

AMENDED IN SENATE JUNE 8, 2009

AMENDED IN ASSEMBLY APRIL 30, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 715

Introduced by Assembly Member Caballero

February 26, 2009

An act to amend ~~Section~~ *Sections 25124 and 36933* of the Government Code, relating to ordinances.

LEGISLATIVE COUNSEL'S DIGEST

AB 715, as amended, Caballero. ~~City-County and city~~ ordinances: publishing and posting requirements.

(1) *Existing law requires the county board of supervisors, within 15 days after the passage of an ordinance by the board, to cause the ordinance to be published, with the names of those members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the county, as specified.*

This bill would authorize the county board of supervisors to either publish the ordinance in a newspaper of general circulation or on the official Internet Web site of the county and to mail notice of passage of the ordinance to those who have filed written requests for mailed notice, as specified.

Existing

(2) *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, with the names of those city council members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the city, as specified.*

This bill would authorize the city clerk to either publish the ordinance in a newspaper of general circulation or on the official Internet Web site of the city and to mail notice of passage of the ordinance to those who have filed written requests for mailed notice, as specified.

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 25124 of the Government Code is
2 amended to read:

3 25124. (a) Except as provided in subdivision ~~(e)~~ (d), before
4 the expiration of 15 days after the passage of an ordinance ~~it shall~~
5 ~~be published once~~, the county board of supervisors shall do one
6 of the following:

7 (1) Publish the ordinance once, with the names of the members
8 voting for and against the ordinance, in a newspaper published in
9 the county if there is one, and if there is no newspaper published
10 in the county, the ordinance shall be posted in a prominent location
11 at the board of supervisors' chambers within the 15-day period
12 and remain posted thereafter for at least one week.

13 (2) Post the ordinance, with the names of those members of the
14 board of supervisors voting for and against the ordinance, on an
15 official Internet Web site of the county, and provide a copy of the
16 notice of adoption of the ordinance upon written request of any
17 person in the manner described in Section 54954.1.

18 The

19 (b) The local agency, at its option, may include in an ordinance
20 reclassifying land either a brief description accompanied by a map
21 of the boundaries of the property, as recited in the notice of hearing,
22 or a complete metes and bounds description accompanied by a
23 map depicting the reclassified property and adjacent properties.
24 Except for maps, any exhibit attached to and incorporated by
25 reference in an ordinance need not be published in its entirety if
26 the publication lists all those exhibits by title or description and
27 includes a notation that a complete copy of each exhibit is on file
28 with the clerk of the board of supervisors and is available for public
29 inspection and copying in that office in accordance with the
30 California Public Records Act, Chapter 3.5 (commencing with
31 Section 6250) of Division 7 of Title 1. A certificate of the clerk

1 of the board of supervisors or order entered in the minutes of the
2 board that the ordinance has been duly published or posted is prima
3 facie proof of the publication or posting.

4 (b)

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

7 (1) The county board of supervisors may publish a summary of
8 a proposed ordinance or proposed amendment to an existing
9 ordinance. The summary shall be prepared by an official designated
10 by the board of supervisors. A summary shall be published and a
11 certified copy of the full text of the proposed ordinance or proposed
12 amendment shall be posted in the office of the clerk of the board
13 of supervisors at least five days prior to the board of supervisors
14 meeting at which the proposed ordinance or amendment or
15 alteration thereto is to be adopted. Within 15 days after adoption
16 of the ordinance or amendment, the board of supervisors shall
17 publish a summary of the ordinance or amendment with the names
18 of those supervisors voting for and against the ordinance or
19 amendment and the clerk shall post in the office of the clerk of the
20 board of supervisors a certified copy of the full text of the adopted
21 ordinance or amendment along with the names of those supervisors
22 voting for and against the ordinance or amendment.

