

# CITY COUNCIL COMMUNICATION



**MEETING DATE:** May 12, 2009                      **ITEM NUMBER:** 4  
**TYPE OF ITEM:**    **Information**  
**PRESENTED BY:** Valeria Skitt, City Clerk 303-651-8650

**SUBJECT/AGENDA TITLE:** Publication Requirements and Costs

**EXECUTIVE SUMMARY:** Council member McCoy requested information regarding the amount of money the City spends annually with the Times Call and specifically mentioned the legal publication of Ordinance O-2009-21 which appeared in the Times Call on April 17th, 2009. Spreadsheets showing total expenditures with the Times Call for 2007 and 2008 are attached, and details regarding publication of Ordinance O-2009-21 are outlined below.

The City spent a total of \$224,704 in 2007 and \$231,277 in 2008 with the Times Call for publication of legal notices, advertising, and marketing materials. Of that amount, the Clerk's office spent \$46,219.65 in 2008 and \$44,486.55 in 2007 on legal publications and board and commission advertising. The requirements for publishing City ordinances are outlined in the City's Charter and provided in the background portion of this communication.

Advertising rates for other than legal ads is competitive and could differ significantly from paper to paper. The City uses the Times Call for advertising and marketing primarily because of its circulation coverage in Longmont. In addition, the City also spends money with the Times Call for printing brochures such as the Recreation Brochure. These types of printing jobs go through a competitive bidding process.

**COUNCIL OPTIONS:** Information only

**RECOMMENDED OPTIONS:** Information only

**FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:**

## BACKGROUND AND ISSUE ANALYSIS:

The City utilizes the printing and advertising services of the Times Call for a variety of purposes. Some of the bigger ticket items include the printing and distribution of the Recreation Brochure, LPC marketing brochures, advertising for conservation programs, and publication of City ordinances. The City Clerk's office spent \$46,219 in 2008 and \$44,486 in 2007 on legal publications and board and commission advertising.

Longmont Municipal Charter Section 4.5 outlines the procedure for passage of ordinances. The pertinent parts of that section are as follows:



#### 4.5 PROCEDURE OF PASSAGE

(d) If passed on first reading, it (*ordinance*) shall be published in full unless otherwise provided in this Charter.

(f) If amended, an ordinance shall be published in full after final passage, unless otherwise provided in this Charter. If not amended, it shall be published either by title, or in full as the Council may determine.

(i) Any ordinance in the passage of which the required publications were published by posting as set forth in Section 13.15 (d) shall be published in full, unless otherwise provided in this Charter, in a newspaper of general circulation within the City as soon as such newspaper publication is available; but such required newspaper publication of an ordinance, or of any notice of public hearing called in connection with the passage of said ordinance, shall not be a requirement for the effectiveness of any ordinance so passed.

Section 13.15 of the Longmont Municipal Charter specifies that:

(d) The word "publication" shall mean publishing in a newspaper of general circulation within the City. Only in time of emergency or disaster, or when no such newspaper is available, the requirements of publication may be met by posting such notice in at least six conspicuous public places within the City. Any notice published by posting shall be published in a newspaper of general circulation within the City as soon as such is again available.

Unless the Charter is amended to allow another means of publication (e.g. City's website), the City must continue publishing all ordinances in full in "a newspaper of general circulation." The following court cases provide guidance on what is meant by "a newspaper of general circulation."

In re HOUSE RESOLUTION NO. 10., 114 P. 293 (Colo 1911)

Section 2 of article 19 provides, among other things, that an amendment to the Constitution 'shall be published in full in not more than one newspaper of general circulation in each county.' The majority of the court think this means that a proposed constitutional amendment must be published in one newspaper in each county in the state, which is published, and has a general circulation, in that county. The phrase 'of general circulation' is descriptive of the character of the newspaper. It must be one of general, not special, or limited, circulation; not a mere advertising sheet, or a newspaper restricted or devoted to some particular trade, or calling, or branch of industry. The bill, therefore, if enacted into a law, in so far as it concerns the publishing of constitutional amendments, would contravene section 2 of article 19.

