



## Legislation Text

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File #: 2020-223, Version: 1

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### Report to Mayor and City Council

Tuesday, April 21, 2020

Consent

#### **SUBJECT:**

**CONSIDER ADOPTING A RESOLUTION DIRECTING THAT ALL LEGALLY REQUIRED ADVERTISING DONE BY THE CITY OF CARSON BE PLACED IN THE FOLLOWING PUBLICATIONS: OUR WEEKLY, RANDOM LENGTHS, OR THE DAILY BREEZE (CITY COUNCIL)**

#### **I. SUMMARY**

The item is on the agenda at the request of Mayor Robles.

Advertising and other notices that are required by law to be published must, under ordinary circumstances, be published in an “adjudicated” newspaper or, absent such adjudication, in a newspaper of “general circulation.” However, with the adoption of the City Charter, the City Council is authorized to specify that “all legal notices [are] to be published in a local or a newspaper of general circulation within the City . . .”

This agenda item seeks City Council adoption of a resolution directing the City Clerk to publish all legally required advertising or notices in one of three newspapers as authorized by City Charter Section 318: Our Weekly, a weekly newspaper; The Daily Breeze, a daily newspaper of general circulation; or Random Lengths, a weekly local newspaper.

#### **II. RECOMMENDATION**

ADOPT Resolution No. 20-071 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DIRECTING, PURSUANT TO CITY CHARTER SECTION 318, THAT ALL LEGAL NOTICES OR ADVERTISING BE PUBLISHED IN OUR WEEKLY, A WEEKLY NEWSPAPER, OR RANDOM LENGTHS, A WEEKLY LOCAL NEWSPAPER, OR THE DAILY BREEZE, A DAILY NEWSPAPER OF GENERAL CIRCULATION.”

### III. ALTERNATIVES

TAKE NO ACTION on this agenda item.

TAKE SUCH OTHER ACTION as the City Council deems appropriate consistent with the requirements of law.

### IV. BACKGROUND

State law applicable to “general law” cities requires that whenever official matters of any nature must be published in a newspaper, it must only be published in a newspaper of general circulation within its jurisdiction or in a newspaper adjudicated in a court of law to be of general circulation. (Government Code §§ 6040-41).

Historically, that meant that the City was legally obligated to utilize only the weekly newspaper for its legal notices because the same had been so “adjudicated.” This often meant that agenda items were delayed because of publication deadlines and that notices of public matters were not as widely circulated as desired given the limited weekly publication of the adjudicated newspaper.

However, the provisions of Cal Const art XI, §5 vests in a charter city plenary authority over municipal affairs, free from any constraint imposed by the general law and subject only to constitutional limitations. (*California Fed. Sav. & Loan Ass'n v City of Los Angeles* (1991) 54 Cal.3d 1, 12; *Bishop v City of San Jose* (1969) 1 Cal.3d 56, 61, *superseded by statute on other grounds*, *San Mateo City Sch. Dist. v Public Employment Relations Bd.* (1983) 33 Cal.3d 850.)

With the adoption of the City Charter, the City Council is now authorized to utilize a “local” newspaper as well as or in lieu of a “newspaper of general circulation” for its required legal notices or advertising. Section 318 of the City Charter provides:

“The city ***clerk shall cause all legal notices to be published in a local or a newspaper of general circulation within the City*** . . . or posted in the Designated Locations and on the City’s official website as designated in Section 308 of this Charter. The city clerk may also utilize other technological means available for dissemination of information to the public.”

Mayor Robles requests that the City Council exercise its charter authority and designate three newspapers as those within which to place its required legal advertising or noticing: Our Weekly, a weekly newspaper, or Random Lengths, a weekly local newspaper, or The Daily Breeze, a weekly newspaper. The attached resolution so designates.

### V. FISCAL IMPACT

None.

**VI. EXHIBITS**

Resolution No. 20-071

Prepared by: City Attorney's Office