



FAIR CAMPAIGN PRACTICES COMMISSION

AGENDA

The Commission may act on any item on this agenda.

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

North Berkeley Senior Center
1901 Hearst Street
Classroom C (Upstairs)

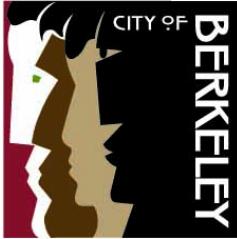
Regular Meeting
7:00 p.m. Start Time
January 19, 2012

Secretary: Kristy van Herick, Deputy City Attorney

1. Call to Order 7:00 p.m.
2. Roll Call
3. Public Comment
4. Report from Chair
5. Report from Staff
6. Approval of minutes for the December 15, 2011 meeting.
7. Staff report providing revised proposed amendments, based on prior Commission action, to Berkeley Election Reform Act (BERA) Berkeley Municipal Code chapter 2.12, to post contributions electronically in lieu of newspaper publication, create additional remedies, add filing requirement for committees making expenditures on a ballot measure, require late independent expenditure reports 40 days preceding election, and require major contributors to be listed on campaign communications; Discussion and possible action to approve proposed amendments by two-thirds vote for submission to City Council for public hearing, consideration and possible amendment of the BERA.
8. Review draft report to City Council providing Commission's feedback on referral regarding the possibility of having all campaign finance reports be filed electronically and possible action regarding same.
9. Discussion and action regarding election of Commission Chair and Vice Chair for 2012.

10. Adjournment.

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information. **SB 343 Disclaimer:** Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the City Attorney's Office located at 2180 Milvia St., 4th Floor, Berkeley, CA.



Fair Campaign Practices Commission

MINUTES

North Berkeley Senior Center
1901 Hearst Street
Health Room

Special Meeting
December 15, 2011

Members Present: Steve Wollmer (Chair), Patrick O'Donnell (Vice Chair), David Ritchie, and Brad Smith

Members Absent: Stephen Bedrick, John Cummins

Also Present: Kristy van Herick, Secretary/Staff Counsel; Mark Numainville, Deputy City Clerk

1. **Call to Order**

Chair called the meeting to order at 8:00 p.m.

2. **Roll Call**

Roll call taken.

3 **Public Comment**

No public comment.

4. **Report from Chair**

None.

5. **Report from Staff**

None.

6. **Approval of minutes for the November 17, 2011 meeting.**

Move to approve November 17, 2011 meeting minutes: (M/S/C: O'Donnell/Smith. O'Donnell, Ritchie, Smith, and Wollmer; Noes: None; Abstain: None; Absent: Bedrick and Cummins.)

7. **Discussion of meeting schedule for 2012.**

Motion to adopt the following meeting schedule for 2012: January 19, March 15, May 17, July 19, September 20, October 18 and November 15, with meetings to start at 7:00 p.m.

(M/S/C: O'Donnell/Smith. O'Donnell, Ritchie, Smith, and Wollmer; Noes: None; Abstain: None; Absent: Bedrick and Cummins.)

8. **Discussion and action regarding proposed revisions the Berkeley Election Reform Act (BERA) based on feedback from July 12, 2011 City Council meeting and November 17, 2011 meeting, with existing proposal: to create remedies for violations including issuance of monetary penalties; to create additional filing requirements for committees making expenditures in support of or opposition to a measure, including during the signature gathering process; to require additional filing of independent expenditure reports in the 30 or 40 days preceding election and to create a penalty for late filing of independent expenditure reports; and to require disclosure on campaign communications of contributors donating \$2500 or more or a set number of contributors in excess of \$250.**

The Commission reviewed and discussed each of the proposed amendments, agreed upon some proposed revisions, and requested that staff bring the language back to the Commission at the next meeting for a vote as the first part of the double green light process.

The Commission took the following actions:

Move to approve proposed language to add Section 2.12.231: (M/S/C:Smith/O'Donnell. O'Donnell, Ritchie, Smith, and Wollmer; Noes: None; Abstain: None; Absent: Bedrick and Cummins.)

