

**2009 CMCA Survey Results**  
**169 surveys sent out**  
**81 responses = 48%**  
**45 responses from Home Rule Municipalities**  
**36 responses from Statutory Municipalities**

**Section 1 for Home Rule Municipalities**

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**Question 1: Does your Charter address where legal notices are to be published?**

Yes	34
No	11

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**Question 2: Does your Charter specifically state that legal notices are to be published in a newspaper?**

Yes	24
No	20

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**Question 3: Does your Charter simply state that legal notices have to be published, without indicating the publication has to be in a newspaper?**

Yes	17
No	26

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**Question 4: If your Charter does/did require legal notices to be published in a newspaper, have you submitted a ballot question to the voters to amend this provision?**

Yes	8
No	24

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**Question 5: If you answered yes to No. 4, did the question pass or fail?**

Pass	3
Fail	6

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**Question 6: If your Charter does not state that the legal publication has to be in a newspaper, have you adopted an Ordinance allowing for legal publications on your web site?**

Yes	7
No	20

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**Question 7: If you have adopted an Ordinance allowing for web site publication, does the Ordinance specifically state what types of legal notices can be published on your web site?**

Yes	2
No	6

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**Question 8: If you now publish (or were able to publish) legal notices on your web site, please list the types of legal notices you currently publish on the web site and in a newspaper:**

**Web Site:**

ordinances (except annexations)  
invitation to bid  
agendas  
notice of public hearings  
ordinances  
openings on boards and commissions  
job openings  
council bills  
ordinances  
public hearing notices  
ordinances  
ordinances  
public hearing notices  
auctions  
general notices  
agendas  
ordinances in full  
election info  
Bids, RFQ's and RFP's  
public hearings, Planning & Liquor  
auctions  
contractor settlements  
public hearing for ordinances  
after second reading ordinance  
ordinances  
planning & zoning hearings  
City Council hearings  
agendas  
minutes  
ordinances  
passed ordinances  
ordinances in full  
date of public hearing  
everything whether required or not  
ordinances  
public hearings  
ballots  
notice of election  
utility rate increases  
bid openings  
ordinances  
RFP's  
RFQ's  
ads for bids  
election notices  
final settlements  
notices of public hearings  
any required by statute

**Newspaper:**

ordinances  
public hearing notices  
annexations  
notice of public hearings  
ordinances  
openings on boards and commissions  
job openings  
council bills  
ordinances  
public hearing notices  
public hearing  
zoning hearings – ordinances  
new liquor license hearings  
agendas  
passed ordinances  
public hearing notices  
election notice (ballot language)  
charter amendments  
ordinances  
special district notices (BID, SIMD)  
annexations  
liquor hearings  
job postings  
notice of final payments  
Invitation to bid notices, RFPs  
auction list  
planning items  
appeal public hearings  
election notices  
ordinance by title  
election information  
Bids, RFQ's and RFP's  
public hearings, planning & liquor  
auctions  
contractor settlements  
new liquor notices  
comprehensive sign  
budget  
election notices  
public hearing for ordinances  
after second reading of ordinances  
disposition of property  
liquor authority  
notice to bid  
settlement notices  
ordinances  
planning & zoning hearings  
city council hearings

ordinances  
 request for bid  
 final settlement  
 public hearings  
 1<sup>st</sup> and 2<sup>nd</sup> reading ordinance by title only  
 public hearings  
 administrative subdivision approvals  
 public hearing for land use applications  
 special event liquor licenses  
 passed ordinances  
 public notices:  
     ordinances, elections, public hearing, open bids  
 ordinances  
 RFP's  
 meeting notices  
 board vacancies  
 ordinances in full after first reading  
 ordinances by title after 2nd rdg, in full if amended  
 liquor hearing notices  
 election related required notices  
 ordinances by title only  
 public hearing notices  
 ordinances by title and in full  
 notices of Council workshops  
 notice of Council attending event where 3 or more  
 might be present  
 everything required by statute, code or charter  
 ordinances  
 public hearing notices  
 ballots  
 notice of election  
 utility rate increases  
 ordinances  
 public notices  
 bid openings  
 all  
 ordinances by title only  
 RFPs  
 RFQs  
 ads for bids  
 election notices  
 final settlements  
 notices of public hearings  
 any required by statute

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**Question 9: Do you publish your ordinances in “full” or by “title only” after First Reading?**

