



CITY AND COUNTY ORDINANCE PROCESS

HOW A "BILL BECOMES LAW" AT THE LOCAL LEVEL

Although there are variations between jurisdictions, the process used by a city council or county board of supervisors to consider and adopt a new policy generally follows a similar process. Understanding that process is critical to the development and execution of a campaign to pass a local tobacco policy ordinance.

THE ORDINANCE

A local policy or law is called an ordinance and has the force of law. A **proposed ordinance**, such as a smokefree multiunit housing policy, is written by an attorney in the city attorney's office or by a member of the county counsel's office. Sometimes, the advocates will provide their own written version of the ordinance they would like the city or county to act upon.

Within the California Tobacco Control Program, the *Public Health Law Center* serves as the key technical assistance provider that can assist with the development of ordinance language. Oftentimes there is already existing model policy language that can be provided to the city attorney or county counsel for their use.



HOW THE ORDINANCE PROCEEDS

After the proposed ordinance has been written, it is provided to the city council members or county supervisors for their review. The proposed ordinance is then scheduled for a hearing before the council or board, although there may be additional steps.

For larger cities and counties, it is common for the proposed ordinance to be heard by a committee of the body, such as a "law and legislation" committee. A hearing by the committee will occur and, if passed, the ordinance would then be next heard by the full council or board of supervisors.

LEARN YOUR JURISDICTION'S PROCESS

You can learn the process and the culture of your particular jurisdiction by attending, or watching the recordings, of the city council or board of supervisor meetings.

FIRST READING, SECOND READING

Many cities and counties may have two hearings for a proposed ordinance: the “first reading,” and the “second reading.”

At the “**first reading**” the city or county staff will present and explain the ordinance and then the council or board has a chance to ask questions of the city/county staff experts or request further information. The supporters and opponents will then have a chance to make comments on the proposed ordinance. Additionally, others, such as your the campaign team, may be invited to present more detailed testimony. Sometimes, new information is brought forward or surfaces, and the council members or supervisors may request more information from city/county staff. The council or board will then vote on the proposed ordinance, or they may send it back to staff to be revised. If passed, the ordinance may proceed to the “second reading” process.

Alternatively, sometimes the second reading is waived and the ordinance is put on the next **consent calendar** after it passes the first reading. When an ordinance is on the consent calendar, the intention is that it will pass without further discussion. On occasion, however, a council member or supervisor may request for an item to be taken off the consent calendar and heard, so the campaign team still needs to be present and ready to make comments on the chance the item is taken off the consent calendar.

The “**second reading**” is usually heard at least two weeks following the date of the first reading. The city or county clerk is responsible for the meeting agendas and keeping track of the process for considering a proposed ordinance. At the second reading, the council/board may address information or concerns that have arisen since the first reading. There will generally be further comments from the public and then the proposed ordinance will be voted upon by the council or board. Between the first and the second reading, anticipate that the opposition will be working on the council members to try to change votes or introduce hostile amendments. If the policy passes, it will then become law at a later date either specified in the ordinance or by the rules of the decision-making body.



HOW MANY VOTES ARE REQUIRED TO PASS AN ORDINANCE?

In most cases, the number of votes required to pass an ordinance, either in a committee or by the full council or board is a “simple majority.” A simple majority is more than half of the voting members of the decision-making body. For example, a county board of supervisors is comprised of 5 members, so a simple majority would be 3. In the case of a city council comprised of 7 members, a simple majority would be 4 votes needed to pass an ordinance.



In summary, the most important take-aways are for the campaign team to become familiar with the process in each jurisdiction that will be worked in because the process could vary considerably, and to stay in touch with the supporting council members or supervisors throughout the process.