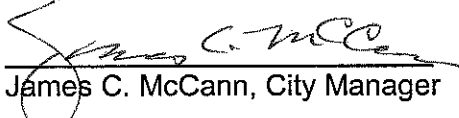


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council Members
FROM: Susan Sneddon, City Clerk
DATE: June 2, 2009
SUBJECT: One-year contract for publication of legal advertisements for the period ending June 30, 2010

APPROVAL FOR FORWARDING:


 James C. McCann, City Manager

1 **ISSUE:** Consideration of a Resolution awarding a one-year contract to the Napa Valley
 2 Publishing Company (NVP), for publication of legal notices for the period ending June 30, 2010
 3 and authorizing the City Manager to execute the contract.

4 **RECOMMENDATION:** Adopt Resolution.

5 **BACKGROUND:** Each year, in accordance with Public Contract Code §20169, cities that have
 6 more than one newspaper of general circulation must publish a notice inviting bids for the
 7 publication of legal notices. The City currently has two adjudicated newspapers within the City:
 8 the Weekly Calistogan, published by the NVP, and the Calistoga Tribune. The Calistoga
 9 Tribune is the City's current provider.

10 **DISCUSSION:** On March 13, 2009 staff published a notice inviting written bids for legal
 11 advertising to be submitted to the City Clerk by Friday, April 24, 2009, we also sent the Request
 12 for Proposal (RFP) to the Calistoga Tribune and NVP on this date. Proposals were received
 13 from NVP and the Calistoga Tribune by the required due date.

14 After review of the bids it was determined that both the Calistoga Tribune and the NVP's
 15 proposal were responsive to the points in the RFP.

16 Proposal Evaluation

17 The City Clerk established the following as the criteria for review of the proposals received:

- 18 1. Completeness of proposal and responsiveness to the RFP;
- 19 2. Compliance with State and Federal requirements;
- 20 3. Circulation and coverage;
- 21 4. Frequency of publication;
- 22 5. Cost.

23 The following lists the *Calistoga Tribune's* response to the four criteria:

- 24 1. Completeness of proposal and responsiveness to the RFP. Staff determined the proposal
 25 to be complete and responsive to the RFP.

Legal Advertisement Contract

June 2, 2009

Page 2 of 3

26 2. Compliance with State and Federal Requirements. State law requires publication of legal
27 notices in a "newspaper of general circulation." The Calistoga Tribune meets this
28 requirement of the State definition and the Federal requirement for publication of notices for
29 projects or programs utilizing grant funding (such as Community Development Block
30 Grants).

31 3. Circulation and Coverage for October '07-Sept '08 (Postal Report). Following is data for the
32 circulation amounts for October 2007 thru September 2008:

771	Subscriptions mailed in-County
<u>215</u>	"Single copy" (sold through newsracks and vendors or subscriptions delivered within the Napa County)
986	Total

33
34 4. Frequency of Publication. The Calistoga Tribune publishes one time per week (Fridays).

35 The following lists the **NVP's (Weekly Calistogan)** response to the four criteria:

36 Completeness of proposal and responsiveness to the RFP. Staff determined the proposal
37 to be complete and responsive to the RFP.

38 Compliance with State and Federal Requirements. State law requires publication of legal
39 notices in a "newspaper of general circulation." The NVP meets this requirement of the
40 State definition and the Federal requirement for publication of notices for projects or
41 programs utilizing grant funding (such as Community Development Block Grants).

42 Circulation and Coverage for October '07- Sept '08 (Postal Report). Following is data for
43 the circulation amounts for August 2006 thru September 2007:

391	Subscriptions mailed in-County
<u>380</u>	"Single copy" (sold through newsracks and vendors or subscriptions delivered within the Napa County)
771	Total

44
45 Frequency of Publication. The NVP (Weekly Calistogan) publishes one time per week
46 (Thursday).

47 The following is the cost for publishing legal and display advertisements in the **Calistoga**
48 **Tribune** and the **NVP (Weekly Calistogan)**:

49 Legal Advertisement: Both newspapers prepared the same sample legal advertisement
50 and provided the cost to run the ad. The Calistoga Tribune charges \$10.65 per column
51 inch for legal notices which results in a cost of \$85.20, as compared to the NVP (Weekly
52 Calistogan) charge of \$7.48 per column inch \$54.75 for the same ad.

53 Display Advertisement: Both newspapers prepared the same sample display
54 advertisement and provided the cost to run the ad. The Calistoga Tribune's cost results
55 in a cost of \$127.80 (\$10.65 per column inch). The NVP (Weekly Calistogan) cost to run
56 the display ad was \$76.20 (\$6.35 per column inch).

57 Following is a summary of the City's advertising costs (both legal notices and display
58 advertising) for Fiscal Year 2007/2008 and Fiscal Year 2008/2009 to current:

59	Fiscal Year 2007/2008	\$3,770
60	Fiscal Year 2008/2009	\$6,500 (estimate) ¹

¹ There are approximately 7 legal advertisements printed in the contracted newspaper per week.