In Full	25
Title Only	17

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**Question 10: Do you publish your ordinance in “full” or by “title only” after Second Reading?**

In Full	8
Title Only	31

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**Question 11: What is your municipality’s budget for publishing legal notices?**

\$9,800  
\$2,000  
\$20,000  
\$8,500  
\$4,500  
\$40,000  
\$3,000  
\$15,000  
\$13,187  
\$5,500  
\$40,000  
\$8,000  
\$14,000; already spent \$12,263 thru August; anticipate around \$18,395 by year end  
\$500  
\$500  
\$1,000  
\$5,355  
\$10,000, but in 2009 the actual amount was \$18,394  
\$6,150  
\$4,500  
\$7,081  
\$3,500; land use application publishing costs are reimbursed by the Developer.  
\$1,600  
\$3,000  
\$11,500 in 2009; \$7,500 in 2010  
\$5,700  
\$10,000  
\$6,000  
\$32,000  
\$6,000  
\$40,300  
\$10,000  
\$8,000  
\$16,000  
\$2,000 - \$3,000  
\$6,000  
\$23,500  
\$3,000  
\$6,500  
\$21,000  
\$13,000  
\$5,500  
\$14,000

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**Question 12: In your view, what is the most widely read newspaper (free or not) in your municipality?**

Post Independent  
 Farmer & Miner  
 The Aspen Times  
 The Denver Post  
 The Denver Post  
 have no idea  
 The Denver Post  
 The Broomfield Enterprise  
 Aurora Sentinel  
 Telluride Daily Planet  
 The Gazette  
 Windsor Beacon  
 The Denver Post  
 Weekly Register Call  
 Post Independent  
 Sterling Journal Advocate  
 Summit Daily News (free)  
 The Denver Post  
 Boulder Daily Camera  
 The Holyoke Enterprise  
 Gateway News  
 Sopris Sun and Post Independent  
 Ranch Land News  
 The Valley Courier (it's the only daily paper)  
 Montrose Daily Press  
 Snowmass Sun  
 Gazette – Colorado Springs  
 Summit Daily News  
 Daily Sentinel  
 LaJunta Tribune – Democrat  
 Longmont Times Call  
 The Vail Daily  
 Delta County Independent  
 The Villager  
 The Fort Morgan Times  
 Post Independent  
 Coloradoan  
 Canon City Daily Record  
 Gunnison Country Times (not free)  
 Loveland Daily Reporter Herald  
 Daily Camera (Boulder)  
 Denver Post  
 Brighton Standard Blade  
 Denver Post

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**Question 13: If you publish legals in a newspaper, are they published in the newspaper you identified in question 12 above?**

Yes	25
No	16

**Question 14: If you answered “NO” to question 13, why do you not publish in that newspaper?**

Our attorney has opined that annexations are governed by State Statute and requires publication in a newspaper of general circulation with paid subscriptions. The Post Independent is a free newspaper in Glenwood Springs.

I answered “yes”, but we have an RFP process annually because there are two free daily newspapers in Aspen. Our ballot question failed miserably; we have a question drafted to define publication to include website; however, we are not sending it to the voters until 2010.

Too costly for the City. Rates are much higher than publicizing in the weekly local paper

Cost is prohibitive.

There is a local newspaper and it is less expensive.

I use a legal publication because it is much cheaper to do so on a regular basis, I will only use the local newspaper for notices that need to reach a lot of people in a short period of time, for election notices, and if the timeframe for publication falls on a weekend. Almost all notices are posted to the City website.

RFP was sent out; contract awarded to lowest bidder which was WindsorNow.

Because it is not considered a legal paper in which to publish notices. We publish all of our notices in the Citizen Telegram.

The Summit Daily News has a sister paper called The Journal that is a weekly free paper vs daily paper which offers lower rates for legal notices (and all the municipalities in the county use this document).

Our municipality was involved in a lawsuit when our city was first formed and the judge issued a statement/judgement that Douglas County News Press was the newspaper of general circulation. The Denver Post would probably also qualify, but the cost to advertise is prohibitive.

Cost.

The Gateway News has not provided the city with the necessary documentation to demonstrate that they meet the criteria for being legally qualified as defined in state statute.

We only publish in the Sopris Sun because it is printed in Carbondale and it’s very political. It’s a weekly, free newspaper.

Local weekly paper consistently has the low bid.

Must publish in a newspaper of general circulation in the Town.

