Agenda # 7.1

City Council

Staff Report

TO: Honorable Mayor and City Council

FROM: John Jansons, City Manager

DATE: May 23, 2016

SUBJECT: Waive First Reading and Introduce by Title Only Draft Ordinance #473 authorizing proposed Amendments to Farmersville Municipal Code Sections 1.08 pertaining to Posting of Agendas and Notices.

RECOMMENDED ACTION:
It is respectfully recommended that the City Council Waive First Reading and Introduce by Title Only Draft Ordinance #473 Authorizing Proposed Amendments to Farmersville Municipal Code Section 1.08 Pertaining to Posting of Agendas and Notices.

BACKGROUND and DISCUSSION:
On March 23, 2016, the City Council reviewed an supported proposed changes to the Farmersville Municipal Code (FMC) Section 2.21 that governs Section 1.08 Pertaining to Posting of Agendas and Notices.

At that time the City Council agreed to retain the Post Office location, City Hall location, but remove the Front Street location. There was some discussion about utilizing the Community Center, but staff recommends against that due to capacity issue associated with the building's users.

With the capability associated with the City's new website, the City can meet it posting requirements under the Brown Act through its website and at the place of meeting(s) without the additional cost and labor of unnecessary physical posting around the City.

Adoption of draft Ordinance 473 **(Attachment 1)** will reduce inefficiencies associated with outdated posting locations. A redline strike out version is provide as **Attachment 2**, shows the particular changes proposed.

If advanced, a summary of proposed Ordinance #473 will be published in advance of Second Reading and final adoption, next month, with the new Ordinance going into effect 30 days later.

COORDINATION & REVIEW:
The recommended actions in this report have been reviewed and coordinated with, and received the concurrence of, the City Council, all City departments and the City Attorney.

FISCAL IMPACT:
Cost of preparing an updated Ordinance is minimal and is offset by efficiencies in improving public noticing practices.

CONCLUSION:
It is respectfully recommended that the City Council Waive First Reading and Introduce by Title Only Draft Ordinance #473 Authorizing Proposed Amendments to Farmersville Municipal Code Section 1.08 Pertaining to Posting of Agendas and Notices.

Attachment(s): 2

1) Draft Ordinance #473
2) FMC Section 1.08 redline & strike out version showing changes proposed.

Recommended By:

John Jansons, City Manager

DRAFT

ORDINANCE NO. 473

AN ORDINANCE OF THE CITY OF FARMERSVILLE UPDATING FARMERSVILLE MUNICIPAL CODE SECTION 1.08.010 WITH MODERN AGENDA POSTING REQUIREMENTS.

THE CITY COUNCIL OF THE CITY OF FARMERSVILLE DOES ORDAIN AS FOLLOWS:

Section 1. CODE AMENDMENT. Section 1.08.010 of Title 1 of the Farmersville Municipal Code is hereby amended to read in its entirety as follows:

1.08.010 - Locations designated.
The City Clerk shall be responsible for ensuring timely posting of all meeting agendas and notices required by law and shall be supervised by the City Manager. The following places are designated as the public posting places to be used by the public officials of the city for the posting of public notices and ordinances:

A. Farmersville Civic Center City Hall, 909 W. Visalia Road, Farmersville, California;

B. The Internet website of the City of Farmersville;

C. The US Post Office, 382 Farmersville Blvd. Farmersville California

[Ord. ___ § 1, 2016; Ord. 403 § 2, 2003; Ord. 142 § 1, 1975; Ord. 55 § 1, 1965; Ord. 34 § 1, 1962].

Section 2. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. In addition to the foregoing general exemptions, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the

environment]. The City Clerk is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 3. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Farmersville, or any official, employee or agent thereof.

Section 4. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Farmersville hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 6. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Farmersville Municipal Code as amended by this ordinance are substantially the same as provisions in the Farmersville Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 7. EFFECTIVE DATE. The foregoing ordinance shall take effect

thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the _____, a newspaper printed and published in the City of Farmersville, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Farmersville, State of California, on _____, 2016 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

_____
GREGORIO GOMEZ, Mayor
CITY OF FARMERSVILLE

ATTEST: _____
City Clerk Pro Tem
CITY OF FARMERSVILLE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FARMERSVILLE UPDATING FARMERSVILLE MUNICIPAL CODE SECTION 1.08.010 WITH MODERN AGENDA POSTING REQUIREMENTS.

THE CITY COUNCIL OF THE CITY OF FARMERSVILLE DOES ORDAIN AS FOLLOWS:

Section 1. CODE AMENDMENT. Section 1.08.010 of Title 1 of the Farmersville Municipal Code is hereby amended to read in its entirety as follows:

1.08.010 - Locations designated.

The City Clerk shall be responsible for ensuring timely posting of all meeting agendas and notices required by law and shall be supervised by the City Manager. The following places are designated as the public posting places to be used by the public officials of the city for the posting of public notices and ordinances:

A. Farmersville Civic Center City Hall, 909 W. Visalia Road, Farmersville, California;

B. ~~United States Post Office, 382 North Farmersville Boulevard, Farmersville, California~~The Internet website of the City of Farmersville;

~~C. City of Farmersville Fire Station No. 2, 846 N. Magnolia Avenue, Farmersville, California.~~

[Ord. ___ § 1, 2016; Ord. 403 § 2, 2003; Ord. 142 § 1, 1975; Ord. 55 § 1, 1965; Ord. 34 § 1, 1962].

Formatte

Section 2. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the

environment]. In addition to the foregoing general exemptions, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 3. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Farmersville, or any official, employee or agent thereof.

Section 4. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Farmersville hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 6. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Farmersville Municipal Code as amended by this ordinance are substantially the same as provisions in the Farmersville Municipal Code existing prior to the effectiveness of

this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 7. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the _____, a newspaper printed and published in the City of Farmersville, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Farmersville, State of California, on _____, 2016 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

DRAFT

_____
GREGORIO GOMEZ, Mayor
CITY OF FARMERSVILLE

ATTEST: _____
PATRICIA BUTTON, City Clerk
CITY OF FARMERSVILLE

MD/03142016 - Farmersville - Updated Agenda Posting Ordinance-1.rtf