Rector v Northglenn Metro Dist., 404P.2d 534 (Colo. 1965)

In order to be a newspaper of general circulation, certain tests must be met. Perhaps the best definitive statement appears in the case of *Burak v. Ditson*, 209 Iowa 926, 229 N.W. 227, 68 A.L.R. 538:

'A study of the decisions bearing on the question before us suggests the following criteria: First, that a newspaper of general circulation is not determined by the number of its subscribers, but by the diversity of its subscribers. Second, that, even though a newspaper is of particular interest to a particular class of persons, yet, if it contains news of a general character and interest to the community, although the news may be limited in amount, it qualifies as a newspaper of 'general circulation.'

The three newspapers which meet the legal test of “a newspaper of general circulation” in Longmont are The Times Call, The Boulder Daily Camera, and The Denver Post and their circulation numbers in Longmont are as follows:

Longmont Times Call	22,500
Boulder Daily Camera	2,500
Denver Post	16,000

The cost to publish Ordinance O-2009-21 in the Times Call (81 page Mixed Use Ordinance) was \$3,786.75. The publication rate for legal advertisements is mandated by State Statute. Legal publication costs in the papers might vary a little depending on the paper’s column width but would be very similar.

As mentioned in the Executive Summary, printing services provided by the Times Call are awarded through a competitive bidding process.

**ATTACHMENTS:**

2007 and 2008 Times Call matrix of costs

Times-Call 2007										
Department	Ordinances/ Resolutions	Legal Publications	Marketing	Brochures	Subscriptions	City Talk	Books	Personnel Ads	Archive	
Building Inspection		165.00								
City Clerk	44,486.55									
City Manager					109.20					
City Manager			704.00			17,779.30				
City Manager			1,983.58							
City Manager			695.00							
City Manager			201.87							
City Manager			2,170.95							
Detective Srvc					109.20					
HR							27.95	6,604.04		
Library										
Library									5,000.00	
Museum			1,009.00							
Museum			280.00							
Museum			1,440.00							
Museum			676.00	412.00						
Neighborhood resources			650.72							
Parks					109.20					
Parks			844.56							
Patrol					109.20					
Planning		847.77								
Police					109.20					
Police		74.25								
Police		35.64	1,889.00							
Police		80.19	1,889.00							
Police			1,833.24							
Police		77.22	1,889.00							
Police			763.20							
Police		68.31	1,889.00							
Purchasing		1,175.85								
Purchasing										
Recreation										
Recreation			6,504.41							
Recreation				8,899.10						
Recreation			168.91	11,255.16						
Recreation			292.00							
Recreation			6,837.04							
Recreation				11,409.16						
Recreation			1,546.32	9,227.36						
Recreation			2,362.22							
Senior Services			463.94							
Youth Services					109.20					

