

ASSEMBLY BILL

No. 715

Introduced by Assembly Member Caballero

February 26, 2009

An act to amend Section 36933 of the Government Code, relating to ordinances.

LEGISLATIVE COUNSEL'S DIGEST

AB 715, as introduced, Caballero. City ordinances: publishing and posting requirements.

Existing law requires the city clerk, within 15 days after the passage of an ordinance by the city council, to cause the ordinance to be published or posted according to specified procedures, one of which requires both the city council to publish a summary of the ordinance, with the names of those city council members voting for and against the ordinance, and the city clerk to post the full text of the ordinance in the office of the city clerk, with the names of those city council members voting for and against the ordinance.

This bill would authorize the city clerk to post the full text of the ordinance either in the office of the city clerk or on the official Internet Web site of the city.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 36933 of the Government Code is
2 amended to read:

1 36933. (a) Within 15 days after its passage, the city clerk shall
2 cause each ordinance to be published at least once, with the names
3 of those city council members voting for and against the ordinance,
4 in a newspaper of general circulation published and circulated in
5 the city, or if there is none, he or she shall cause it to be posted in
6 at least three public places in the city or published in a newspaper
7 of general circulation printed and published in the county and
8 circulated in the city. In cities incorporated less than one year, the
9 city council may determine whether ordinances are to be published
10 or posted. Ordinances shall not be published in a newspaper if the
11 charge exceeds the customary rate charged by the newspaper for
12 publication of private legal notices, but these ordinances shall be
13 posted in the manner and at the time required by this section.

14 (b) Except as provided in Section 36937, an ordinance shall not
15 take effect or be valid unless it is published or posted in
16 substantially the manner and at the time required by this section.

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

19 (1) The city council may publish a summary of a proposed
20 ordinance or proposed amendment to an existing ordinance. The
21 summary shall be prepared by an official designated by the city
22 council. A summary shall be published and a certified copy of the
23 full text of the proposed ordinance or proposed amendment shall
24 be posted in the office of the city clerk at least five days prior to
25 the city council meeting at which the proposed ordinance or
26 amendment or alteration thereto is to be adopted. Within 15 days
27 after adoption of the ordinance or amendment, the city council
28 shall publish a summary of the ordinance or amendment with the
29 names of those city council members voting for and against the
30 ordinance or amendment, and the city clerk shall post in the office
31 of the city clerk *or on the official Internet Web site of the city* a
32 certified copy of the full text of the adopted ordinance or
33 amendment along with the names of those city council members
34 voting for and against the ordinance or amendment; or

35 (2) If the city official designated by the city council determines
36 that it is not feasible to prepare a fair and adequate summary of
37 the proposed or adopted ordinance or amendment, and if the city
38 council so orders, a display advertisement of at least one-quarter
39 of a page in a newspaper of general circulation in the city shall be
40 published at least five days prior to the city council meeting at

1 which the proposed ordinance or amendment or alteration thereto
2 is to be adopted. Within 15 days after adoption of the ordinance
3 or amendment, a display advertisement of at least one-quarter of
4 a page shall be published. The advertisement shall indicate the
5 general nature of, and provide information about, the proposed or
6 adopted ordinance or amendment, including information sufficient
7 to enable the public to obtain copies of the complete text of the
8 ordinance or amendment, and the names of those city council
9 members voting for and against the ordinance or amendment.

10 (d) (1) Any member of the public may file with the city clerk,
11 or any other person designated by the governing body to receive
12 these requests, a request for notice of specific proposed ordinances
13 or proposed amendments to ordinances.

14 (2) Notice pursuant to paragraph (1) shall be mailed or otherwise
15 transmitted at least five days before the council is scheduled to
16 take action on the proposed ordinances or proposed amendments
17 to an ordinance. Notice may be given by written notice properly
18 mailed or by e-mail if the requesting member of the public provides
19 an e-mail address. Notice may be in the form specified in either
20 paragraph (1) or (2) of subdivision (c), as determined by the city
21 council.

22 (3) As an alternative to providing notice as requested of specific
23 proposed ordinances or proposed amendments to ordinances, the
24 city clerk, or other person designated by the governing body, may
25 place the requesting member of the public on a general mailing
26 list that gives timely notice of all governing body public meetings
27 at which proposed ordinances or proposed amendments to
28 ordinances may be heard, as provided in Section 54954.1. If this
29 alternative is selected, the requesting member of the public shall
30 be so advised.

31 (4) The city may charge a fee that is reasonably related to the
32 costs of providing notice pursuant to this subdivision. The city
33 may require each request to be annually renewed.

34 (5) Failure of the requesting person to receive the information
35 pursuant to this subdivision shall not constitute grounds for any
36 court to invalidate an otherwise properly adopted ordinance or
37 amendment to an ordinance.

O