Move to approve proposed language to add Section 2.12.271: (M/S/C: Richie /O'Donnell. O'Donnell, Ritchie, Smith, and Wollmer; Noes: None; Abstain: None; Absent: Bedrick and Cummins.)

Move to approve proposed language, with revisions to be made by staff as provided by Commission, to add Section 2.12.297: (M/S/C:O'Donnell/Smith. O'Donnell, Ritchie, Smith, and Wollmer; Noes: None; Abstain: None; Absent: Bedrick and Cummins.)

Move to approve proposed language, with revisions to be made by staff as provided by Commission, to add Section 2.12.335: (M/S/C: O'Donnell/Smith. O'Donnell, Ritchie, Smith, and Wollmer; Noes: None; Abstain: None; Absent: Bedrick and Cummins.)

Move to approve proposed language to amend Section 2.12.485: (M/S/C:O'Donnell/Ritchie . O'Donnell, Ritchie, Smith, and Wollmer; Noes: None; Abstain: None; Absent: Bedrick and Cummins.)

9. **Staff report providing requested draft language amending BERA to replace newspaper publication with posting of contributions on the City website and in other public locations, and discussion and action regarding same.**

Staff presented proposed revised language amending Section 2.12.065 based on direction from Commission at last meeting to provide for electronic posting of contribution list.

Move to approve proposed amendment to Section 2.12.065 to allow for electronic posting of contribution list. (M/S/C: Smith/O'Donnell. O'Donnell, Ritchie, Smith, and Wollmer; Noes: None; Abstain: None; Absent: Bedrick and Cummins.)

10. **Staff report regarding electronic filing requirement in other jurisdictions to assist in responding to City Council referral regarding the possibility of having all campaign finance reports be filed electronically, and discussion and action regarding same.**

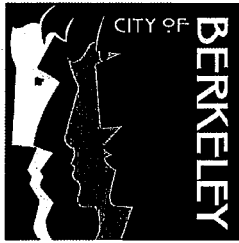
Commission discussed matter and asked staff to prepare draft report to Council for presentation to Commission for review.

Motion that the Fair Campaign Practices Commission supports the idea of requiring electronic submissions of campaign statements (M/S/C: Smith/O'Donnell. O'Donnell, Ritchie, Smith, and Wollmer; Noes: None; Abstain: None; Absent: Bedrick and Cummins.)

11. **Adjournment.**

Motion to adjourn. (M/S/C: O'Donnell/Smith. O'Donnell, Ritchie, Smith, and Wollmer; Noes: None; Abstain: None; Absent: Bedrick, Cummins.)

The meeting adjourned at 9:10 p.m.



Fair Campaign Practices Commission

DATE: January 19, 2012

TO: FAIR CAMPAIGN PRACTICES COMMISSION

FROM: KRISTY VAN HERICK, FCPC Secretary/Staff Counsel *KVH 1/12/12*

SUBJECT: REPORT PROVIDING PROPOSED AMENDMENTS TO BERKELEY ELECTION REFORM ACT TO POST CONTRIBUTIONS ELECTRONICALLY IN LIEU OF NEWSPAPER PUBLICATION, CREATE ADDITIONAL REMEDIES, ADD FILING REQUIREMENT FOR COMMITTEES MAKING EXPENDITURES ON A BALLOT MEASURE, REQUIRE LATE INDEPENDENT EXPENDITURE REPORTS 40 DAYS PRECEDING ELECTION, AND REQUIRE MAJOR CONTRIBUTORS TO BE LISTED ON CAMPAIGN COMMUNICATIONS

Background: Over the last two years, this Commission has been discussing possible revisions to the Berkeley Election Reform Act ("BERA"). Amendments were initially presented to City Council on July 12, 2011. At that time, Council sent the proposed amendments back to the Commission for further consideration.

Since last July, the Commission has taken steps to address Council's feedback. The Commission wrote to campaign committees to seek further input, held a public workshop, and made multiple revisions to the proposed amendments.

The attached draft ordinance amendments address all prior revisions as well as the revisions suggested by the Commission at its December 15, 2011 meeting. This draft includes a proposal to replace the newspaper publication requirement with posting on the City's website that has not previously gone before Council.

Attachment A is the draft ordinance, including all of the proposed changes to BERA that the Commission has been discussing.