Times-Call 2007										
Department	Ordinances/ Resolutions	Legal Publications	Marketing	Brochures	Subscriptions	City Talk	Books	Personnel Ads	Archive	
<b>General Fund Total</b>	\$ 44,486.55	\$ 2,524.23	\$ 38,982.96	\$ 41,202.78	\$ 769.40	\$ 17,779.30	\$ 27.95	\$ 6,604.04	\$ 5,000.00	\$ 157,377.21
LPC			1,238.28							
LPC			2,270.74							
LPC			795.00							
LPC			1,745.00							
LPC			2,303.80							
LPC			1,096.76							
LPC			1,976.04							
LPC			2,134.04							
<b>Electric Fund Total</b>	\$ -	\$ -	\$ 13,559.66	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 13,559.66
Water		450.72								
Water				114.20						
<b>Water Fund Total</b>	\$ -	\$ 450.72	\$ -	\$ 114.20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 564.92
CDBG			9,442.90							
<b>CDBG Fund Total</b>	\$ -	\$ -	\$ 9,442.90	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,442.90
Affordable Housing			31,552.26							
<b>Affordable Housing Total</b>	\$ -	\$ -	\$ 31,552.26	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 31,552.26
Callahan House			93.00							
Callahan House			563.04							
<b>Callahan House Fund Total</b>	\$ -	\$ -	\$ 656.04	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 656.04
DDA			2,593.26							
DDA			2,108.00							
DDA				109.20						
DDA			459.10							
DDA			1,524.00							
DDA			1,426.24							
DDA			3,331.16							
<b>DDA Fund Total</b>	\$ -	\$ -	\$ 11,441.76	\$ 109.20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,550.96
<b>Grand Total</b>	\$ 44,486.55	\$ 2,974.95	\$ 105,635.58	\$ 41,202.78	\$ 992.80	\$ 17,779.30	\$ 27.95	\$ 6,604.04	\$ 5,000.00	\$ 224,703.95

**Times-Call 2008**

Department	Ordinances/ Resolutions	Legal Publications	Marketing	Brochures	Subscrip- tions	City Talk	Books	Personnel Ads	Archive
Bldg Insp		176.84							
City Clerk					59.10				
City Clerk	46,219.65								
City Manager		369.74							
City Manager			426.30						
City Manager		910.99							
City Manager		287.10							
City Manager			736.60						
City Manager			99.00						
City Manager			926.57						
City Manager						18,646.45			
City Manager					109.20				
Comm Development			99.00						
Comm Development		2,069.28							
Comm Srvc			630.29						
Comm Srvc			456.32						
Comm Srvc			337.82						
Comm Srvc			1,883.50						
Comm Srvc			663.60						
Economic Development			3,929.76						
HR								6,591.78	
Library							24.95		
Library					109.20				
Library-Adult					109.20				
Library									5000
Mayor and City Council			400.00						
Municipal Court					109.20				
Museum			740.00						
Museum			676.00	396.00					
Museum				1,392.00					
Parks			895.96						
Parks					109.20				
Planning		76.00							
Planning					109.20				
Police		29.70	1,889.00						
Police		38.61	459.39						
Police					109.20				
Police		62.37	2,054.00						
Police					109.20				



Times-Call 2008										
Department	Ordinances/ Resolutions	Legal Publications	Marketing	Brochures	Subscrip- tions	City Talk	Books	Personnel Ads	Archive	
CDBG			2,752.40							
<b>CDBG Fund Total</b>	\$ -	\$ -	\$ 2,752.40	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,752.40
Affordable Housing			9,243.86							
<b>Affordable Housing Fund Total</b>	\$ -	\$ -	\$ 9,243.86	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,243.86
Street Imp			525.00							
Street Imp			1,728.81							
<b>Street Improvement Fund Total</b>	\$ -	\$ -	\$ 2,253.81	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,253.81
Fire			858.20							
<b>Public Safety Fund Total</b>	\$ -	\$ -	\$ 858.20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 858.20
Senior Svcs			385.26							
Senior Svcs			496.00							
Senior Svcs			474.00							
<b>Senior Services Fund Total</b>	\$ -	\$ -	\$ 1,355.26	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,355.26
DDA			1,131.04							
DDA			655.00							
DDA			99.00							
DDA			1,428.00							
DDA			3,630.90							
DDA					109.55					
DDA			228.02							
DDA			2,530.76							
DDA			3,362.50							
<b>DDA Total</b>	\$ -	\$ -	\$ 13,065.22	\$ -	\$ 109.55	\$ -	\$ -	\$ -	\$ -	\$ 13,174.77
<b>Grand Total</b>	\$ 46,219.65	\$ 5,274.54	\$ 114,005.42	\$ 34,253.22	\$ 1,260.65	\$ 18,646.45	\$ 24.95	\$ 6,591.78	\$ 5,000.00	\$ 231,276.66