



CITY OF DALLAS


**Memorandum**

DATE March 19, 2014  
TO The Honorable Chair and Members of the Charter Review Commission  
SUBJECT Charter Publication Provisions from other Cities

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As requested, attached are provisions that require publication of ordinances or notices from the charters of the following cities:

Austin, Texas  
Palo Alto, California  
San Francisco, California  
Portland, Oregon  
Seattle, Washington

  
JOHN ROGERS  
Assistant City Attorney

Attachments (5)

## **CITY CHARTER AUSTIN, TEXAS**

### **PUBLICATION SECTIONS**

#### **§ 16. INDEPENDENT AUDIT.**

At the close of each fiscal year, and at such other times as may be deemed necessary, the council shall cause an independent audit to be made of all accounts of the city by a certified public accountant. The certified public accountant so selected shall have no personal interest, directly or indirectly, in the financial affairs of the city or any of its officers. Upon completion of the audit, the results thereof shall be published immediately in a newspaper in the city of Austin and copies placed on file in the City Hall as a public record.

#### **§ 7. CAMPAIGN CONTRIBUTION AND EXPENSE STATEMENTS.**

The city clerk shall electronically publish campaign finance reports that are filed in the clerk's office in compliance with law. The publication shall be by means of the Internet or by a similar technology that may become available after the enactment of this section. The council may adopt ordinances to administer this section. The ordinances may provide for the manner and duration of electronic publication.

#### **§ 6. BUDGET PREPARATION AND ADOPTION.**

At least thirty (30) days prior to the beginning of each budget year, the city manager shall submit to the council a proposed budget in the form required by this Charter. At the meeting of the council at which the budget is submitted, the council shall order a public hearing on the budget and shall cause to be published, at least ten (10) days prior to the date of such hearing, the time and place thereof. At the time and place so advertised the council shall hold a public hearing on the budget as submitted, at which all interested persons shall be given an opportunity to be heard. The budget shall be finally adopted not later than the twenty-seventh day of the last month of the fiscal year. Upon final adoption the budget shall be in effect for the budget year, and copies thereof shall be filed with the city clerk, the County Clerk of Travis County, and the state comptroller of public accounts. The final budget shall be reproduced and sufficient copies shall be made available for use of all offices, departments, and agencies of the city, and for the use of interested persons.

#### **§ 15. PUBLICATION OF ORDINANCE.**

Except as otherwise provided by law or this Charter, the city clerk shall give notice of the enactment of every penal ordinance and of every other ordinance required by law or this Charter to be published, by causing the descriptive title or caption of the same to be published at least one time after final passage thereof in some newspaper of general circulation in the city before the ordinance is effective. The city clerk shall note on every ordinance and on the record thereof the dates and medium of its publication, and such notation shall be prima facie evidence of compliance with the requirements of this section.

#### **§ 16. CODE OF ORDINANCES.**

Within six (6) months after the effective date of this section, the council shall cause all general ordinances of the city to be compiled and printed in code form. For the purpose of this section

general ordinances shall be deemed to be those ordinances of a permanent or continuing nature which affect the residents of the city at large. Every general ordinance enacted subsequent to the original codification required above shall be enacted as an amendment to the code. After the original codification, the council shall have the power to cause all general ordinances to be recodified and reprinted whenever in its discretion such is deemed desirable, and it shall be mandatory upon the council to cause all general ordinances to be recodified and reprinted before the expiration of any ten (10) consecutive years following the last preceding codification or recodification. When adopted by the council, the printed codes of general ordinances contemplated by this section shall be in full force and effect without the necessity of such codes or any part thereof being published in any newspaper.

## PALO ALTO CALIFORNIA PUBLICATION CHARTER PROVISIONS

### **Sec. 3. Appointment and removal of city manager.**

The city manager shall be appointed for an indefinite term by a majority vote of the council, and may be removed by resolution at the pleasure of the council, by a two-thirds vote thereof. Before being removed, the city manager shall upon demand be given a written statement of the reasons for removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the removal resolution, but pending and during such hearing the council may suspend him or her from office. The action of the council in suspending or removing the city manager shall be final and conclusive. Upon any vacancy occurring in the office of the city manager subsequent to the first appointment hereunder, the council shall, without delay, adopt a resolution of its intention to appoint a city manager, which resolution shall be published once in the official **newspaper** of the city. No appointment shall be made in less than thirty days after such publications. This provision, however, shall not affect the appointment of a city manager pro tem as herein provided.