Attached as Exhibit B is copy of the proposed ordinance with track changes reflecting just the revisions since the last meeting.

Approval Process: The following steps, commonly known as the "double-green light" procedure, must be taken to amend the BERA. First, the amendment must be

distributed to the news media and those regularly receiving FCPC communications and the FCPC must approve any amending ordinance by not less than a two-thirds vote of its membership. (BMC § 2.12.051.A.) Second, following a period of at least thirty days, the City Council must hold a public hearing and approve the amendment by not less than a two-thirds' vote of its membership. (Id.) The amending ordinance will then become effective thirty days after its second reading by the Council.

Concurrent with the mailing of the agenda packet, staff has forwarded a copy of this report and the meeting agenda to local media. The Commission currently has six members, so at least four members must vote to approve the amendments in order for them to pass and move forward to the City Council.

Whichever provisions are approved by a two-thirds vote of the Commission will then be placed on the Council agenda for public hearing and consideration for a vote of two-thirds of the City Council membership before the spring recess, if possible, but at least 30 days after Commission approval. The City Council will similarly need at least two-thirds of its membership to vote to approve the ordinance amendments.

Of the six proposed amendments, all are severable (i.e. Council can approve some and not others), except Section 4 and 6. Section 6 creates a penalty for late filing of the campaign statement required under Section 4, so Section 6 is moot if Section 4 is not approved by a two-thirds vote.

AMENDING THE BERKELEY ELECTION REFORM ACT, BERKELEY MUNICIPAL CODE CHAPTER 2.12, TO POST CONTRIBUTIONS ELECTRONICALLY IN LIEU OF NEWSPAPER PUBLICATION, CREATE ADDITIONAL REMEDIES, ADD FILING REQUIREMENT FOR COMMITTEES MAKING EXPENDITURES ON A BALLOT MEASURE, REQUIRE LATE INDEPENDENT EXPENDITURE REPORTS 40 DAYS PRECEDING ELECTION, AND REQUIRE MAJOR CONTRIBUTORS TO BE LISTED ON CAMPAIGN COMMUNICATIONS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code 2.12.065 is amended to read as follows:

2.12.065. Electronic posting Publication of contributions prior to elections.

The City shall ~~publish~~ **post in at least two public locations and electronically on the City website** ~~in one or more newspapers at least once in~~ **during** the seven days before each municipal election a list of all persons contributing fifty dollars or more to any candidate or committee in that election and the amounts of the contributions reported through the filing deadline for the second pre-election statements. **The City shall additionally publish in one or more newspapers at least once in the seven days before each municipal election a notice listing the locations of the posted information.** The City shall direct publication **of the notice** in such newspaper or newspapers as are best suited to reach the largest number of Berkeley residents in a cost-effective manner.

Section 2. That Berkeley Municipal Code 2.12.231 is added to read as follows:

2.12.231. Violation--Penalties.

When determining an appropriate remedy for a violation of this Chapter as specified in Section 2.12.230, the Commission may order any of the following:

- A. Cease and desist violation of this Chapter.
- B. File any reports, statements, or other documents or information required by this Chapter.
- C. Pay a monetary penalty of up to \$1,000.00 per violation, or up to the amount or value of the unlawful or undisclosed contribution or expenditure, whichever is greater, to the General Fund of the City.

Section 3. That Berkeley Municipal Code 2.12.271 is added to read as follows:

Section 2.12.271. Campaign statements--Additional filing requirements.

- A. Each committee that makes expenditures in excess of \$250 in support of or in opposition to a measure must, in addition to campaign statements required by Section 2.12.270 of this Chapter, file campaign statements on the following

dates: (1) no later than April 30 for the period January 1 through March 31; and (2) no later than October 31 for the period July 1 through September 30. If the committee has earlier pre-election statement filing deadlines, the earlier deadlines apply.

- B. Any additional filing requirement under this section shall cease upon the occurrence of any of the following dates, whichever occurs first: (1) the election day on which the measure is voted upon, (2) six months after the measure fails to qualify for the ballot, (3) six months after an ordinance subject to referendum is repealed by the City Council, or (4) six months after an elected official subject to recall resigns or otherwise leaves office.

