

DEPARTMENT: County Counsel

BY: Steve Dahlem

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RECOMMENDED ACTION AND JUSTIFICATION:

Consider approval of publication of summary ordinances where applicable and designate preparation of summary ordinances for publication to County Counsel.

BACKGROUND AND HISTORY OF BOARD ACTIONS

Government Code Section 25124 requires the publication of County Ordinances in a local newspaper within fifteen days after passage.

Government Code Section 25124, subdivision (b)(1) allows the Board of Supervisors to publish a summary of a proposed ordinance or proposed amendment to an existing ordinance at least five days prior to adoption of the ordinance and again prior to the expiration of fifteen days after the ordinance has passed. The code requires that the summary be prepared by an official designated by the Board of Supervisors. In addition, there are requirements for the full text of the ordinance to be posted in the office of the Clerk of the Board.

The Board has two lengthy ordinances in the process (adoption of Building Codes and the agritourism policy). Using the publication of summary ordinance process would greatly reduce the publication costs for those ordinances and future ordinances where applicable. County Counsel will review each ordinance that is prepared for the Board, determine whether the publication of summary ordinance process is applicable, and prepare the summaries in collaboration with the respective department(s).

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Continue publishing the full text of each ordinance and realize a savings in publication costs.

Financial Impact? () Yes (X) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? () Yes () No () Partially Funded		
Amount in Budget: \$ _____		List Attachments, number pages consecutively
Additional Funding Needed: \$ _____		Government Code Section 25124
Source:		_____
Internal Transfer		_____
Unanticipated Revenue _____	4/5's vote	_____
Transfer Between Funds _____	4/5's vote	_____
Contingency _____	4/5's vote	_____
() General () Other		_____

CLERK'S USE ONLY:

Res. No. 10-515 Ord. No. _____
Vote - Ayes: 4 Noes: _____

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended
 No Opinion

MW Absent: *MW*

Approved
 Minute Order Attached No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: _____
Deputy

Comments:

CAO: *[Signature]*

CALIFORNIA CODES
GOVERNMENT CODE
SECTION 25120-25132

25120. The enacting clause of all ordinances of the board of supervisors shall be as follows: "The Board of Supervisors of the County of ____ ordains as follows."

25121. Every ordinance shall be signed by the chairman of the board and attested by the clerk.

25122. On the passage of all ordinances the votes of the several members of the board shall be entered on the minutes, and all ordinances shall be entered at length in the ordinance book.

25123. All ordinances shall become effective 30 days from the date of final passage, except the following ordinances, which shall take effect immediately:

(a) Those calling or otherwise relating to an election.

(b) Those specifically required by this code or by any other law to take immediate effect.

(c) Those fixing the amount of money to be raised by taxation, or the rate of taxes to be levied.

(d) Those for the immediate preservation of the public peace, health, or safety, which shall contain a declaration of the facts constituting the urgency, and shall be passed by a four-fifths vote of the board of supervisors.

(e) Those specifically relating to the adoption or implementation of a memorandum of understanding with an employee organization.

(f) Those relating to salaries and other compensation of officers, other than elected officers, and employees.

25123.5. Notwithstanding the provisions of Section 25123, that portion of any ordinance which changes supervisory salaries shall become effective 60 days after its adoption.

25124. (a) Except as provided in subdivision (c), before the expiration of 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 hereafter 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 posted in the office of the clerk of the board of supervisors 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, the board of supervisors shall publish a summary of the ordinance or amendment with the names of those supervisors voting for and against the ordinance or amendment and the clerk shall post in the office of the clerk of the board of supervisors 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.

(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.

25125. No county ordinance passed prior to September 13, 1941, is void solely by reason of the fact that it was not published for a full week within 15 days after its passage, if the first actual publication of the ordinance was within the 15-day period, and hereafter actual publication was made for a full week.

25126. Any or all ordinances of any county which have been enacted and published in accordance with the provisions of its charter or this article, and which have not been repealed, may be compiled, consolidated, revised, indexed, including such restatement and substantive change as is necessary in the interest of clarity, and arranged as a comprehensive ordinance **code**.

25127. The ordinance **code** may be adopted by reference by the passage of an ordinance for the purpose, which shall be adopted and approved in the manner provided by charter or this article for the passage of ordinances for the county.

25128. The ordinance **code** itself need not be published in the manner required for other ordinances, but not less than three copies of the **code** shall be filed for use and examination by the public in the office of the clerk of the county prior to the adoption thereof.

25129. After the **code** has been adopted all ordinances thereafter adopted pertaining to the subjects in the **code** shall be amendatory or revisory of the **code**. No section or subsection of the **code** shall be revised or amended by reference. The ordinance section or subsection revised or amended shall be adopted and published in the manner prescribed in Section 25124. Nothing in this section shall preclude repealing or rendering inoperative by reference any section or subsection if language in the ordinance fairly identifies the subject matter of the sections or subsections which would be repealed or rendered inoperative by the ordinance.

25130. An ordinance **code** adopted and fully published, or adopted by reference as provided in this article, may be subsequently recompiled, recodified and indexed, including such restatement and substantive change as is necessary in the interest of clarity, in the same manner as prescribed by this article for the original adoption by reference of an ordinance **code**.

25131. Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by majority vote, all ordinances shall be read in full either at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section. This section shall not apply to ordinances which by statute can be passed only after notice and a public hearing.

25132. (a) Violation of a county ordinance is a misdemeanor unless by ordinance it is made an infraction. The violation of a county ordinance may be prosecuted by county authorities in the name of the people of the State of California, or redressed by civil action.

(b) Every violation determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred dollars (\$200) for a second violation of the same ordinance within one year; (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of the same ordinance within one year.

(c) Notwithstanding any other provision of law, a violation of local building and safety codes determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding five hundred dollars (\$500) for a second violation of the same ordinance within one year; (3) a fine not exceeding one thousand dollars (\$1,000) for each additional violation of the same ordinance within one year of the first violation.