

ORDINANCE NO. 667

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA,
ADDING CHAPTER 2.48 RELATING TO ELECTRONIC AND
PAPERLESS FILING OF CAMPAIGN DISCLOSURE
STATEMENTS AND STATEMENTS OF ECONOMIC INTEREST
TO THE MORRO BAY MUNICIPAL CODE**

**THE CITY COUNCIL
City of Morro Bay, California**

**THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA FINDS AND ORDAINS AS
FOLLOWS:**

SECTION 1. Purpose and Authority. 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, or committees to be completed electronically. The City 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 2. Findings.

The City Council of the City of Morro Bay finds and determines as follows:

- A. That California Government Code Section 84615 provides that a legislative body of a local government agency may adopt an ordinance that requires an elected officer, candidate, or committee, required to file statements, reports, or other documents required by Chapter 4 of the Political Reform Act, to file such statements, reports, or other documents online or electronically with the City Clerk.
- B. In any instance in which the original statement is required to be filed with the Secretary of State and a copy of that statement is required to be filed with the City, the filer is permitted, but not required, to file a copy electronically.
- C. The City Clerk's web-based system contains multiple safeguards to protect the integrity and security of the data, will operate securely and effectively, and will not unduly burden filers.
- D. The City Clerk will operate the electronic filing system in compliance with the requirements of California Government Code Section 84615 and any other applicable laws.
- E. This Ordinance is not a project within the meaning of Section 15378 of the CEQA Guidelines because it has no potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment, either directly or ultimately. In the event that the Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility to have a significant effect on the environment.

SECTION 3. Addition of Electronic Filing System for Campaign Disclosure Statements and Statements of Economic Interest. A new Morro Bay Municipal Code Chapter

2.48, "Electronic Filing of Campaign Disclosure Statements and Statements of Economic Interest," is hereby added to the Morro Bay Municipal Code to read as follows:

2.48.010 Definitions

For the purposes of this chapter, the following words, terms and phrases shall be defined as follows:

- A. "Electronic filing system" means a system established by the city clerk pursuant to Section 84615 of the Government Code for electronic filing of statements, as defined herein.
- B. "Filer" means any elected officer, candidate, committee, or other person required to file statements, as defined herein.
- C. "Statements" shall mean any statements, reports, or other documents that filers must file in accordance with Chapter 4 of the Political Reform Act ("Government Code Section 84100, et seq.) for the filing of statements.

2.48.020 Electronic Filing System.

- A. Pursuant to Government Code section 84615, the city clerk may establish an electronic filing system for the filing of statements.
- B. The electronic filing system shall meet the following requirements:
 - a. Comply with all requirements set forth in Section 84615 of the Government Code.
 - b. Ensure the integrity of data transmitted, including by establishing safeguards against efforts to tamper with, manipulate, alter, or subvert data.
 - c. Accept filing in the standardized record format developed by the California Secretary of State pursuant to Section 84602(a)(2) of the California Government Code, compatible with the Secretary of State's system for receiving an online or electronic filing.
 - d. 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.

2.48.030 Required Online Filing.

- A. Upon establishment of an electronic filing system by the city clerk pursuant to Section 2.0X.020(A), each filer shall file statements using the city clerk's electronic filing system according to procedures established by the city clerk. These requirements are not applicable to an officer, candidate, committee or other person that is exempt pursuant to California Government Code Section 84615 as may be amended or renumbered.
- B. Filers who have electronically filed a statement using the city clerk's electronic filing system are not required to file copies of that document in paper format with the city clerk.
- C. Filers shall file statements in paper format with the city clerk if the electronic filing system is not capable of accepting a statement for any reason.
- D. The electronic filing system shall allow filers to complete and submit statements free of charge.

2.48.040 Availability of Statements for Public Review; Record Retention.

- A. The city clerk shall make available on the city's website all data filed pursuant to this chapter in an easily understood format that provides the greatest feasible public access. Data shall be made available free of charge and as soon as possible after receipt.

- B. Data made available on the city'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. A complete, unredacted copy of the statement shall be made available to any person upon request to the city clerk's office.
- C. The city clerk's office shall maintain online or electronic statements in compliance with State law and the city's adopted record retention schedule."

SECTION 4. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption.

SECTION 5. Severability.

If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application and to this end each phrase, section, sentence, or word is declared to be severable.

SECTION 5. Certification.

The City Clerk shall certify as to the passage and adoption of this ordinance, and the City Clerk shall cause the same to be posted and codified in the manner required by law.

INTRODUCED at a regular meeting of the City Council held on the 9th day of April 2024, by motion of Council Member _____ and seconded by Council Member _____.

PASSED AND ADOPTED on the _____ day of _____, 2024 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

CARLA WIXOM, Mayor

ATTEST:

DANA SWANSON, City Clerk

APPROVED AS TO FORM:

CHRIS F. NEUMEYER, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)
CITY OF MORRO BAY)

I, Dana Swanson, CITY CLERK OF THE CITY OF MORRO BAY, DO HEREBY CERTIFY that the foregoing Ordinance Number 667 was duly adopted by the City Council of the City of Morro Bay at a regular meeting of said Council on the ____ day of _____ 2024, and that it was so adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Morro Bay, California, this ____ day of _____, _____.

DANA SWANSON, City Clerk