23 (2) If the county official designated by the board of supervisors
24 determines that it is not feasible to prepare a fair and adequate
25 summary of the proposed or adopted ordinance or amendment,
26 and if the board of supervisors so orders, a display advertisement
27 of at least one-quarter of a page in a newspaper of general
28 circulation in the county shall be published at least five days prior
29 to the board of supervisors meeting at which the proposed
30 ordinance or amendment or alteration thereto is to be adopted.
31 Within 15 days after adoption of the ordinance or amendment, a
32 display advertisement of at least one-quarter of a page shall be
33 published. The advertisement shall indicate the general nature of,
34 and provide information about, the proposed or adopted ordinance
35 or amendment, including information sufficient to enable the public
36 to obtain copies of the complete text of such ordinance or
37 amendment, and the names of those supervisors voting for and
38 against the ordinance or amendment.

39 (e)

(d) 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.

~~SECTION 1.~~

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

36933. (a) (1) Within 15 days after its passage, the city clerk shall do either of the following:

(A) Cause each ordinance to be published at least once, with the names of those city council members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the city, or if there is none, he or she shall cause it to be posted in at least three public places in the city or published in a newspaper of general circulation printed and published in the county and circulated in the city.

(B) Post the ordinance, with the names of those city council members voting for and against the ordinance, on the city's official Internet Web site and mail notice of passage of the ordinance to those who have filed a written request for mailed notices. Any written request for mailed notices shall be valid for one year from the date on which it was filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year.

(2) In cities incorporated less than one year, the city council may determine whether ordinances are to be published or posted. Ordinances shall not be published in a newspaper if the charge exceeds the customary rate charged by the newspaper for publication of private legal notices, but these ordinances shall be posted in the manner and at the time required by this section.

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

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

(1) The city council 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 city council. A summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the city clerk at least five days prior to

1 the city council meeting at which the proposed ordinance or
2 amendment or alteration thereto is to be adopted. Within 15 days
3 after adoption of the ordinance or amendment, the city council
4 shall publish a summary of the ordinance or amendment with the
5 names of those city council members voting for and against the
6 ordinance or amendment, and the city clerk shall post in the office
7 of the city clerk a certified copy of the full text of the adopted
8 ordinance or amendment along with the names of those city council
9 members voting for and against the ordinance or amendment; or

10 (2) If the city official designated by the city council determines
11 that it is not feasible to prepare a fair and adequate summary of
12 the proposed or adopted ordinance or amendment, and if the city
13 council so orders, a display advertisement of at least one-quarter
14 of a page in a newspaper of general circulation in the city shall be
15 published at least five days prior to the city council meeting at
16 which the proposed ordinance or amendment or alteration thereto
17 is to be adopted. Within 15 days after adoption of the ordinance
18 or amendment, a display advertisement of at least one-quarter of
19 a page shall be published. The advertisement shall indicate the
20 general nature of, and provide information about, the proposed or
21 adopted ordinance or amendment, including information sufficient
22 to enable the public to obtain copies of the complete text of the
23 ordinance or amendment, and the names of those city council
24 members voting for and against the ordinance or amendment.

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

29 (2) Notice pursuant to paragraph (1) shall be mailed or otherwise
30 transmitted at least five days before the council is scheduled to
31 take action on the proposed ordinances or proposed amendments
32 to an ordinance. Notice may be given by written notice properly
33 mailed or by e-mail if the requesting member of the public provides
34 an e-mail address. Notice may be in the form specified in either
35 paragraph (1) or (2) of subdivision (c), as determined by the city
36 council.

37 (3) As an alternative to providing notice as requested of specific
38 proposed ordinances or proposed amendments to ordinances, the
39 city clerk, or other person designated by the governing body, may
40 place the requesting member of the public on a general mailing

1 list that gives timely notice of all governing body public meetings
2 at which proposed ordinances or proposed amendments to
3 ordinances may be heard, as provided in Section 54954.1. If this
4 alternative is selected, the requesting member of the public shall
5 be so advised.

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

9 (5) Failure of the requesting person to receive the information
10 pursuant to this subdivision shall not constitute grounds for any
11 court to invalidate an otherwise properly adopted ordinance or
12 amendment to an ordinance.