Section 4. That Berkeley Municipal Code 2.12.297 is added to read as follows:

Section 2.12.297. Independent Expenditures in 40 days preceding election.

- A. Disclosure of Expenditures. Any person that makes an independent expenditure of \$1,000 or more in support of or in opposition to any measure or candidate, or group of measures or candidates, in the 40 days before an election in which the measure or candidate, or group of measures or candidates, appears on the ballot, shall notify the City Clerk within 24 hours by personal delivery, fax, overnight mail, or other electronic means as authorized by law each time an expenditure which meets this threshold is made. The City Clerk shall post a copy of the notice to the City's website within two business days after receiving the notice. Late independent expenditures shall be reported on subsequent campaign statements in addition to the reports filed pursuant to this section. The person shall also provide to the City Clerk three copies of the communication funded by the expenditure.
- B. Contents of Notice. The notice shall specify:
- a. Each candidate or measure supported or opposed by the expenditure;
 - b. The amount spent to support or oppose each candidate or measure;
 - c. Whether the candidate or measure was supported or opposed;
 - d. The date and amount of each expenditure;
 - e. A description of the type of communication for which the expenditure was made;
 - f. The name and address of the person making the expenditure; and
 - g. The name and address of the payee.
- C. Notification to Candidates of Expenditures. The City Clerk shall notify all candidates and committees in each affected race by first class mail within two business days of receiving notice of the independent expenditures of \$1,000 or more.
- D. Exemption for Regularly Published Newsletters. For purposes of the notification required by subsection (A) of this section, payments by an organization for its regularly published newsletter or periodical, if the circulation is limited to the

organization's members, employees, shareholders, other affiliated individuals and those who request or purchase the publication, shall not be required to be reported.

Section 5. That Berkeley Municipal Code 2.12.335 is added to read as follows:

Section 2.12.335. Disclosure requirements for campaign communications.

- A. Campaign communications supporting or opposing any candidate or measure shall include the phrase "Major Funding Provided By" immediately followed by the name of the contributor, the city of domicile, and the total cumulative sum of contributions for each of the top four contributions over \$250 to the committee funding the expenditure or independent expenditure made within six months of the expenditure or independent expenditure. Excluded from this disclosure requirement are contributions by a candidate to his or her own committee.
- B. The disclosures required by this section shall list contributors in descending order by the amount of their contributions and shall be presented in a clear and conspicuous manner to give the reader, observer, or listener adequate notice. For all communications, the complete name of the contributor must be listed. No acronyms or abbreviations may be used. For purposes of this section, "campaign communication" means any of the following items:
1. More than 200 substantially similar pieces of campaign literature, including but not limited to mailers, flyers, faxes, pamphlets, door hangers, and e-mails;
 2. Television, cable, satellite and radio broadcasts;
 3. Newspaper, magazine, Internet website banners and similar advertisements;
 4. Two hundred or more substantially similar pre-recorded telephone calls made within a calendar month.
- C. For purposes of this section, "campaign communication" does not include: small promotional items such as pens, pencils, clothing, mugs, potholders, or other items on which the statement required by this section cannot be reasonably printed or displayed in an easily legible typeface; posters, yard or street signs, billboards, supergraphic signs, skywriting, and similar items; communications paid for by a newspaper, radio station, television station or other recognized news medium; and communications from an organization to its members.

- D. The disclaimer on campaign communications must be updated when a new contribution changes the list of contributors required under subsection A or when the committee's name changes. Broadcast advertisement disclosures must be amended within five calendar days after a new contribution changes the list of contributors or a committee's name changes. For printed campaign communications and other material, disclosure information must be amended to reflect accurate disclosure information every time an order to reproduce the communication is placed.

Section 6. That Berkeley Municipal Code 2.12.485 is amended to read as follows:

2.12.485. Late filing penalties.

Any candidate or committee whose only requirement to file a campaign statement or report is pursuant to Sections 2.12.270, ~~or 2.12.295,~~ or 2.12.297 of this chapter and who files such report or reports after the deadlines imposed in these sections, shall, in addition to any other penalties or remedies established by this chapter, be liable for the penalties enumerated in California Government Code Section 91013, which is incorporated herein.

