

CITY COUNCIL COMMUNICATION



MEETING DATE: June 9, 2009	ITEM NUMBER: 10
TYPE OF ITEM: Information	
PRESENTED BY: Valeria Skitt, City Clerk 303-651-8650	

SUBJECT/AGENDA TITLE: Publication Requirements and Costs

EXECUTIVE SUMMARY: Council asked for additional information regarding publication costs in the local newspaper and circulation totals for various newspapers in Longmont. Attached is the matrix that was included in the May 12 Council packet with additional detail regarding marketing and brochure expenditures.

Legal Advertising spending in 2008 totaled \$51,494.19. Of that, \$46,219.65 was for legal publications of ordinances. The remainder was for legal notices for public hearings for various board hearings including the Local Licensing Authority (liquor), Planning and Zoning, Board of Adjustments and Appeals, etc., and miscellaneous legal notices required by law. These types of notices are required to be placed in the legal section of “a newspaper of general circulation.” The Audit Bureau of Circulations provides a publication for newspaper showing the circulation totals by zip code. This audit report shows circulation totals for various newspapers delivered in Longmont as follows:

Longmont Times Call:	17,577 (daily)	
Boulder Daily Camera:	2,977 (daily)	
Denver Post:	6,182 (daily)	8,766 (Sunday)

The Council’s May 12th information item indicated that the Denver Post had approximately 16,000 subscribers in Longmont. That information was obtained directly from the Denver Post. Staff followed up with the Denver Post and was informed that the 16,000 subscribers was the Sunday distribution for all of Longmont and the towns in southwest Weld County (Firestone, Frederick, Dacono) and unincorporated Boulder and southwest Weld Counties.

Marketing & Brochures: The City of Longmont Purchasing Code requires a competitive bidding process for purchases over \$1,000. The printing of brochures would fall under that requirement and the attached chart shows those brochures that were competitively bid in 2008. Marketing charges are generally for advertisements placed in the Times Call for various city programs, services, or functions. These items are not generally bid out because the Times Call is the local daily paper with the largest circulation in Longmont so is considered a “sole source” provider of that service. The attached chart has been amended to show the various programs for which ads were bought in the Times Call.

The City of Longmont has an advertising contract with the Times Call and receives a reduced rate because of the volume of advertising we do with them. The rate for running an ad during the week is \$15.95 per inch and \$17.40 per inch for the Sunday paper. The City gets an additional



20% off any ad run in the Times Call's special section products for the contract period of March 2009 to February 2010. Additionally, the Times Call prints the City Council's agenda each week for free.

COUNCIL OPTIONS: Information only

RECOMMENDED OPTIONS: Information only

FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:

BACKGROUND AND ISSUE ANALYSIS:

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.’

Additionally, State Statute outlines the amount newspapers statewide are allowed to charge for legal publications.

C.R. S. 24-70-107. Rates for legal publications.

(1) (a) On or after January 1, 1993, for all publicly supported legal notices or advertisements published in newspapers, the rate paid for the first insertion of such notice shall not exceed forty-four cents for each single-column line of six-point type and shall not exceed thirty-two cents per line for each subsequent insertion. If the notice is set in larger type, the rate shall be prorated. Regardless of the size of type the notice is set in, the rates specified in this paragraph (a) are based on a single column measuring ten pica ems wide. If the column width is either wider or narrower for a single column, the rate per line shall be prorated on the ten pica em width.

(a) On or after January 1, 1993, for all publicly supported legal notices or advertisements published in newspapers, the rate paid for the first insertion of such notice shall not exceed forty-four cents for each single-column line of six-point type and shall not exceed thirty-two cents per line for each subsequent insertion. If the notice is set in larger type, the rate shall be prorated. Regardless of the size of type the notice is set in, the rates specified in this paragraph (a) are based on a single column measuring ten pica ems wide. If the column width is either wider or narrower for a single column, the rate per line shall be prorated on the ten pica em width.

