

**ORDINANCE NO. 2225, NEW SERIES**

**AN ORDINANCE OF THE CITY OF MORGAN HILL  
ADDING SECTION 1.16.040 (ELECTRONIC FILING OF  
CAMPAIGN STATEMENTS) TO CHAPTER 1.16  
(ELECTIONS) OF THE MUNICIPAL CODE OF THE CITY  
OF MORGAN HILL APPROVING THE USE OF  
ELECTRONIC FILING OF CAMPAIGN STATEMENTS**

WHEREAS, California Government Code Section 84615 provides that a local agency may require an elected officer, candidate, committee, or other person required to file statements, reports, or other documents, except an elected officer, candidate, committee, or other person who receives contributions totaling less than one thousand dollars (\$1,000), and makes expenditures totaling less than one thousand dollars (\$1,000), in a calendar year, to file those statements, reports, or other documents online or electronically with the local filing officer; and

WHEREAS, on January 1, 2016, Assembly Bill 594 went into effect, amending the Political Reform Act and revising the definition of "committee" by increasing the qualifying monetary threshold to two thousand dollars (\$2,000) for contributions received by a person or combination of persons; and

WHEREAS, the City of Morgan Hill (the "City") has entered into an agreement with NetFile, a vendor approved by the California Secretary of State, to provide an online electronic filing system for campaign disclosure statements and statements of economic interest forms; and

WHEREAS, the software that will be used by the City Clerk's electronic filing system has been certified by the Secretary of State and meets the requirements set by Government Code Section 84615; and

WHEREAS, 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 local government agency, an ordinance enacted by the local agency may permit, but shall not require, that the copy be filed online or electronically; and

WHEREAS, the City Council expressly finds and determines that the City Clerk's web-based electronic filing system contains multiple safeguards to protect the integrity and security of the data, and will operate securely and effectively and will not unduly burden filers; and

WHEREAS, 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.

**NOW THEREFORE, IN CONSIDERATION OF THE FOREGOING, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES ORDAIN AND ENACT AS FOLLOWS:**

**Section 1.** Section 1.16.040 (Electronic Filing of Campaign Statements) of Chapter 1.16 (Elections) of the Morgan Hill Municipal Code is hereby added to read as follows:

**“1.16.040 - Electronic Filing of Campaign Statements.**

A. Any elected officer, candidate, committee, or other person required to file statements, reports or other documents described by Chapter 4 (Campaign Disclosure) of Title 9 (Political Reform) of the California Government Code that has received contributions or made expenditures of two thousand dollars (\$2,000) or more in a calendar year shall electronically file such statements using procedures established by the City Clerk.

B. Once an elected officer, candidate, committee, or other person files a statement, report, or other document electronically pursuant to Section A, all future statements, reports, or other documents on behalf of that filer shall be filed electronically.

C. 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 such copy electronically.

D. If the City Clerk’s electronic filing 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 2.** If any section, subsection, clause, or phrase of this Ordinance is for any reason declared invalid, such declaration shall not affect the validity of the remaining portion or sections of the Ordinance. The Council hereby declares that it should have adopted the 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 invalid.

**Section 3.** This Ordinance shall take effect on February 19, 2017. The City Clerk is hereby directed to publish this Ordinance pursuant to Government Code Section 36933.

**THE FOREGOING ORDINANCE WAS INTRODUCED AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 7<sup>TH</sup> DAY OF DECEMBER 2016 AND WAS FINALLY ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 14<sup>TH</sup> DAY OF DECEMBER 2016 AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:**

**AYES: COUNCIL MEMBERS:**

**NOES: COUNCIL MEMBERS:**

**ABSTAIN: COUNCIL MEMBERS:**

**ABSENT: COUNCIL MEMBERS:**

**APPROVED:**

**DATE:**

\_\_\_\_\_  
**STEVE TATE, Mayor**

**ATTEST:**

**DATE:**

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**

Effective Date: February 17, 2017

**∞ CERTIFICATE OF THE CITY CLERK ∞**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2225, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the 14<sup>th</sup> day of December 2016.**

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**