

ORDINANCE NO. 1942

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, AMENDING 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 official, 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 a local filing officer; and

WHEREAS, On February 8, 2022, the Fontana City Council (City Council) adopted Ordinance 1878 amending Chapter 7 of the Fontana Municipal Code adding Article III related to electronic and paperless filing of statutory Fair Political Practices Commission (FPPC) economic and financial disclosure statements by elected officials, candidates, or committees; and

WHEREAS, adoption of Ordinance 1878 included an opt-in/opt-out option for electronic filing which allows for the submission of paper filings; 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, NetFile's electronic filing system software is currently being used by the Fontana City Clerk's Department; and

WHEREAS, the Deputy City Clerk and NetFile currently 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, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. RECITALS. The above Recitals are true, correct and incorporated herein by this reference.

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Section 2. CEQA. This Ordinance is not a project within the meaning of Section 1538 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt for the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Bernardino in accordance with CEQA Guidelines.

Section 3. FINDINGS. The City Council finds that the City’s electronic filing system, NetFile software, contains multiple safeguards to protect the integrity and security of the data, and will operate securely and effectively and will not unduly burden filers.

Section 4. TITLE. “CHAPTER 7, ARTICLE III- ELECTRONIC FILING OF CAMPAIGN DISCLOSURE INFORMATION” is hereby amended to read as follows:

Sec. 7-31 Required Use of Electronic Filing.

(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 \$2,000.00 or more in a calendar year, may shall 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, report, forms and other documents filed on behalf of that officer, candidate or committee must be filed electronically.~~

(b) The Deputy City Clerk, as the City's filing officer, shall have the right to accept a paper filing in lieu of an electronic filing at the Deputy City Clerk's discretion and to accommodate an Americans with Disabilities Act (ADA) request.

Sec. 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.

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Sec. 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.

Sec. 7-34 Paper Filing When Cannot File Electronically.

If, for technical reasons, the City'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 Deputy City Clerk.

Sec. 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's 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.

Sec. 7-36 Records Retention.

The City Clerk's 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.

Sec. 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 5. CERTIFICATION. The Deputy City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law.

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Section 6. EFFECTIVE DATE. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

Section 7. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and, to this end, the provisions of this ordinance are declared to be severable.

APPROVED AND ADOPTED this 9th day of April, 2024.

READ AND APPROVED AS TO LEGAL FORM:

Ruben Duran

City Attorney

I, Germaine Key, 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 on the 26th day of March 2024, and was finally passed and adopted not less than five days thereafter on the 9th of April 2024, by the following vote to wit:

AYES: Mayor Warren, Mayor Pro Tem Garcia, Council Members Cothran and Roberts
NOES: N/A

ABSENT: Council Member Sandoval

ABSTAIN: N/A

Germaine Key

City Clerk of the City of Fontana

Lequanetta Warren

Mayor of the City of Fontana

ATTEST:

Germaine Key

City Clerk

Certificate Of Completion

Envelope Id: 884A968CBABC4CF7B874CC673AE4D8BF

Status: Completed

Subject: Please DocuSign: Ordinance 1942

Source Envelope:

Document Pages: 4 Signatures: 4

Envelope Originator:

Certificate Pages: 5 Initials: 0

City Clerk

AutoNav: Enabled

8353 Sierra Avenue

EnvelopeD Stamping: Enabled

Fontana, CA 92335

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

clerks@fontana.org

IP Address: 192.146.186.96

Record Tracking

Status: Original

Holder: City Clerk

Location: DocuSign

4/11/2024 | 04:41 PM

clerks@fontana.org

Signer Events

Ruben Duran

Signature

ruben.duran@bbklaw.com

**Timestamp**Security Level: Email, Account Authentication
(None)

Sent: 4/11/2024 | 04:41 PM

Signature Adoption: Pre-selected Style

Viewed: 4/11/2024 | 04:43 PM

Using IP Address: 174.236.96.151

Signed: 4/11/2024 | 04:43 PM

Signed using mobile

Electronic Record and Signature Disclosure:

Accepted: 4/11/2024 | 04:43 PM

Sent: 4/11/2024 | 04:43 PM

ID: 0d7c1027-7e4b-4338-b5a6-40cd0684bb68

Acquanetta Warren



Viewed: 4/14/2024 | 11:19 AM

awarren@fontana.org

Signed: 4/14/2024 | 11:20 AM

Security Level: Email, Account Authentication
(None)

Signature Adoption: Pre-selected Style

Signature Adoption: Pre-selected Style

Using IP Address: 174.227.106.160

Using IP Address: 174.227.106.160

Signed using mobile

Signed using mobile

Electronic Record and Signature Disclosure:

Accepted: 4/14/2024 | 11:19 AM

Sent: 4/14/2024 | 11:20 AM

ID: 1241af0-77d5-4cc4-a2f1-7dd916a0d533

Germaine Key



Viewed: 4/14/2024 | 11:29 AM

gkey@fontana.org

Signed: 4/14/2024 | 11:29 AM

Security Level: Email, Account Authentication
(None)

Signature Adoption: Pre-selected Style

Signature Adoption: Pre-selected Style

Using IP Address: 107.201.246.59

Using IP Address: 107.201.246.59

Electronic Record and Signature Disclosure:

Accepted: 4/14/2024 | 11:29 AM

Sent: 4/14/2024 | 11:29 AM

ID: 38bdc513-52e7-416d-900c-7d115153073f

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

Kathy Kasinger
kkasinger@fontana.org
Records Coordinator
Security Level: Email, Account Authentication
(None)

Status**COPIED****Timestamp**

Sent: 4/14/2024 | 11:29 AM
Viewed: 4/15/2024 | 01:13 PM

Electronic Record and Signature Disclosure:

Accepted: 4/1/2024 | 08:37 AM
ID: 8e412281-9886-4a34-b75f-40f0daae88b5

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

4/11/2024 | 04:41 PM
4/14/2024 | 11:29 AM
4/14/2024 | 11:29 AM
4/14/2024 | 11:29 AM

Payment Events**Status****Timestamps****Electronic Record and Signature Disclosure**

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, City of Fontana (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

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.

TO: HERALD NEWS
EMAIL: LEGALS@FONTANAHERALDNEWS.COM
FROM: FONTANA CITY CLERK'S DEPARTMENT
DATE: March 27, 2024

PUBLICATION OF SUMMARY OF PROPOSED ORDINANCE NO 1942.

PUBLISH ONE TIME ONLY ON OR BEFORE April 5, 2024. ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF PROPOSED ORDINANCE NO 1942.

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **March 26, 2024**, at City Hall, 8353 Sierra Avenue, Fontana, California, considered adoption of the following ordinance:

Read by title only and waive further reading of and introduce **Ordinance No. 1942**, an ordinance of the City of Fontana, California, amending Article III to Chapter 7 of the Fontana Municipal Code regarding Electronic and Paper Methods of filing Campaign Finance Disclosure Statements, and that the reading of the title constitutes the first reading thereof.

A certified copy of the full text of the ordinance is available in the office of the City Clerk of the City of Fontana, 8353 Sierra Avenue, Fontana, California 92335.

CITY COUNCIL OF THE CITY OF FONTANA
Acquanetta Warren, Mayor

Christina Rudsell
Deputy City Clerk

P.O. #800496

TO: HERALD NEWS
EMAIL: LEGALS@FONTANAHERALDNEWS.COM
FROM: FONTANA CITY CLERK'S DEPARTMENT
DATE: April 11, 2024

PUBLICATION OF SUMMARY OF ADOPTED ORDINANCE NO 1942.

PUBLISH ONE TIME ONLY ON OR BEFORE April 19, 2024. ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF ADOPTED ORDINANCE NO 1942.

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **April 9, 2024**, at City Hall, 8353 Sierra Avenue, Fontana, California, adopted the following ordinance:

Second reading/adopt **Ordinance No. 1942**, an ordinance of the City of Fontana, California, amending Article III to Chapter 7 of the Fontana Municipal Code regarding electronic and paper methods of filing campaign finance disclosure statements.

A certified copy of the full text of the ordinance is available in the office of the City Clerk of the City of Fontana, 8353 Sierra Avenue, Fontana, California 92335.

CITY COUNCIL OF THE CITY OF FONTANA
Acquanetta Warren, Mayor

Christina Rudsell
Deputy City Clerk