ATTACHMENTS:

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		109.20					
Detective Srvc										
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			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	
General Fund Total	\$ 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							
Electric Fund Total	\$ -	\$ -	\$ 13,559.66	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 13,559.66
Water		450.72								
Water				114.20						
Water Fund Total	\$ -	\$ 450.72	\$ -	\$ 114.20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 564.92
CDBG			9,442.90							
CDBG Fund Total	\$ -	\$ -	\$ 9,442.90	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,442.90
Affordable Housing			31,552.26							
Affordable Housing Total	\$ -	\$ -	\$ 31,552.26	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 31,552.26
Callahan House			93.00							
Callahan House			563.04							
Callahan House Fund Total	\$ -	\$ -	\$ 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							
DDA Fund Total	\$ -	\$ -	\$ 11,441.76	\$ 109.20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,550.96
Grand Total	\$ 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	Notes	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		Ads for Budget Forums					
City Manager		910.99								
City Manager		287.10								
City Manager			736.60		Ads for Budget Forums					
City Manager			99.00		Ad in Maps					
City Manager			926.57		Ads for Budget Forums		18,646.45			
City Manager						109.20				
Comm Development			99.00		Ads for LEGI Workshop					
Comm Development		2,069.28								
Comm Svc			630.29		Ad in Map for Recreation sites					
Comm Svc			456.32		Ad for LifeLongmontLearning.com					
Comm Svc			337.82		Ad for Ice Rink					
Comm Svc			1,883.50		Ads for Longmont Lights and Ice Rink					
Comm Svc			663.60		Ad for Shop Local Holiday Campaign					
Economic Development			3,929.76		Ads for Shop Local Holiday				6,591.78	
HR								24.95		
Library										
Library						109.20				
Library-Adult						109.20				
Library										5000
Mayor and City Council			400.00		Longmont Maps for Events					
Municipal Court						109.20				
Museum			740.00		Under \$1000 - 4.12.110C 1) Zweck Exhibit Ads 2) Printing School & Teacher Program Brochure 3) Docent Ads to TV Times-July 27 & 29					

Times-Call 2008										
Department	Ordinances/ Resolutions	Legal Publications	Marketing	Brochures	Notes	Subscrip- tions	City Talk	Books	Personnel Ads	Archive
Museum			676.00	396.00	Printing Summer Concert and Summer Newsletter printing--should have gotten quotes but did not. Museum was informed of this and PO processed since work was complete					
Museum				1,392.00	Quotes were received and awarded to TC--Museum Brochure					
Parks			895.96		Arbor Day advertising	109.20				
Parks										
Planning		76.00								
Planning						109.20				
Police		29.70	1,889.00		2nd Qtr. Police Dept. information inset to paper (\$1889) & Ad for notice of disposal of Police Evidence					
Police		38.61	459.39		Notice of disposal Ad (\$38.61) & Communications Weekly Ad (459.39)					
Police						109.20				
Police		62.37	2,054.00		1st Qtr. PD Information Insert (\$2054); Notice of Disposal Ad (\$62.37)					
Police						109.20				
Police										
Police		112.86	1,889.00		3rd Qtr. PD Information Insert (\$1889) & Notice of Disposal Ad					
Police		103.95	1,889.00		4th Qtr. PD Information Insert (\$1889) & Notice of Disposal Ad					
Purchasing		971.76								
Recreation			1,303.21		Ad for Summer Guide and Facilities					
Recreation			5,204.20		Rhythm on the River ads					
Recreation			285.00		Summer Advertising					
Recreation				11,536.26	Printing and Inserting Summer Recreation brochure					
Recreation				10,446.96	Printing and Inserting Spring Rec brochure					
Recreation				10,482.00	Printing and Inserting Fall Rec brochure					
Recreation					Longmont Lights guide and gift guide; Ice pavillion ads; and Turkey Trot ad					
Recreation			1,711.63							
Youth Svcs						109.20				
General Fund Total	\$ 46,219.65	\$ 5,209.20	\$ 29,585.15	\$ 34,253.22		\$ 1,151.10	\$ 18,646.45	\$ 24.95	\$ 6,591.78	\$ 5,000.00
										\$ 146,681.50