Section 7. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

AMENDING THE BERKELEY ELECTION REFORM ACT, BERKELEY MUNICIPAL CODE CHAPTER 2.12, TO INCLUDE THE FOLLOWING: ~~ADD SECTION 2.12.231 TO POST CONTRIBUTIONS ELECTRONICALLY IN LIEU OF NEWSPAPER PUBLICATION, CREATE ADDITIONAL REMEDIES FOR VIOLATIONS INCLUDING ISSUANCE OF MONETARY PENALTIES; ADD SECTION 2.12.271 TO CREATE ADDITIONAL, ADD FILING REQUIREMENTS REQUIREMENT FOR COMMITTEES MAKING EXPENDITURES IN SUPPORT OF OR OPPOSITION TO ON A BALLOT MEASURE; ADD SECTION 2.12.297 TO, REQUIRE ADDITIONAL FILING OF LATE INDEPENDENT EXPENDITURE REPORTS IN 3040 DAYS PRECEDING ELECTION; ADD SECTION 2.12.335 TO, AND REQUIRE DISCLOSURE MAJOR CONTRIBUTORS TO BE LISTED ON CAMPAIGN COMMUNICATIONS OF CONTRIBUTORS DONATING \$2500 OR MORE; AND AMEND SECTION 2.212.485 TO CREATE A PENALTY FOR LATE FILING OF REPORTS REQUIRED BY SECTION 2.12.297~~

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code 2.12.065 is amended to read as follows:

2.12.065. Electronic posting ~~Publication of contributions prior to elections.~~
The City shall publish post in at least two public locations and electronically on the City website in one or more newspapers at least once in during the seven days before each municipal election a list of all persons contributing fifty dollars or more to any candidate or committee in that election and the amounts of the contributions reported through the filing deadline for the second pre-election statements. The City shall additionally publish in one or more newspapers at least once in the seven days before each municipal election a notice listing the locations of the posted information. The City shall direct publication of the notice in such newspaper or newspapers as are best suited to reach the largest number of Berkeley residents in a cost-effective manner.

Section 2. That Berkeley Municipal Code 2.12.231 is added to read as follows:

2.12.231. Violation--Penalties.

When determining an appropriate remedy for a violation of this Chapter as specified in Section 2.12.230, the Commission may order any of the following:

- A. Cease and desist violation of this Chapter.
- B. File any reports, statements, or other documents or information required by this Chapter.

ATTACHMENT B

- C. Pay a monetary penalty of up to \$1,000.00 per violation, or up to the amount or value of the unlawful or undisclosed contribution or expenditure, whichever is greater, to the General Fund of the City.

Section 23. That Berkeley Municipal Code 2.12.271 is added to read as follows:

Section 2.12.271. Campaign statements--Additional filing requirements.

- A. Each committee that makes expenditures in excess of \$250 in support of or in opposition to a measure must, in addition to campaign statements required by Section 2.12.270 of this Chapter, file campaign statements on the following dates: (1) no later than April 30 for the period January 1 through March 31; and (2) no later than October 31 for the period July 1 through September 30. If the committee has earlier pre-election statement filing deadlines, the earlier deadlines apply.
- B. Any additional filing requirement under this section shall cease upon the occurrence of any of the following dates, whichever occurs first: (1) the election day on which the measure is voted upon, (2) six months after the measure fails to qualify for the ballot, (3) six months after an ordinance subject to referendum is repealed by the City Council, or (4) six months after an elected official subject to recall resigns or otherwise leaves office.

Section 34. That Berkeley Municipal Code 2.12.297 is added to read as follows:

Section 2.12.297. Independent Expenditures in 40 days preceding election.