### **Sec. 1. Recall.**

Within seven days after the filing of the notice of intention, the council member sought to be recalled may file with the clerk an answer in not more than five hundred words to the statement of the proponents and, if an answer is filed, shall serve a copy thereof, personally or by certified mail, on one of the proponents named in the notice of intention. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect the validity of the election or proceedings. The notice, statement and answer, if any, shall then be published in a **newspaper** of general circulation by the city clerk.

### **Sec. 2. Initiative.**

An initiative petition, in order to be valid, must meet the following requirements:

(a) A notice of intention to circulate an initiative petition must be published in a **newspaper** of general circulation in the city once prior to the affixing of any signature to any petition and shall be substantially in the following form:

### **Sec. 3. Referendum.**

(a) A notice of intention to circulate a referendum petition must be published in a **newspaper** of general circulation in the city once prior to the affixing of any signature to any petition and shall be substantially in the following form:

Sec. 38443. Initiation of proceedings - Resolution.

Proceedings are initiated when the legislative body adopts a resolution declaring that public interest or convenience requires the discontinuance of the use of such land as a public park, and that the legislative body intends to call a special election to submit the question of discontinuance to the city electors.

Sec. 38445. Resolution - Publication.

The city clerk shall cause the resolution to be published twice in a daily **newspaper** published and circulated in the city, or if there is none, twice in a weekly or semiweekly **newspaper** so published and circulated. If there are no such **newspapers**, the resolution shall be published twice in a **newspaper** published in the county. Publication shall be completed at least twenty days before the time set for the hearing.

## **SAN FRANCISCO CHARTER PROVISIONS REGARDING PUBLICATION OF NOTICES**

### **SEC. 2.8. SPECIAL MEETINGS.**

A special meeting of the Board of Supervisors may be called at any time by the President of said Board, or by a majority of the members of said Board, by delivering personally or by mail written notice to each member of said Board and to each local newspaper of general circulation, radio or television station requesting notice in writing.

### **SEC. 2.80. FINDINGS.**

The people of San Francisco find and declare that the City and County has a responsibility to inform its citizenry about the goings on of local government. To best accomplish this, the City and County should utilize locally published newspapers to reach the general public, including the many separate and diverse communities which make up the population of the City and County.

Under this Article, the City and County wishes to exercise its power in deeming official newspaper (s) to maximize the citizenry's access to public notices which are required to be published by law. In addition, the City and County wishes to implement an aggressive outreach plan to meet the public information needs of those communities and neighborhoods which may not be adequately served by the official newspaper(s).

### **SEC. 2.80-1. DEFINITIONS.**

As used in this Article, the following words and phrases shall have the meanings indicated herein:

- (a) "Official Newspaper." Pursuant to the provisions of Section 10.100(f) of the Charter, the official newspaper or newspapers of the City and County is hereby defined as a newspaper of general circulation published for the dissemination of local or telegraphic news and intelligence of general character, which has a bona fide circulation of at least 50,000 copies per calendar week and which is printed in the City and County on three or more days in a calendar week.

### **SEC. 2.81. OFFICIAL NEWSPAPER (S) - DESIGNATION.**

In each year, the Board of Supervisors shall designate the official newspaper or newspapers of the City and County as herein below set forth.

(a) On or before the first day of December in 1994 and each ensuing June thereafter, the Purchaser shall prepare a notice inviting sealed proposals for: (1) the publication of all official advertising of the City and County which is required by law to be published on two or more consecutive days, and all official advertising of the City and County which is required to be published in accordance with the provisions of Sections 2.200 or 2.201 of the Charter for special meetings of the Board of Supervisors and its standing or special committees; and (2) the publication of all official advertising of the City and County, which is required by law to be published one time, other than the provisions of Sections 2.200 or 2.201 of the Charter as they relate to special meetings of the Board of Supervisors and its standing or special committees; and all official advertising of the City and County which is required by law to be published more than one time, but not more than three times a week for a specified number of weeks. Said notices shall be published once in the appropriate official newspaper of the City and County. At

least five days shall intervene between the date of publication and the time for filing such sealed proposals. Each proposal shall be required to include among other things:

(1) Bidder's most recent circulation audit report covering a period of established and verified circulation for at least six months;

(2) A Distribution Declaration from bidder declaring that any individual or business entity within the City and County who requests delivery of the same general newspaper shall receive delivery of the same general newspaper, and in the same timely fashion as every other person;

(3) Each bidder who submits a bid as a joint venture or which is to be performed by a joint venture, must include a copy of a fully executed joint venture agreement. Each joint venture partner individually must meet all of the requirements set forth in the Charter and Administrative Code;

(4) Each bidder must establish that it has met all minimum requirements listed in Paragraphs 2.81(1), 2.81(2), and 2.81(3), above, for at least four full weeks prior to bid opening.

