



CITY COUNCIL STAFF REPORT

TO: Honorable Mayor and City Council **DATE:** March 2, 2020

FROM: Matthew Bronson, City Manager

PREPARED BY: Wendi Sims, City Clerk

SUBJECT: Introduction and First Reading of Proposed Ordinance Repealing and Adding Section 2700 of Chapter 7 of Article II, Administration Related to Amending the Process for Publishing Ordinances After Passage

RECOMMENDATION

Introduce and Conduct the First Reading of a Proposed Ordinance to repeal and add Grover Beach Municipal Code Section 2700 to eliminate the posting of approved ordinances in three different places in the City and replace with the option to publish in a newspaper of general circulation.

BACKGROUND

The Grover Beach Municipal Code, Section 2700, requires when the Council approves an ordinance, it must be posted in three different locations within the City. Currently, in compliance with Section 2700, the City post the approved ordinance at the following locations:

- (A) City Hall, 154 South 8th Street, Grover City, CA;
- (B) US Post Office, Grand Avenue and 9th Street, Grover City, CA;
- (C) Grover City Chamber of Commerce, 177 S. 8th Street, Grover City, CA.

California Government Code Section 36933, requires an agency within 15 days after the final passage, to publish the ordinance, along with the names of each council member that voted for or against the ordinance in a newspaper of general circulation within the City. There is no statutory requirement to post the agenda at any physical location within the City unless the City fails to have a newspaper of general circulation. Since Grover Beach has a newspaper of general circulation within the City, the Clerk may publish the agenda within that newspaper which is the New Times, and is not required to post at multiple locations. This text amendment would eliminate the requirement to physically post the ordinances approved by Council and will expedite the process for giving notice under Section 36933 by allowing publication as the sole process for notifying the public.

FISCAL IMPACT

There is no fiscal impact related to this text amendment.

*Staff Report: Grover Beach Municipal Code Section 2700
March 2, 2020*

ALTERNATIVES

The City Council has the following alternatives to consider:

1. Approve ordinance repealing and adding Grover Beach Municipal Code Section 2700; or
2. Provide alternative direction to staff.

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act.

ATTACHMENTS

1. Ordinance repealing and adding Grover Beach Municipal Code Section 2700.

ORDINANCE NO. 20-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA REPEALING AND ADDING SECTION 2700 OF CHAPTER 7 OF ARTICLE II, ADMINISTRATION, OF THE GROVER BEACH MUNICIPAL CODE

WHEREAS, the City of Grover Beach is a General Law city organized pursuant to Article XI of the California Constitution; and

WHEREAS, the City adopted Ordinance 80-2 in 1980 establishing and defining public places for posting ordinances, resolutions and notices after their passage; and

WHEREAS, this Municipal Code section created the obligation to post ordinances, resolutions and notices at City Hall, the United States Post Office and the Grover Beach Chamber of Commerce; and

WHEREAS, due to the advent of modern technology including computers, social media, the internet and other electronic means of communication, it has become unnecessary to post ordinances, resolutions and notices at as many locations as required in Ordinance 80-2; and

WHEREAS, California Government Code Section 36933 allows within 15 days after passage for the City Clerk to publish ordinances at least once in a newspaper of general circulation published and circulated within the City; and

WHEREAS, and the general practice of both publishing and posting is unnecessary and not required and it is significantly more cost effective to merely publish ordinances, and

WHEREAS, since Section 36933 fails to require publication of resolutions and notices, those documents shall be noticed in a manner consistent with state law.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GROVER BEACH AS FOLLOWS:

PART 1. Section 2700 of Chapter 7 of Article II is hereby deleted in its entirety and replaced with the following:

Section 2700. Publishing of Ordinances and Resolutions. All ordinances shall be published in a manner and consistent with Government Code Section 36933 or as amended.

PART 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

PART 3. All ordinances and parts of ordinances in conflict with those sections amended or added herein are hereby repealed.

PART 4. Effective Date. This Ordinance shall not become effective and in full force and effect until 12:01 a.m. on the thirty first day after its final passage. However, within fifteen

(15) days after adoption by the City Council, the Ordinance shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

INTRODUCED at a regular meeting of the City Council held on March 2, 2020 and **PASSED, APPROVED,** and **ADOPTED** by the City Council on _____, on the following roll call vote, to wit:

AYES: Council Members -
NOES: Council Members -
ABSENT: Council Members -
ABSTAIN: Council Members -
RECUSED: Council Members -

JEFF LEE, MAYOR

Attest:

WENDI SIMS, CITY CLERK

Approved as to Form:

DAVID P. HALE, CITY ATTORNEY