

ORDINANCE NO. 1878

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, ADDING ARTICLE III TO CHAPTER 7 OF THE FONTANA MUNICIPAL CODE REGARDING ELECTRONIC AND PAPER METHODS OF FILING CAMPAIGN FINANCE DISCLOSURE STATEMENTS.

WHEREAS, California Government Code Section 84615 provides that a legislative body of local government agency may adopt an ordinance that requires an elected offer, 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 Deputy City Clerk; and

WHEREAS, the City Council expressly finds and determines that NetFile software web-based system, as proposed by the Deputy City Clerk, 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 software used by NetFile's electronic filing system has been certified by the Secretary of State and meets the requirements set by Government Code Section 84615; and

WHEREAS, the Deputy City Clerk and NetFile will operate the electronic filing system in compliance with the requirements of California Government Code Section 84615 and any other applicable laws.

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

Section 1. FINDINGS

"CHAPTER 7, ARTICLE III - ELECTRONIC FILING OF CAMPAIGN DISCLOSURE INFORMATION"

Sections:

- 7-31 Required Use of Electronic Filing System.
- 7-32 Paper Filing Not Required After Electronic Filing.

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- 7-33 Filing Options When a Copy Must be Filed With Deputy City Clerk.
- 7-34 Paper Filing When Cannot File Electronically.
- 7-35 Internet Posting of Data.
- 7-36 Records Retention.

§ 7-31 Required Use of Electronic Filing System.

(A) Except as set forth in subsection B of this Section 7-31, any elected officer, candidate, committee or other person required to file specified statements, reports, forms, or other documents with the Fontana Deputy City 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 statement using the City's online system according to procedures established by the Deputy City Clerk. However, to ensure reporting continuity, once a statement, report, form, or other document is filed electronically on behalf of any elected officer, candidate, or committee, all future statements, reports, forms, and other documents filed on behalf of that officer, candidate or committee must be filed electronically.

(B) 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 Deputy City Clerk, until such time as the City Council determines that electronic filing is mandatory for all filers.

§ 7-32 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 City's online system is not also required to file a copy of that document in a paper format with the Deputy City Clerk.

§ 7-33 Filing Options When a Copy Must be Filed with Deputy City 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 Deputy City Clerk, the filer may electronically file a copy with the Deputy City Clerk or may file in a paper format.

§ 7-34 Paper Filing When Cannot File Electronically.

If, for technical reasons, the City's system is not capable of accepting a particular

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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 Deputy City Clerk.

§ 7-35 Internet Posting of Data.

The Deputy City Clerk shall ensure that the City'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 City Clerk Department 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.

§ 7-36 Records Retention.

The City Clerk Department shall maintain records according to the City'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.

§ 7-37 Administrative Policies and Procedures.

The Deputy City Clerk is authorized to adopt such administrative policies and procedures as deemed necessary to implement this Chapter."

Section 2. The Deputy City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

Section 3. EFFECTIVE DATE. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

APPROVED AND ADOPTED this 8th day of February 2022.

READ AND APPROVED AS TO LEGAL FORM:

DocuSigned by:

Ruben Duran

622D5F9CCD6240C

City Attorney

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I, Tonia Lewis, City Clerk of the City of Fontana and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance introduced at a regular meeting of said City Council on January 25, 2022, and was finally passed and adopted not less than five days thereafter on February 8, 2022, by the following vote, to wit:

AYES: Mayor Warren, Mayor Pro Tem Garcia, Council Members Cothran, Roberts and Sandoval

NOES: None


ABSENT: None

ABSTAIN: None

DocuSigned by:


9578FA5B38C44BD

City Clerk of the City of Fontana

DocuSigned by:

9B476DADB90D46B...

Mayor of the City of Fontana

ATTEST:

DocuSigned by:

9578FA5B38C44BD...

City Clerk



FAIR POLITICAL PRACTICES COMMISSION

1102 Q Street • Suite 3000 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

October 1, 2021

Ashton Gout
City of Fontana
8353 Sierra Avenue
Fontana, CA 92335

Re: Certification of Electronic Filing System for Statements of Economic Interests
System Acceptance Number (SAN): 092100382-NFH-0382

Dear Ashton Gout:

Congratulations! We are pleased to inform you that your agency's system for electronic filing of the Statements of Economic Interests (Form 700) has been approved. We are excited to see agencies moving toward electronic filing systems, which have been shown to provide several benefits – time and cost savings for the agency, easier filing and time savings for filers.

As a condition of your approval, **within 14 days**, please provide to us via e-mail a sample Form 700 that includes the required electronic date stamp and the System Acceptance Number (SAN), as assigned above, displayed at the top of the first page of the Form 700. Please continue to use this number on the cover page of all future electronically filed statements. The sample can be e-mailed to Cyndi Glaser at cglaser@fppc.ca.gov.

Effective January 1, 2018, for Form 700 statements that are filed electronically and required to be forwarded to the FPPC. Your agency's systems are required to allow electronic data exchange with the FPPC electronic system no later than five days after the filing deadline or five days after receipt in the case of a late-filed statement and the amendment.

In addition:

- E-mails may contain multiple electronic filings.
- Only send one **unredacted** version of each electronically filed statement. Do not send redacted versions.
- Do not e-mail a non-electronically filed statement (i.e., one that contains a signature). These statements must be sent via US postal service as we are required to receive an original wet signature.

As a reminder, pursuant to Regulation 18756, each agency is required to update its system annually to conform with Commission-approved changes to the Form 700. In addition, if a significant change of product or system architecture takes place *or five years have passed since the initial or most recent Commission certification*, an agency must request re-certification.