(b) The Purchaser shall evaluate each proposal taking into consideration the cost of advertising in each newspaper, the circulation of each newspaper, and the cost of each newspaper to the general public according to the following point system:

(1) Advertising Price. The newspaper which bids the lowest price for advertising shall receive 15 points. Every other newspaper shall receive a proportionate number of points ("Proportional Advertising Price Points"), according to the following formula:

Proportional Advertising Price

Points = 15 X

As used in this formula, "Lowest Price Bid" shall be the dollar amount bid by the newspaper submitting the lowest price bid for advertising. "Higher Price Bid" shall mean the dollar amount bid for advertising by the particular other newspaper as to which the point calculation is made.

(2) Circulation. The newspaper with the largest circulation shall receive 10 points. Every other newspaper shall receive a proportionate number of points ("Proportional Circulation Points"), according to the following formula:

Proportional Circulation

Points = 10 X

As used in this formula, "Lower Circulation" shall mean the circulation of the particular other newspaper as to which the point calculation is made (calculated according to Subsection (b)(3)). "Highest Circulation" shall mean the circulation of the bidding newspaper with the highest circulation (calculated according to Subsection (b)(3)).

(3) Circulation Calculation. For Item 1 bidders, circulation shall be calculated by adding the total number of newspaper copies delivered to homes in the City and County for all days of a one-week period. For Item 2 bidders, circulation shall be calculated by adding the total number of newspaper copies delivered to homes in the City and County for any three days of a one-week period.

(4) Newspaper Cost. Any newspaper with a majority of circulation that is free of charge to the general public shall receive an additional five points.

(5) Local/Minority/Woman Ownership. Any bidder whose newspaper is locally owned and operated shall receive an additional two points. Any bidder whose newspaper has more than 50 percent minority ownership shall receive an additional two points. Any bidder whose newspaper is woman-owned shall receive an additional two points.

(c) The Purchaser shall, not less than 10 days after the date of publication of said notices, report to the Board of Supervisors the point totals of any and all sealed proposals received by

him or her, and shall make his or her recommendation(s) to the Board of Supervisors. Thereupon, the Board of Supervisors shall, by resolution, choose and designate a newspaper or newspapers as the official newspaper or newspapers of the City and County for the ensuing fiscal year, and the Purchaser shall let a contract or contracts to said newspaper (s) for said fiscal year. (Amended by Ord. 382-78, App. 8/18/78; Ord. 313-93, App. 10/15/93; Ord. 63-94, App. 2/10/94; Ord. 215-94, App. 6/2/94; amended by Proposition J, 11/8/94)

#### **SEC. 2.81-1. USE OF OFFICIAL NEWSPAPERS .**

If the circulation of the official newspaper (s) varies by day or the cost of advertising varies by day, the Purchaser shall direct all City departments to advertise in those editions of the newspaper (s) with the greatest circulation and lowest advertising cost.

(Added by Proposition J, 11/8/94)

#### **SEC. 2.81-2. OUTREACH FUND.**

(a) Establishment of Fund. Each fiscal year the Purchaser shall establish an outreach fund by withholding 10 percent of all revenue paid to each official newspaper. The Purchaser shall accrue these funds on a monthly basis.

(b) Purpose of Fund. This fund is created for the purpose of placing weekly outreach advertisements in selected outreach periodicals. Outreach advertisements shall be paid for solely by using monies from the outreach fund.

(c) Balance of Monies in Fund. Any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward to the next fiscal year and shall be appropriated then or thereafter for the purposes specified.

#### **SEC. 2.81-4. NEIGHBORHOOD OUTREACH.**

If the Board of Supervisors finds that certain neighborhoods are not being adequately served by the official newspaper(s) and the outreach periodicals, the Board may authorize additional advertising in monthly neighborhood publications which target certain neighborhoods in San Francisco.

#### **SEC. 2.97. DEFINITIONS.**

(a) "City's Official Website Homepage" shall mean the first screen that opens at sfgov.org or any successor City official internet address.

(b) "Department's Website Homepage" shall mean the first screen that opens at the Department's website address.

(c) "Notices" shall mean all notices to the public required under the Charter.

(d) "Published" shall mean posted on the City's Official Website Homepage, on the applicable Department's Website Homepage, and at the Main Branch of the San Francisco Public Library, as more fully described in Section 2.98, provided that the Department shall cause a summary of the Notice to be published in the "Official Newspaper" as set forth in Administrative Code, Chapter 2, Article IX.

