

Assembly Bill No. 823

CHAPTER 39

An act to amend Section 25124 of the Government Code, relating to local government.

[Approved by Governor July 2, 2015. Filed with Secretary
of State July 2, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 823, Bigelow. Counties: ordinances.

Existing law requires the county board of supervisors, within 15 days after the passage of an ordinance by the board, to publish the ordinance with the names of those members voting for and against the ordinance, in a newspaper published in the county, except as specified. Existing law requires that an ordinance not published, as specified, within this 15-day period is to not take effect until 30 days after the date of its publication. Existing law authorizes a county board of supervisors to meet this publication requirement by publishing a summary of a proposed ordinance or proposed amendment to an existing ordinance, under specified conditions that include, among other requirements, publishing the summary and posting a certified copy of the full text of the proposed ordinance or proposed amendment in the office of the clerk of the board of supervisors at least 5 days prior to the board of supervisors meeting at which the proposed ordinance or amendment is to be adopted.

This bill would modify the requirements for a county board of supervisors to publish a summary of a proposed ordinance or proposed amendment to an existing ordinance to meet the publication requirement for an ordinance to take effect, including, among other new requirements, posting on the county's Internet Web site.

The people of the State of California do enact as follows:

SECTION 1. Section 25124 of the Government Code is amended to read:

25124. (a) Except as provided in subdivision (c), within 15 days after the passage of an ordinance it shall be published once, with the names of the members voting for and against the ordinance, in a newspaper published in the county if there is one, and if there is no newspaper published in the county, the ordinance shall be posted in a prominent location at the board of supervisors' chambers within the 15-day period and remain posted thereafter for at least one week. The local agency, at its option, may include in an ordinance reclassifying land either a brief description accompanied

by a map of the boundaries of the property, as recited in the notice of hearing, or a complete metes and bounds description accompanied by a map depicting the reclassified property and adjacent properties. Except for maps, any exhibit attached to and incorporated by reference in an ordinance need not be published in its entirety if the publication lists all those exhibits by title or description and includes a notation that a complete copy of each exhibit is on file with the clerk of the board of supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1. A certificate of the clerk of the board of supervisors or order entered in the minutes of the board that the ordinance has been duly published or posted is prima facie proof of the publication or posting.

(b) The publication or posting of ordinances, as required by subdivision (a), may be satisfied by either of the following actions:

(1) The county board of supervisors may publish a summary of a proposed ordinance or proposed amendment to an existing ordinance. The summary shall be prepared by an official designated by the board of supervisors. A summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be made available to the public upon request by the clerk of the legislative body at least five days prior to the board of supervisors meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. The clerk also shall either post a copy of the full text of the ordinance or amendment on the county's Internet Web site or post a certified copy of the full text in the office of the clerk five days prior to the board of supervisors meeting at which the proposed ordinance or amendment or alteration is to be adopted. Within 15 days after adoption of the ordinance or amendment, the board of supervisors shall publish a summary of the ordinance or amendment with the names of those supervisors voting for and against the matter and the clerk shall make available to the public, upon request, a certified copy of the full text of the adopted ordinance or amendment along with the names of those supervisors voting for and against the ordinance or amendment. The clerk of the board of supervisors shall also either post a copy of the full text of the ordinance or amendment and the names of those supervisors voting for and against the ordinance or amendment on the county's Internet Web site or shall post in the office of the clerk of the board of supervisors a certified copy of the full text of the ordinance or amendment along with the vote information specified in this paragraph.

(2) If the county official designated by the board of supervisors determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance or amendment, and if the board of supervisors so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the county shall be published at least five days prior to the board of supervisors meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The

advertisement shall indicate the general nature of, and provide information about, the proposed or adopted ordinance or amendment, including information sufficient to enable the public to obtain copies of the complete text of such ordinance or amendment, and the names of those supervisors voting for and against the ordinance or amendment.

(c) If the clerk of the board of supervisors fails to publish an ordinance within 15 days after the date of adoption, the ordinance shall not take effect until 30 days after the date of publication.