

ORDINANCE NUMBER O- 21242 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 06 2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO, APPROVING AND RATIFYING AN AMENDED AND RESTATED AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND NETFILE, INC., RELATED TO ELECTRONIC FILING OF CAMPAIGN DISCLOSURES, CONFLICT-OF-INTEREST STATEMENTS, AND LOBBYIST DISCLOSURES REQUIRED BY CALIFORNIA AND LOCAL LAW.

WHEREAS, the California Political Reform Act requires designated state and local government officers and employees to publicly disclose certain financial assets and income, and the Fair Political Practices Commission (FPPC) is responsible for the administration of the Political Reform Act; and

WHEREAS, the Statement of Economic Interests (SEI), also known as the FPPC's Form 700, is a public document, which designated public officers and employees, including consultants and some volunteer board members, use to disclose these financial interests; and

WHEREAS, in addition, disclosure reports are required for lobbyists seeking to influence municipal decisions and campaign disclosures are required of candidates for elective City of San Diego (City) office and campaign committees; and

WHEREAS, the FPPC and the City's Ethics Ordinance, codified in the San Diego Municipal Code, require that the filed forms be made available to the public for viewing; and

WHEREAS, the City has had a contractual relationship with NetFile, Inc (NetFile) since approximately 2004, relating to providing the City with software services for the City's electronic filing portal for campaign disclosure statements; and

WHEREAS, an agreement for services was executed by the City and NetFile, effective October 6, 2016, which established a centralized filing portal for FPPC Campaign Disclosures and SEI forms; and

WHEREAS, the City entered into an agreement with NetFile, effective September 30, 2019 (2019 Agreement), to provide the following, additional services: maintain and upgrade a system that permits the City and users authorized by the City to: (1) file FPPC Campaign Disclosure Forms in the CAL electronic format, to be available (in redacted form) for public viewing of documents over the Internet through a link on the City's website; (2) electronically file SEI forms; (3) maintain and upgrade a database of the FPPC Campaign Disclosure Forms and SEI forms to track filings and generate filing deadline and amendment letters; (4) allow the City to scan Campaign and SEI reports/forms not submitted electronically; (5) maintain and upgrade a system that permits the electronic filing of local lobbyist forms; and (6) maintain and upgrade a system for the purpose of processing and tracking electronic payments for the lobbyist fees; and

WHEREAS, the City's Purchasing Agent approved the 2019 Agreement, in accordance with Municipal Code sections 22.3203(b) and 22.3208(d), and relying on a sole source certification, dated September 16, 2019; and

WHEREAS, City staff have initiated a competitive bidding process to identify a successor service provider, but this process has faced delays, in part due to COVID-19 and the re-prioritization of resources caused by the ongoing public health emergency; and

WHEREAS, the 2019 Agreement will expire on September 30, 2020, and the Office of the City Clerk wishes to extend the term of the 2019 Agreement for six additional months and to modify certain terms, as requested by NetFile, to ensure continuity of necessary services; and

WHEREAS, the extension will continue the contractual relationship between the City and NetFile, requiring compliance with San Diego Charter section 99, which provides that no contract, agreement, or obligation where the City incurs debt extending for a period of more than five years may be authorized except by ordinance adopted by a two-thirds' majority vote of the City Council; and

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Mayor, or his designee, is authorized to execute, for and on behalf of the City, an Amended and Restated Agreement for the Performance of Services, by and between the City and Netfile, Inc., on file with the Office of the City Clerk, as Document No. 00-21242, with the intent that this Document supersedes the agreement between the City and NetFile, Inc., initially approved and effective on September 30, 2019, and, with the further intent, that the Amended and Restated Agreement includes an extension of the City's agreement with NetFile, Inc., requiring City Council ratification of the agreement in accordance with Charter section 99.

Section 2. That a two-thirds vote is required for City Council approval of this ordinance, pursuant to Charter Section 99.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

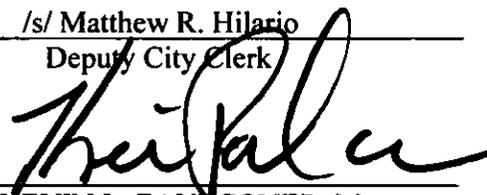
By /s/ Anjana Pottathil
Anjana Pottathil
Deputy City Attorney

API:JFD:jdf
08/31/2020
Or.Dept: City Clerk
Doc. No.: 2465288

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 09/29/2020.

ELIZABETH S. MALAND
City Clerk

By /s/ Matthew R. Hilario
Deputy City Clerk


KEVIN L. FAULCONER, Mayor

Approved: 10/6/2020
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on SEP 29 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 06 2020.

AUTHENTICATED BY: KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy
for Matthew Hilario

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on SEP 15 2020, and on OCT 06 2020.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy
for Matthew Hilario

Office of the City Clerk, San Diego, California

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