We publish by title after first reading in the Post Independent, but in full in the paper in our community, the Citizen Telegram. The Telegram is only published once a week, so the timing does not work to publish ordinances by title in it.

Per city code, Council designates the “official City newspaper” for publication, and Council has designated the Westminster Window as the official newspaper.

Too expensive. We publish in a neighboring community's newspaper (weekly) because it is a "legal" paper whereas our weekly is free and not legal. The editor agreed to duplicate our paid legal notices in the "legal" paper into our free paper at no charge.

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**Question 15: Please add any additional comments you may have on this issue:**

Re: Question 4, "have your submitted a ballot question to the voters..." It failed the first time. It is on our ballot for the November election, again.

Thank you for doing this survey. I think publication of ordinances in the newspapers is archaic. We currently put the Council agenda packet on our website, which packet has all ordinances, memos, etc. available. I think most citizens use the web more than reading the teensy print.

Re: Question 7, The ordinance amends our code to reflect publications in legal newspaper or website in almost all instances. However, some publications are regulated by CRS.

If Colorado Statute was changed to allow municipalities the ability to publish online, that would encourage Broomfield to seek a change in their charter and greatly enhance the odds of passing such a charter amendment.

Our charter does not state publish in a newspaper, but code does. I have tried twice to change Aurora's code to define "publication" for legal notices and other to be in a newspaper by reference and web in full. Both times the Colorado Press Assoc. (CPA) lobbied hard to kill it and were successful. Aurora has talked with CML several times on this during our attempts. Let me know if you need any assistance on this. The way the CPA lobbied in Aurora, I am sure they will have a full press on at the state level.

The costs of publishing in a newspaper include tracking of ads/costs; writing purchase orders; the cost of bidding (both financial and political); tracking proof of pubs and the staff time of preparing/emailing and faxing ads/proofing ads and communicating with the newspaper

Our legal advertising location is found in our municipal code.

Legal noticing for elections is found in state codes that may need to also be changed.

What do we do for proof of pubs (litigation, etc.)?

Thanks for collecting this information. Can we be appraised of the results?

I believe the opportunity has presented itself in the way of economic issues as well as technological advancements to move forward and permit municipalities to publish in electronic formats.

Question 1: our Charter states: The publication of any ordinance, either in full or by title, shall be in a newspaper of general circulation in the City or such other news media as authorized by City Council by ordinance. Other than publications of ordinances, we refer to the State Statute for guidance.

We are a small rural town with many residents who don't even own a computer. I fear that by publishing only on the web will not provide the same service to those who do not have access to a computer, but who still want to keep up on what is happening in the town in regards to legal notices.

We publish in the Douglas County News Press (which very few citizens receive) and not the Lone Tree Voice (which many more receive) because it is not a qualifying newspaper. I think the only people who read legal notices are City Clerks and publishing is a waste of taxpayer money. We have the capability to send emails to

whoever subscribes that notify them when notices are posted to our website – this to me is more effective. On the flip side, it is probably what keeps most small newspapers in business, thus providing a community service.

The cost savings of not publishing ordinances would help our budget. We would probably still continue to publish public hearings, RFB and Final Settlements.

Currently the City of Holyoke does not have website. We only have one local newspaper.

Commerce City is supportive of reviewing this issue further.

Although I wholeheartedly support the idea of only publishing on the internet, the Town Attorney and Manager do not think it is a good idea. Not everyone has access to the internet. Yes, we have a computer at the library, but how many people are going to make a special trip there to see what Land Use Applications, etc. are coming before the Board.

I completely support the efforts toward making web publishing “official”. We do, however, need to address how you get a Proof of Publication equivalent.

I would love to see amendments made to Colorado law that would allow home ruled communities the ability to abide by state law in situations where it would be required to change charter – when a vote is too costly and when it is not financially responsible with taxpayers money, to publish and/or when local newspaper is so far away that issues pertaining to locals are not accessible; ex. small towns where closest newspaper is several hours/100 miles away.

#### Woodland Park – Section 15.12 Notification Procedure

The intent of this section is to provide notice to the general public consistent with state law. The requirements contained in this Charter for posting, publishing, or publication of notices, ordinances, agendas, and any other documents deemed appropriate by the City Council shall be met. The City Council shall annually determine and declare the instrument(s) of notification to the public by ordinance. The City Council shall demonstrate that such instrument(s) be currently capable of providing the most information to Woodland park residents, consistent with City budgetary constraints.