Legal Advertisement Contract

June 2, 2009

Page 3 of 3

61

62 **ANALYSIS:**

63 In the RFP a copy of the U.S. Postal Service "Statement of Ownership Management and
64 Circulation" (Postal Report) filed for October 2007 through September 2008 were requested (the
65 number of mailed newspapers is verified in this report by the U.S. Postal Service). Comparing
66 the two newspapers using the Postal Report the in-County subscriptions (majority within the
67 City) for the Calistoga Tribune was 771 and the NVP (Weekly Calistogan) was 391.

68 Comparing the two newspapers in-County vendor sales (dealers/carriers, street vendors,
69 counter sales, and other paid distribution) the Calistoga Tribune was 215 and the NVP (Weekly
70 Calistogan) was 380. These figures are provided by the newspapers themselves and are not
71 independently confirmed. Staff acknowledges that the total distribution of each paper (the
72 verified mailed subscriptions and the self reported distribution) is very close (within 13% of each
73 other).

74 Early this year staff starting publishing all legal advertisements on the homepage of the City's
75 website proving to be beneficial. The City's website averages 153 "hits" per day or 1071 per
76 week, showing that individuals are using the site to locate information. The website offers an
77 email notification system (E-notify) that gives users the ability to sign up to receive all public
78 notices electronically. It is significant to note that currently there are 311 users signed up to
79 receive public notices via email indicating a shift in the way the public chooses to access
80 information. The perception is that an increasing number of individuals rely on web-based
81 information than ever before. Public notices are also posted in the display cases around town
82 and most public meeting notices added to the Channel 28 bulletin board.

83 The City has a strong desire to provide transparent access to government affairs. Our
84 increased presence and access on the Internet (our website and the growing E-notify system)
85 together with our substantial posting to Channel 28 and traditional bulletin boards are
86 increasingly successful in providing notice of City events and pending actions. These efforts
87 coupled with traditional newspaper publication provide many successful outlets for public notice.
88 Our recommendation regarding this contract is based upon the established criteria including
89 cost.

90 Staff is recommending that Council approve a contract with NVP (Weekly Calistogan) based
91 upon completeness and responsiveness to the RFP, compliance with State and Federal
92 requirements, and reasonableness of the fees for legal and display advertising.

93 **FISCAL IMPACT:** The estimated cost for publishing City legal notices and display
94 advertisements not including personnel advertising in Fiscal Year 2009/2010 is \$3,000, which is
95 included in the Fiscal Year 2009/2010 budget.

96 **ATTACHMENTS:**

- 97 1. Resolution
- 98 2. Comparison spreadsheet
- 99 3. NVP (Weekly Calistogan)
- 100 4. Professional Services Agreement

RESOLUTION NO. 2009- _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA,
STATE OF CALIFORNIA, AWARDING A ONE-YEAR CONTRACT TO NAPA VALLEY
PUBLISHING COMPANY (WEEKLY CALISTOGAN) FOR PUBLICATION OF LEGAL
ADVERTISEMENTS FOR THE PERIOD ENDING JUNE 30, 2010 AND AUTHORIZING THE
CITY MANAGER TO EXECUTE THE CONTRACT

Authorizing Agreement No. _____

1 **WHEREAS**, the City of Calistoga (City) publishes legal notices in a newspaper of general
2 circulation pursuant to California Government Code § 6060 et al; and
3

4 **WHEREAS**, each year, in accordance with Public Contract Code §20169, cities that have
5 more than one newspaper of general circulation must publish a notice inviting bids for the
6 publication of legal notices; and
7

8 **WHEREAS**, the City currently has two adjudicated newspapers within the City: the
9 Weekly Calistogan, published by the NVP, and the Calistoga Tribune; and
10

11 **WHEREAS**, on March 13, 2009, the City filed a Notice Inviting Written Bids for Legal
12 Advertising, said bids to be submitted by Friday, April 24, 2009; and
13

14 **WHEREAS**, the City determined that proposals submitted by the Calistoga Tribune and the
15 Weekly Calistogan, published by the NVP, were complete and responsiveness; and
16

17 **WHEREAS**, the City desires to enter into an agreement with the NVP, for City-wide legal
18 advertising.
19

20 **NOW, THEREFORE BE IT RESOLVED** that subsequent contract must be awarded by the
21 City Council by June 30, 2010.
22

23 **NOW, THEREFORE BE IT FURTHER RESOLVED** that the City Council of the City of
24 Calistoga hereby authorizes the City Manager to execute an agreement substantially in accordance
25 with the attached Professional Services Agreement for publication of legal notices and legal
26 advertisements with the NVP, subject to review and approval by the City Attorney.
27

28 **PASSED, APPROVED, AND ADOPTED** by the City Council of the City at a regular meeting
29 held this 2nd day of June 2009 by the following vote:
30

31 **AYES:**

32 **NOES:**

33 **ABSTAIN/ABSENT:**
34

35 _____
36 **JACK GINGLES , Mayor**

37 **ATTEST:**
38

39 _____
40 **SUSAN SNEDDON, City Clerk**