

ORDINANCE NO. 889

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX ADDING CHAPTER 2.04.30 – MUNICIPAL ELECTRONIC FILING SYSTEM, TO THE FAIRFAX MUNICIPAL CODE APPROVING ELECTRONIC AND PAPER METHODS OF FILING CAMPAIGN FINANCE DISCLOSURE STATEMENTS.

SECTION 1. The Town Council of the Town of Fairfax does hereby ordain as follows:

WHEREAS, 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, committee, or other person required to file statements, reports, or other documents required by Chapter 4 of the Political Reform Act, except those whose contributions and expenditures each total less than Two Thousand Dollars (\$2,000) in a calendar year, to file such statements, reports, or other documents online or electronically with the Town Clerk; and

WHEREAS, the Town will enter into an agreement with a vendor certified by the Secretary of State for campaign disclosure documents that meets the requirements set by Government Code Section 84615; and

WHEREAS, the Town Council approves the use of an electronic system, which includes that: it will operate securely and effectively and will not unduly burden filers; it must be available free of charge to filers and the public for viewing filings; and it must include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF FAIRFAX DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 2. The Town Council hereby approves the addition of Section 2.04.30 - Electronic Filing System - to be added to Chapter 2.04 – Municipal Elections, to read as follows:

2.04.030 Electronic Filing System.

A. Required Use of Electronic Filing System.

1. Except as set forth in subsection B of this Section 2.04.30, any elected officer, candidate, committee, other person required to file specified statements, reports, forms, or other documents with the Town Clerk as required by Chapter 4 (commencing with Section 84100 of Title 9 of the California Government Code, also known as the Political Reform Act), and that has received contributions or made expenditures of \$2,000 or more in a calendar year, may electronically file such statements using the Town's online system according to procedures established by the Town Clerk. However, to ensure reporting continuity, once a statement, report, form, or other document is filed electronically on behalf of any elected officer, candidate, committee, or other person, all future statements, reports, forms, and other documents filed on behalf of that officer, candidate, committee, or other person must be filed electronically.

2. An elected officer, candidate, committee, or other person may choose not to use the electronic filing system by filing all original statements, reports, forms, or other documents in paper format with the Town Clerk, until such time as the Town Council determines that electronic filing is mandatory for all filers.

B. Paper Filing Not Required After Electronic Filing. Any elected officer, candidate, committee, or other person who has electronically filed a statement, report, form, or

other document using the Town's online system is not also required to file a copy of that document in a paper format with the Town Clerk.

- C. **Filing Options When a Copy Must be Filed with Town Clerk.** In any instance in which an original statement, report, form, or other document must be filed with the Secretary of State or other agency, and a copy of that document is required to be filed with the Town Clerk, the filer may electronically file a copy with the Town Clerk, or may file in a paper format.
- D. **Paper Filing When Cannot File Electronically.** If, for technical reasons, the Town's system is not capable of accepting a particular type of statement, report, form or other document, an elected officer, candidate, committee, or other person shall timely file that document in paper format with the Town Clerk.
- E. **Internet Posting of Data.** The Town Clerk shall ensure that the Town's system makes all electronically filed statements, reports, forms, or other documents available on the internet in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt/deadline. The data made available on the internet shall not contain the street name of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed by the filer. The Town Clerk's office shall also make a complete, unredacted copy of the statement, report, form, or other document available to the Fair Political Practices Commission for Government Code Section 87200 filers.
- F. **Records Retention.** The Town Clerk's office shall maintain records according to the Town's records retention schedule and applicable State law commencing from the date filed, a secured, official version of each online or electronic statement, report, form, or other document, which shall serve as the official version of that record.

SECTION 3: Severability. That the Town Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable, and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 4: Publication. This Ordinance shall be published and posted according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the Town Council on the first of May 2024, and duly adopted at the next regular meeting of the Town Council on the 5th day of June 2024, by the following vote, to wit:

AYES:	Ackerman, Hellman, Cutrano, Blash, Coler
NOES:	None
ABSENT:	None

ATTEST:



Barbara Coler, Mayor



Christine Foster, Deputy Town Clerk