Questions 9 and 10: we have the authority in our charter to publish in pamphlet form and do that when the ordinance is large. What our charter says: Every proposed ordinance shall be published once in full in a daily newspaper of the city, at least ten days before its final passage; and, after such final passage, it again shall be published once in a daily newspaper as amended and completed, except that an emergency ordinance passed as heretofore provided shall take effect upon passage and be so published within three days; provided that, in lieu of publication of an ordinance in a newspaper both prior to and after passage thereof, by authority of the Council it may be published in book or pamphlet form available for public inspection. There shall be no final passage of an ordinance so placed in book or pamphlet form until hearing thereon by the Council with notice of such hearing published once in a daily newspaper at least ten days prior thereto. Such notice shall state the time and place of such hearing, a description which the Council deems sufficient to apprise interested persons of the purpose of the ordinance, and the place at which the ordinance is available for inspection. Such an ordinance shall be subject to protest under Section 136 of Article XVI of this Charter and “final passage and final publication” thereof shall be deemed to be the time of passage of the ordinance following such hearing.

Question 2: Our council passes a resolution each year saying I must publish in a local newspaper.

I have talked with my City Manager to find out his opinion on this. He thinks we need to pursue trying to get publications on our website.

The City of Centennial publishes ordinances on first reading in full on the city website and by title only in The Villager. Along with the website publication, the date of the public hearing is stated. The full text of the public hearing notice is published in the Villager following first reading of the ordinance. After second reading, the approved ordinance is published by title only in The Villager and the website is updated to show the final vote.

I believe more citizens use the website to gain information than the newspaper.

Here are Fort Collins' Charter provisions relating to publication of ordinances. You'll note that it requires ordinances to be published by title only on BOTH our website and in the newspaper. This was a Charter amendment approved by our electors in 2005: Every proposed ordinance, except an emergency ordinance, shall be published in full at least seven (7) days before its final passage on the city's official internet web site. In addition, each such ordinance shall be published in a newspaper of general circulation in the city by number and title only, together with a statement that the full text is available for public inspection and acquisition in the office of the City Clerk and on the city's internet web site. Both publications shall contain a notice of the date when said proposed ordinance will be presented for final passage. The City Clerk shall, within seven (7) days after final passage of any such ordinance, publish such ordinance in the same method as is required for the first publication. All ordinances, except emergency ordinances, shall take effect on the tenth day following their passage. An emergency ordinance shall take effect upon passage and shall be published as provided above within seven (7) days thereof. Standard codes and codifications of ordinances of the city may be published by title and reference in whole or in part. Ordinances shall be signed by the Mayor, attested by the City Clerk and published without further certification. The Council may enact any ordinance which adopts any code by reference in whole or in part provided that before adoption of such ordinance the Council shall hold a public hearing thereon and notice of the hearing shall be published twice in the newspaper of general circulation, published in the city, one (1) of such publications to be at least eight (8) days preceding the hearing and the other at least fifteen (15) days preceding the hearing. Such notice shall state the time and place of the hearing and shall also state that copies of the code to be adopted are on file with the City Clerk and open to public inspection. The notice shall also contain a description which the Council deems sufficient to give notice to persons interested as to the subject matter of such code and the name and address of the agency by which it has been promulgated. The ordinance adopting any such code shall set forth in full any penalty clause in connection with such code.

I don't mind working in league with the County Clerks Association in getting this changed, but I do not want to see CMCA lead the charge. I believe we have enough on our plates right now.

We do not rely totally on the website for publication of agendas, legal notices or postings of meetings of Council. Council feels there is still a segment of the population, i.e. senior citizens, who do not readily utilize computers/internet to gather information on local government. Council feels they would be excluding that segment of the population by going to electronic postings only.

To minimize cost of publishing ordinances relating to supplemental appropriates, we reference the agenda memorandum number within the ordinance and tell people the detail is on file in the City Clerk's office rather than include it for publication. However, we publish ordinances modifying the code show strikeouts for deletions and capitalization for new text – very costly! Our complete agenda packets are published on the internet so full ordinances appear in that context on first and final passage. While website publication would be less costly to taxpayers, I don't own a computer at home and lots of people don't. We would be excluded from access without going to the library. Of course, lots of people don't subscribe to the "official newspaper" and are restricted from access, too.