(e) "Summary" shall mean a direction to the Department's Website Homepage where the Notice can be located.

#### **SEC. 2.98. PUBLICATION REQUIREMENTS.**



(a) The City Librarian shall designate a place in the Main Branch of the Public Library, accessible to the public, for the posting of Notices in hard copy. The City Librarian shall cause such Notices to be posted promptly upon receipt. For purposes of this subsection (a), "posting" may include placing a notice in a file that is readily identifiable and available to the public.

(b) The Department of Technology shall place on the City's Official Website Homepage a "Notices" section which shall include links to Notices of all City departments. The Department of Technology shall cause such Notices to be posted promptly.

(c) City departments shall post Notices on a "Notices" page accessible from the Department's Website Homepage. The Department of Technology shall cause such Notices to be accessible via the Notices section placed on the City's Official Website Homepage.

(d) This Article is not intended to change (1) the duration of, or time during which City, State or federal law requires an official or agency to publish or post a Notice; (2) the identity of the official or agency responsible for publishing or posting a Notice; or (3) publication or posting requirements that City, State or Federal law otherwise impose on City officials or agencies.

(e) The publication requirements established in subsections (a), (b), and (c) above shall be deemed satisfied if the City has substantially complied with the requirements, meaning the Notice has been posted at the Main Branch of the Public Library, and on either the City's Official Website Homepage or the Department's Website Homepage.

## **PORTLAND, OREGON CHARTER PUBLICATION REQUIREMENTS**

### **Section 8-101 Annual Contract for Official Advertising.**

A contract for official advertising shall be let periodically by the Council to the lowest responsible bidder publishing a daily newspaper in the City of Portland and which has a bona fide circulation therein.

The paper to which the award of such advertising is made shall be known and designated as the "City official newspaper."

If the City official newspaper ceases to be published, or for any cause the contract in effect is canceled or terminated, a new contract for the unexpired term of the current contract shall be let to the lowest responsible bidder publishing a daily newspaper as provided in this Charter, and until such new contract is let the Council shall designate a daily newspaper in which all advertising shall be published, which newspaper shall be known and designated for the time being as the "City official newspaper." [May 3, 1913, new sec. 38; rev. 1914, sec. 144; 1928 pub., sec. 144; 1942 recod., sec. 8-101; am. Nov. 6, 1962; am. May 17, 1988.]

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### **Section 8-102 Place for Advertisements.**

All advertising and publications provided for in this Charter must be made in the City official newspaper and may be made in such other publications as the Council may direct. [May 3, 1913, new sec. 40; rev. 1914, sec. 146; 1928 pub., sec. 146; 1942 recod., sec. 8-103; rev. Nov. 6, 1962.]

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### **Section 8-103 Definitions, "Successive" and "Consecutive."**

Any requirement of this Charter for any form of notice to be published in the City official newspaper for a stated number of successive or consecutive days shall be construed to mean publication of such notice in the stated number of consecutive issues of said newspaper, and publication of said notice in said stated number of consecutive issues of said newspaper shall be a full compliance with such requirements. [Ch. 1903, sec. 61; rev. 1914, sec. 147; 1928 pub., sec. 147; 1942 recod., sec. 8-104; rev. Nov. 6, 1962.]

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## **21.24.080 Administrative Rules, Procedures and Forms. - Printable Version**

(Added by Ordinance No. 181715, effective April 2, 2008.)

**A.** The Administrator of the Portland Water Bureau may adopt, amend and repeal administrative rules, procedures, and forms pertaining to matters within the scope of this Title and consistent with the provisions of this Title.

**B.** Any adoption, amendment or repeal of a rule pursuant to this section requires a public review process. Notice shall be published in a newspaper of general circulation in the Portland metropolitan area not less than forty-five, nor more than sixty, days before such public review process. The notice shall include the place and time of any public meeting on the proposal, the description and purpose of the proposal, the location at which copies of the full text of the proposal may be read or obtained, and the name of the person at the Portland Water Bureau to whom written comments or questions about the proposal may be directed.

Permanent Rules.

**a.** Prior to the adoption of a permanent rule, the Director developing the rule shall:

**(1)** Publish a notice in a newspaper of general circulation in the City. The notice shall be published not less than thirty days before the hearing. The notice shall identify the place, time and purpose for the hearing; a brief description of the subjects covered by the proposed rule; the final date for acceptance of written comments; the location to submit comments and the location where copies of the full set of the proposed rules may be obtained. A copy of notice shall be provided to the Office of Neighborhood Involvement at least thirty days before the hearing.