- A. Disclosure of Expenditures. Any person that makes an independent expenditure of \$1,000 or more in support of or in opposition to any measure or candidate, or group of measures or candidates, in the 40 days before an election in which the measure or candidate, or group of measures or candidates, appears on the ballot, shall notify the ~~city clerk~~City Clerk within 24 hours by personal delivery, fax, overnight mail, or electronically~~other~~ other electronic means as authorized by law each time an expenditure which ~~meet~~meets this threshold is made. The ~~city clerk~~City Clerk shall post a copy of the notice to the City's website within two business days after receiving the notice. Late independent expenditures shall be reported on subsequent campaign statements in addition to the reports filed pursuant to this section. The person shall also provide to the ~~city clerk~~City Clerk three copies of the communication funded by the expenditure.
- B. Contents of Notice. The notice shall specify:
- Each candidate or measure supported or opposed by the expenditure;
 - The amount spent to support or oppose each candidate or measure;
 - Whether the candidate or measure was supported or opposed;
 - The date and amount of each expenditure;
 - A description of the type of communication for which the expenditure was made;
 - The name and address of the person making the expenditure; and

g. The name and address of the payee.

- C. Notification to Candidates of Expenditures. The ~~city clerk~~ City Clerk shall notify all candidates and committees in each affected race by ~~overnight~~ first class mail, ~~personal delivery, facsimile, or electronically~~ within ~~two~~ two business days of receiving notice of the independent expenditures of \$1,000 or more.
- D. Exemption for Regularly Published Newsletters. For purposes of the notification required by subsection (A) of this section, payments by an organization for its regularly published newsletter or periodical, if the circulation is limited to the organization's members, employees, shareholders, other affiliated individuals and those who request or purchase the publication, shall not be required to be reported.

Section 45. That Berkeley Municipal Code 2.12.335 is added to read as follows:

Section 2.12.335. Disclosure requirements for campaign communications.

- A. Campaign communications supporting or opposing any candidate or measure shall include the ~~following information regarding the top three [or five] phrase~~ "Major Funding Provided By" immediately followed by the name of the contributor, the city of domicile, and the total cumulative sum of contributions for each of the top four contributions over \$250 to the committee funding the expenditure or independent expenditure made within six months of the expenditure or independent expenditure: the name of the contributor, the city of domicile, and total cumulative sum of contributions, other than a candidate who contributed to his or her own committee, immediately following the phrase "Major Funding Provided By." Excluded from this disclosure requirement are contributions by a candidate to his or her own committee.
- B. The disclosures required by this section shall list contributors in descending order by the amount of their contributions and shall be presented in a clear and conspicuous manner to give the reader, observer, or listener adequate notice. For all communications, the complete name of the contributor must be listed. No acronyms or abbreviations may be used. For purposes of this section, "campaign communication" means any of the following items:
1. More than 200 substantially similar pieces of campaign literature, including but not limited to mailers, flyers, faxes, pamphlets, door hangers, and e-mails;
 2. Television, cable, satellite and radio broadcasts;

3. Newspaper, magazine, Internet website banners and similar advertisements;
 4. Two hundred or more substantially similar pre-recorded telephone calls made within a calendar month.
- C. For purposes of this section, "campaign communication" does not include: small promotional items such as pens, pencils, clothing, mugs, potholders, skywriting or other items on which the statement required by this section cannot be reasonably printed or displayed in an easily legible typeface; posters, yard or street signs, billboards, supergraphic signs, skywriting, and similar items; communications paid for by a newspaper, radio station, television station or other recognized news medium; and communications from an organization to its members ~~other than a communication from a political party to its members.~~
- D. The disclaimer on campaign communications must be updated when a new ~~person qualifies as a disclosable contributor~~ contribution changes the list of contributors required under subsection A or when the committee's name changes. Broadcast advertisement disclosures must be amended within five calendar days after a new ~~person qualifies as a disclosable contributor~~ contribution changes the list of contributors or a committee's name changes. For printed campaign communications and other material, disclosure information must be amended to reflect accurate disclosure information every time an order to reproduce the communication is placed.

Section 56. That Berkeley Municipal Code 2.12.485 is amended to read as follows:

2.12.485. Late filing penalties.

Any candidate or committee whose only requirement to file a campaign statement or report is pursuant to Sections 2.12.270, ~~or~~ 2.12.295, or 2.12.297 of this chapter and who files such report or reports after the deadlines imposed in these sections, shall, in addition to any other penalties or remedies established by this chapter, be liable for the penalties enumerated in California Government Code Section 91013, which is incorporated herein.

Section 67. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.