Times-Call 2008										
Department	Ordinances/ Resolutions	Legal Publications	Marketing	Brochures	Notes	Subscrip- tions	City Talk	Books	Personnel Ads	Archive
Sanitation			961.34		Ads for Memorial Day weekend					
Sanitation			1,485.78		Ads for Spring Branch Collection					
Sanitation			525.00		Ads for Community Magazine					
Sanitation			1,029.74		Ads for Holiday Service Schedule					
Sanitation			5,454.06		Ads for new Trash Collection					
Sanitation			615.52		Ads for Labor Day Collection Schedule					
Sanitation			9,524.32		Ads for Single Stream					
Sanitation Fund Total	\$ -	\$ -	\$ 19,595.76	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 19,595.76
LPC			5,420.00		Misc Ads: Energy Star Appliance Rebates; PACE Commercial Asst. Program; Energy Audits; Elec. Efficiency Programs, Education & Outreach;					
LPC			2,331.16		Misc. Ads: Winder Energy Challenge; CFL Rebates; Com Review --CFL Program; CFL Home Budget; CFL In-Store Event; Go Green Wind Energy Challenge					
LPC			1,644.04		Misc Ads: Go Green Washer Rebates; Dishwasher rebates; H & G Show Inset, app. Rebates & CFLs; Renewable Energy Program; Maps; Community Review; CFL and Renewable Energy					
LPC			735.00		Under \$1000 - 4, 12, 110C - maps					
LPC			22,415.81		Misc Ads for October through December					
Electric Fund Total	\$ -	\$ -	\$ 32,546.01	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 32,546.01
Water			99.00		Ad in map					
Water Fund Total	\$ -	\$ -	\$ 99.00	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 99.00
Airport			99.00		Ad in map					
Airport Fund Total	\$ -	\$ -	\$ 99.00	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 99.00
Police			1,823.83		Ads for LEVI Whit Ribbon Campaign					
Police			727.92		LEVI Ads and Notice of Disposal Ads					

Times-Call 2008										
Department	Ordinances/ Resolutions	Legal Publications	Marketing	Brochures	Notes	Subscrip- tions	City Talk	Books	Personnel Ads	Archive
Police Prevention/Education Fund Total	\$ -	\$ 65.34	\$ 2,551.75	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 2,617.09
CDBG			2,752.40		Advertising for CDBG program					
CDBG Fund Total	\$ -	\$ -	\$ 2,752.40	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 2,752.40
Affordable Housing			9,243.86		Advertising for Affordable Housing Program					
Affordable Housing Fund Total	\$ -	\$ -	\$ 9,243.86	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 9,243.86
Street Imp			525.00		Community Magazine ad					
Street Imp			1,728.81		Advertising for FasTracks Public Forums					
Street Improvement Fund Total	\$ -	\$ -	\$ 2,253.81	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 2,253.81
Fire			858.20		Ads for Sale of building on lot for Terry Street Fire Station					
Public Safety Fund Total	\$ -	\$ -	\$ 858.20	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 858.20
Senior Svcs			385.26		Travel Fair Ads					
Senior Svcs			496.00		Travel Fair Ads					
Senior Svcs			474.00		Ads for Boomer Expo and Electrical Access for Expo					
Senior Services Fund Total	\$ -	\$ -	\$ 1,355.26	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 1,355.26
DDA			1,131.04		Ads for Jammin on the Plaza and Festival on Main					
DDA			655.00		Sidewalk Sale Advertising					
DDA			99.00		Ad in Map					
DDA			1,428.00		Ads for Discover Downtown					
DDA			3,630.90		Ads for Celebration of Lights & December marketing					
DDA						109.55				
DDA			228.02		Jammin on the Plaza ad					
DDA			2,530.76		Festival on Main ad					
DDA			3,362.50		2nd Fridays and gift card ads					
DDA Total	\$ -	\$ -	\$ 13,065.22	\$ -		\$ 109.55	\$ -	\$ -	\$ -	\$ 13,174.77

