



MEMO from the Administrative Services Department

DATE: October 2, 2013

TO: Charter Review Committee

cc: John Lollis, City Manager
Julia Lew, City Attorney

FROM: Patrice Hildreth, Administrative Services Director

SUBJECT: Proposed Amendment to Section 12 pertaining to Publication of City Ordinances

Section 12 of the City Charter pertains to legislative matters of the City Council. One of the requirements set forth in the section relates to the approval and adoption of City Ordinances. Specifically, Section 12 requires that the proposed ordinances be published at least once in the "official newspaper of the city" at least three days prior to "final passage" or second reading.

In an effort to both reduce costs and increase transparency, many agencies have opted to eliminate newspaper publication and instead utilize the internet. Staff herein proposes that the Committee consider amending this section to do just that. Instead of requiring publication in a newspaper, amend the section to require that proposed ordinances be posted on the City's website. This could be done at no cost, for a longer period, and would likely result in reaching more citizens.

For informational purposes, over the past five years, roughly 44 ordinances have been adopted. On average, the cost to publish one ordinance ranges from \$100 to \$500, depending on its length. The publications are printed in the legal section of the Porterville Recorder, which is generally not a widely-read section for those looking for government-related news.

Utilization of the City's webpage has been steadily increasing since its debut, with approximately 258,561 visits to date this year alone. On average, the site receives approximately 29,000 visits per month.

Sec. 12. How Council Acts On Legislative Matters; Resolutions; Records Of Votes; Requirement That All Members Vote; How Ordinances Headed; Ordaining Clause; Ordaining Clause Of Ordinances Passed By Initiative; When Ordinances To Be Passed; Publication; Effective Date Of Ordinances; Certain Matters Required To Be Passed By Ordinance; Repeal Of Ordinances; Revision Of Ordinances; Ordinances To Be Signed By Mayor And Attested By Clerk.

The council shall act in legislative matters by ordinance or resolution only. Other action of the council, unless herein otherwise provided, may be taken by resolution, motion, or order.

The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the record of the proceedings of the council. Upon the request of any member of the council, the ayes and noes shall be taken and recorded upon any vote. All members present at any meeting must vote; provided that no such member of the council shall cast a vote when to do so would be contrary to the applicable provisions of state law, including the laws pertaining to conflict of interest. (3-4-2003)

No ordinance or resolution shall be passed without receiving the affirmative votes of at least three members of the council.

Each ordinance shall be headed by a brief title which shall indicate the purport thereof.

The ordaining clause of all ordinances adopted by the council shall be, "The Council of the City of Porterville do ordain as follows:"

The ordaining clause of all ordinances passed by the vote of the electors of the city, through the exercise of the initiative shall be, "The People of the City of Porterville do ordain as follows:"

No ordinance shall be passed by the council at any time other than at a regular meeting, **or until its publication at least once in the official newspaper of the city at least three days before its final passage.**

Except an ordinance calling or otherwise relating to an election, no ordinance passed by the council of the city of Porterville, except when otherwise specially required by the laws of the state, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a declaration of, and the facts constituting its urgency and is passed by a four-fifths ($\frac{4}{5}$) vote of the council, and no ordinance granting a franchise, shall go into effect before thirty (30) days from its final passage.

Except as otherwise provided by general law, or this charter, no action providing for the granting of any franchise, or for the establishing or changing fire zones, or for the imposing of any penalty, shall be taken except by ordinance. (3-8-1983)

No ordinance, or portion thereof, shall be repealed except by ordinance. No ordinance shall be revised, reenacted or amended by reference to its title only; but the ordinance to be revised or reenacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto shall be set forth and adopted according to the method provided in this section for the enactment of ordinances, and such revision, re-enactment, amendment, or addition, shall be made by ordinance only.

All ordinances shall be signed by the mayor and attested by the city clerk.