



Legislation Text

File #: RES 17-0040, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Mark Danaj, City Manager

FROM:

Liza Tamura, City Clerk

George Gabriel, Management Analyst

SUBJECT:

Consider Posting Fair Political Practices Commission (FPPC) Filings in a Conspicuous Section on the City's Website Within 72 Hours of the FPPC Document Filing Deadline (City Clerk Tamura).

DISCUSS, CONSIDER ADOPTING RESOLUTION OR PROVIDE ADDITIONAL DIRECTION

RECOMMENDATION:

At the request of Councilmember Powell, consider posting Fair Political Practices Commission (FPPC) filings in a conspicuous section on the City's website (where other election materials are posted) within 72 hours of the FPPC document filing deadline and provide direction as appropriate.

FISCAL IMPLICATIONS:

Fiscal implications are dependent upon Council direction. To adopt the draft resolution, the cost is the staff resources incurred in connection with this staff report, gathering the FPPC filings, redacting information, and uploading the filings. If the Council were to direct that staff bring back an ordinance to require electronic filing, the cost to implement the action with a software vendor is an estimated \$10,000 annually. If Council chooses this option, staff recommends utilizing the Council Contingencies fund. After this purchase, the estimated remaining balance within the fund is \$90,000.

BACKGROUND:

At the February 7, 2017 City Council Meeting Councilmember Powell requested the posting of certain campaign disclosure filings on the City's website.

At the March 8, 2017 City Council Meeting, Councilmember Powell requested a campaign disclosure resolution to require:

- (1) Posting "all FPPC filings that are required to be filed with the City Clerk's office" in a conspicuous section on the city website (where other election materials are posted) (2) within 72 hours after each FPPC filing deadline.

Please note: Councilmember Powell's initial request appeared to be focused on campaign disclosure filings. However, his written proposal states "all FPPC filings that are required to be filed with the City Clerk's office." Thus, the draft Resolution has been drafted with the broader language. If this is not the intent, the language in the draft Resolution can be revised to narrow the scope to campaign

filings.

Pursuant to Government Code Section 84615, "A local government agency may require an elected officer, candidate, committee.... to file (campaign) statements, reports, or other documents online or electronically with a local filing officer."

The City Clerk is the local filing officer for all filings and statements required by the Political Reform Act. This includes the campaign contribution and expenditure reports from candidates for City Council, controlled committees and independent expenditure committees, as well as Statements of Economic Interest from current City officials, officers and designated employees, per the City's Conflict of Interest Code.

Currently, the City offers and is legally required to make FPPC filings accessible upon request during business hours. In addition, the public can request copies of all filings for a fee of 10 cents per page. Councilmember Powell's request, if adopted by the Council, would make all filings with the City Clerk's office available at all times on the City's website.

DISCUSSION:

Several other cities including Redondo Beach, Santa Monica, Covina, Huntington Beach, Irvine, Ventura, and Anaheim post FPPC filings on their City's website. However, all these cities currently utilize software to post and electrically file FPPC filings on each respective City's website.

The City may post redacted FPPC files on the City's website. Government Code 84615 (f) requires: "The data made available on the Internet 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. The local filing officer shall make a complete, unredacted copy of any statement, report, or other document filed pursuant to this section, including any street names, building numbers, and bank account numbers disclosed by the filer, available to any person upon request."

Because of the complex nature of these documents, including desired redactions to protect public privacy, staff recommends that the City take the necessary steps to authorize and purchase specialized software for this purpose. This year, the City Clerk's Office is in the midst of processing 150 FPPC filings. The breakdown of staff, elected officials, boardmembers, commissioners, independent expenditures, and campaign committees for these filings is as follows:

Boards and Commissions - 31
Elected Officials - 6
Staff - 73
Campaign Filings - 40
Total: 150

Therefore, staff's preference is to purchase existing software that specifically targets redacted fields (within the FPPC forms) to minimize error, reduce staff dedicated resources, and minimize the City's liability. At the direction of the City Council, Council can authorize staff to draft the necessary ordinance required for e-filing (see discussion below). After the ordinance is adopted, the City Manager could execute a contract (well within the City Manager's authority of \$50,000) for a software vendor certified by the Secretary of State to provide a service to post FPPC filed forms on

the City's website.

Additionally, a significant benefit of this software is to allow filers to complete and submit their forms electronically, reducing staff time and creating greater efficiencies within the City Clerk's office workflow.

Staff further recommends, that, if so directed, staff post FPPC filings prospectively. This allows staff to focus on implementing City Council's direction rather than putting additional resources from the City Clerk's office toward FPPC filings from previous years.

If City Council directs staff to pursue software that accommodates e-filing, the City Council must concurrently pass an ordinance. Government Code 84615 (a) reads as follows:

"The legislative body for the local government agency shall adopt an ordinance approving the use of online or electronic filing, which shall include a legislative finding that the online or electronic filing system will operate securely and effectively and would not unduly burden filers. The ordinance adopted by the legislative body for the local government agency may, at the discretion of that legislative body, specify that the electronic or online filing requirements apply only to specifically identified types of filings or are triggered only by identified monetary thresholds. In any instance in which the original statement, report, or other document is required to be filed with the Secretary of State and a copy of that statement, report, or other document is required to be filed with the local government agency, the ordinance may permit, but shall not require, that the copy be filed online or electronically."

If the enabling ordinance is adopted, the filings received electronically by the City Clerk's Office will be the filings of record for the City.

POLICY ALTERNATIVES:

ALTERNATIVE:

Upon City Council direction to adopt the resolution, Council may direct staff to revise the City's Sunshine Policy.

PROS:

- Creates consistency between Resolution 17-0040 and Sunshine Policy.

CONS:

- None.

PUBLIC OUTREACH/INTEREST:

After analysis, staff determined that public outreach was not required for this issue.

LEGAL REVIEW

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

Attachments:

1. Proposed Draft Campaign Disclosure Language Provided by Councilmember Powell at March 8, 2017 City Council Meeting.

2. California Government Code 84615
3. City of Redondo Beach Administrative Report on Electronic and Paperless Filing of FPPC Campaign Disclosure Statements
4. Sample Ordinance from the City of Anaheim
5. Resolution 17-0040