing system will operate securely and effectively and will not unduly burden filers. Specifically, the electronic filing system will ensure the integrity of the data and includes safeguards against efforts to tamper with, manipulate, alter, or subvert data; the electronic filing 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 the electronic filing system will be available free of charge to filers and to the public for viewing filings.

**SECTION 4. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**SECTION 5. Publication and effective date.** Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on the 11<sup>th</sup> day of January 2022, by the following vote:

- AYES: Councilmembers Duncan, Gacoscos, Singh, Vice Mayor Patiño, Mayor Dutra-Vernaci
- NOES: None
- ABSENT: None
- ABSTAIN: None



CAROL-DUTRA VERNACI  
Mayor

ATTEST:



ANNA M. BROWN  
City Clerk

APPROVED AS TO FORM:



KRISTOPHER J. KOKOTAYLO  
City Attorney