Please note that if your agency's program includes the conflict of interest disclosure categories, the Commission does not approve the accuracy of such information. The conflict of interest code categories and the assignments are the sole responsibility of the agency.

If you have any questions, please feel free to contact Cyndi Glaser at 916-327-5966.

Sincerely,

wangjue

Jue Wang
Admin. Division Manager

wangjue

On behalf of Larry Crabtree
Chief Information Officer



City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Action Report

City Council Meeting

File #: 21-1162

Agenda #: B.

Agenda Date: 2/8/2022

Category: Consent Calendar

FROM:

City Clerk

SUBJECT:

Adoption of Ordinance No. 1878

RECOMMENDATION:

Second Reading/Adopt **Ordinance No. 1878**, an Ordinance of the City Council of the City of Fontana, adding Article III to Chapter 7 of Fontana Municipal Code Regarding Electronic and Paper Methods of Filing Fair Political Practices Commission Campaign Disclosure Statements

COUNCIL GOALS:

- To operate in a businesslike manner by becoming more service oriented.
- To operate in a businesslike manner by improving services through the effective use of technology.
- To improve public safety by increasing operational efficiency, visibility, and availability.
- To increase citizen involvement by utilizing technology to promote communication and linkages in the community

DISCUSSION:

Ordinance No. 1878 was introduced by a vote of 5-0 at the December 14, 2021, Regular City Council meeting. It was later pulled from the agenda at the January 25, 2022, Regular City Council meeting with a request to change the language of the Ordinance from a mandatory e-filing, to an opt-in/opt-out option by the filer.

FISCAL IMPACT:

There is no fiscal impact associated with adopting the proposed ordinance. Funding for the Netfiles, Inc., services is included in the Fiscal Year 2021/2022 City Clerk's Operating Budget in the General Fund #101, budget unit 10122000.

MOTION:

Approve staff recommendation.

Certificate Of Completion

Envelope Id: 46C9F50D2E364E6FADFF63D8D466ABBB
Subject: Please DocuSign: Ordinance 1878
Source Envelope:
Document Pages: 7
Certificate Pages: 5
AutoNav: Enabled
Envelope Stamping: Enabled
Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed

Envelope Originator:
City Clerk
8353 Sierra Avenue
Fontana, CA 92335
clerks@fontana.org
IP Address: 192.146.186.96

Record Tracking

Status: Original
2/14/2022 | 07:39 AM

Holder: City Clerk
clerks@fontana.org

Location: DocuSign

Signer Events

Ruben Duran
ruben.duran@bbklaw.com
Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:
Ruben Duran
622D5F9CCD6240C...

Signature Adoption: Pre-selected Style
Using IP Address: 108.185.61.125
Signed using mobile

Timestamp

Sent: 2/14/2022 | 07:39 AM
Viewed: 2/14/2022 | 08:13 AM
Signed: 2/14/2022 | 08:14 AM

Electronic Record and Signature Disclosure:
Accepted: 2/14/2022 | 08:13 AM
ID: ac2a23e9-d19c-43ce-959d-8f63ed5762f3

Acquanetta Warren
awarren@fontana.org
Security Level: Email, Account Authentication (None)

DocuSigned by:
Acquanetta Warren
9B476FAD8B90D46B...

Signature Adoption: Pre-selected Style
Using IP Address: 108.184.102.134
Signed using mobile

Sent: 2/14/2022 | 08:14 AM
Viewed: 2/14/2022 | 05:28 PM
Signed: 2/16/2022 | 06:47 AM

Electronic Record and Signature Disclosure:
Accepted: 2/16/2022 | 06:42 AM
ID: 063bd4a2-df46-4ce3-8e36-bc9c360f7ab4

Ashton Arocho
aarocho@fontana.org
Security Level: Email, Account Authentication (None)

DocuSigned by:
Ashton Arocho
9578FA5B38C44BD...

Signature Adoption: Pre-selected Style
Using IP Address: 192.146.186.96

Sent: 2/16/2022 | 06:47 AM
Viewed: 2/16/2022 | 07:49 AM
Signed: 2/16/2022 | 07:50 AM

Electronic Record and Signature Disclosure:
Accepted: 2/16/2022 | 07:49 AM
ID: 0d1a028b-c602-4e05-ab72-cfc30ecd83fc

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Evelyne Ssenkoloto
essenkol@fontana.org
Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Accepted: 10/13/2021 | 04:17 PM
ID: e7145250-7347-428b-af51-3066469cc29f

Kathy Kasinger
kkasinger@fontana.org
Records Coordinator

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Accepted: 2/7/2022 | 10:41 AM
ID: cf173494-13fb-4dbf-9740-60ea6a8dc6c6

Susana Gallardo
sgallardo@fontana.org

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Brittany Medrano
bmedrano@fontana.org

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Status

COPIED

COPIED

COPIED

COPIED

Timestamp

Sent: 2/16/2022 | 07:50 AM

Sent: 2/16/2022 | 07:50 AM
Viewed: 2/16/2022 | 10:21 AM

Sent: 2/16/2022 | 07:50 AM

Sent: 2/16/2022 | 07:50 AM

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent
Certified Delivered
Signing Complete
Completed

Hashed/Encrypted
Security Checked
Security Checked
Security Checked

2/14/2022 | 07:39 AM
2/16/2022 | 07:49 AM
2/16/2022 | 07:50 AM
2/16/2022 | 07:50 AM

Payment Events

Status

Timestamps

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

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Getting paper copies

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Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Fontana:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: ctejeda@fontana.org

To advise City of Fontana of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at ctejeda@fontana.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

To request paper copies from City of Fontana

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Fontana

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> •Allow per session cookies •Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify City of Fontana as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by City of Fontana during the course of my relationship with you.