

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 2 OF THE  
MOUNTAIN VIEW CITY CODE MANDATING THE USE  
OF ONLINE OR ELECTRONIC FILING OF CAMPAIGN STATEMENTS  
AND STATEMENTS OF ECONOMIC INTEREST

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY  
ORDAIN AS FOLLOWS:

Section 1. Findings and Declarations. The City Council finds and declares as follows:

WHEREAS, Government Code Section 84615 currently provides that a local agency may 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, and 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.

Section 2. Chapter 2, Article XII, Division 1, Section 2.102 of the Mountain View City Code is hereby amended to read as follows:

**“DIVISION 1. CAMPAIGN DISCLOSURE.**

**SEC. 2.102. Campaign disclosure reports.**

a. All candidates, office holders and candidate-controlled committees or committees primarily formed to support or oppose a candidate(s) for the city council or the qualification or passage of a local ballot measure(s) participating in municipal elections that are required to file campaign disclosure reports under the Political Reform Act, Government Code 81000, *et seq.*, shall also file said disclosure reports with the city clerk’s office on the same date the filing is required by State law. ~~Hard copies of all campaign disclosure reports shall be available for review in the city clerk’s office, Monday through Friday, during regular business hours.~~ The name of candidates and committees with a direct link to the campaign reports submitted by each candidate or committee shall be available on the city’s website within five (5) business days from the date of receipt of the reports by the city clerk. A final disclosure report shall be filed as required by Sec. 2.104(b).

b. Noncandidate groups, individuals and candidate-controlled committees or committees primarily formed to support or oppose a candidate(s) for the city council or the qualification or passage of a local ballot measure(s) participating in municipal election that are required to file campaign disclosure forms pursuant to State law shall also file all forms required by this division. Participation in the election shall occur on the date the noncandidate group, individual or committee accepts contributions, makes expenditures or contracts to make an expenditure in an amount(s) which requires the filing of campaign statements under State law.”

Section 3. Chapter 2, Article XII, Division 4, Section 2.160 of the Mountain View City Code is hereby added to read as follows:

**“DIVISION 4. ELECTRONIC FILING.**

**SEC 2.160. 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 received contributions totaling less than one thousand dollars (\$1,000), and 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.

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 4. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Section 6. Pursuant to Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 7. This ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Guidelines Sections 15060(c)(2) because the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment; and 15060(c)(3) because the activity is not a project as defined in Guidelines Section 15378 because it has no potential for resulting in physical change to the environment, directly or indirectly.

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