## **CITY CHARTER SEATTLE, WASHINGTON PUBLICATION REQUIREMENTS**

### **ARTICLE IV. Legislative Department.**

#### **Section 1. F. MEASURES ADOPTED TO BECOME ORDINANCES, WHEN:**

Any measure thus submitted to the vote of the people, which shall receive in its favor a majority of all the votes cast for and against the same, shall become an ordinance, and be in full force and effect from and after proclamation by the Mayor, which shall be made, and published in the City official newspaper, within five (5) days after certification of the results of the election.

### **ARTICLE IV. Legislative Department.**

#### **Section 1. M. IF ORDINANCE APPROVED, WHEN TO TAKE EFFECT:**

If the ordinance thus submitted to the referendum shall receive in its favor a majority of all the votes cast for and against the same, it shall be in full force and effect from and after the proclamation by the mayor, which shall be made and published in the City official newspaper, within five (5) days after the election. Provided, however, that if the ordinance itself shall designate a subsequent date for taking effect, the proclamation shall name the said date as the time for taking effect. If the ordinance shall fail to receive the majority vote in its favor, it shall be considered as rejected and shall be of no force or effect.

**BILLS GRANTING FRANCHISE:** No bill granting a franchise shall be finally passed within thirty (30) days after its introduction, nor until it has been published in the official newspaper of the City at the expense of the applicant for ten consecutive press days.

### **ARTICLE IV. Legislative Department.**

#### **Section 12. BILLS TO BE PRESENTED TO MAYOR:**

Every bill which shall have passed shall within five days thereafter be presented to the Mayor.

**RETURN OF BILLS; VETO:** The Mayor shall return such bill to the Council within ten (10) days after receiving it. If he or she signs the bill or returns it unsigned but without disapproval or if the time for returning the bill shall have elapsed without its return, that shall be deemed a favorable action by the Mayor and it shall become an ordinance. If the Mayor disapproves the bill, he or she shall, when so returning it, specify his or her objections thereto in writing. The objections of the Mayor shall be entered at large on the journal of the Council, and published in the City official newspaper.

### **ARTICLE IV. Legislative Department.**

#### **Section 13. A. RECORD AND PUBLICATION OF ORDINANCES AND RESOLUTIONS:**

All ordinances and resolutions shall be deposited with the City Clerk, who shall record the same. Notice of all ordinances of a general, public or permanent nature, and those imposing a fine, penalty or forfeiture, shall be published in accordance with state law within three days after the same shall have become a law; Provided, that the publication of notice of all ordinances granting any franchise or private privilege or approving or vacating any plat shall be at the expense of the applicant therefor.

**ARTICLE VII. Contracting Requirements**

**Sec. 3. CITY OFFICIAL NEWSPAPER**

The "City Official Newspaper," which shall publish all official proceedings required by law to be published, shall be designated annually after a call for bids from the daily newspapers of general circulation published in the City at least six (6) days per week.

**ARTICLE XVIII. Elections**

**Sec. 3. SUBMITTING QUESTIONS TO VOTERS**

Whenever any question is to be submitted to the electors of the City and the method of such submission is not specially provided by this Charter or by general law, the same may be submitted at either a general or special election, and the method of submission shall be substantially as follows: The City Clerk shall prepare a notice containing the proposition in full, and shall cause the same to be published in full in the City official newspaper in accordance with state law, and the ballots at such election shall contain such statement of the proposition as shall be prescribed by ordinance.

**ARTICLE XX. Charter Amendments**

**Section 1. PROPOSED BY COUNCIL**

Any amendment or amendments to this Charter may be proposed in the City Council, and if the same be agreed to by a majority of all the members, such proposed amendment or amendments shall be entered upon the journal with the yeas and nays of the members voting thereon. Upon the passage of any such amendment or amendments, the same shall be submitted to electors of the City for their ratification at the next general state or municipal election, which shall be at least sixty days after the adoption of such proposed amendment in the council; and if at such election any such amendment shall be ratified by a majority of the qualified electors voting thereon, the same shall thereby become a part of this Charter, and within five days after certification of the results of such election shall be by the Mayor by proclamation published in the City official newspaper and proclaimed a part thereof: Provided, that if more than one amendment be submitted at the same general state or municipal election the same shall be submitted at such election in such manner that each proposed amendment may be voted on separately without prejudice to others; and provided further, that after the passage of such proposed amendments through the Council the same shall be published in accordance with state law by the City Clerk prior to the day of submitting the same to the electors for their approval.