TO: Mayor and City Council
FROM: Katherine Gong Meissner, City Clerk
SUBJECT: ORDINANCE: REPEALING AND REPLACING THE STOCKTON MUNICIPAL CODE

RECOMMENDATION

Adopt an ordinance repealing and replacing the Stockton Municipal Code. A hard copy of the revised municipal code is on file in the City Clerk's Office for review.

Summary

As a cost saving measure, the City Clerk's Office outsourced the recodification of the Stockton Municipal Code. Recodification of the code has been completed by an outside vendor, Quality Code Publishing, and the final product has been reviewed by City staff. Adoption of this resolution will repeal the existing Stockton Municipal Code, in its entirety, and replace it with the newly recodified code.

DISCUSSION

Background

On December 05, 2006, Council approved resolution 06-0584, awarding a contract to Quality Code Publishing in the amount of $31,010 for the initial work necessary to perform a legal review and recodification of the City's Municipal Code. Council also approved the annual maintenance of the code, which includes monthly online storage, maintenance, and costs for supplying updates to the code. The annual maintenance cost is estimated to be $3,940 per year and will be budgeted as part of the Internal Service Fund, to be renewed annually by the City Council adoption of the budget and appropriation of funds. Quality Code Publishing completed the legal review of the City's existing code in September 2007 to ensure compliance with applicable state and federal laws, and to update or repeal outmoded or conflicting code sections. City staff reviewed the recommendations made by the vendor in the legal review and authorized the recommended changes. Quality Code Publishing was then authorized to continue with the recodification, implementing the recommendations outlined in the legal review.
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Present Situation

Quality Code Publishing has completed the recodification of the municipal code. City staff has reviewed the final product and is satisfied that the work was done as outlined in the contract. Staff is ready to turn over the online storage and maintenance of the City's Municipal Code to Quality Code Publishing, as per the contract.

Recodification of the existing code has resulted in:

- Conformity with the numbering system and style of the code to the new Chapter 16, Development Code, which was rewritten, renumbered and adopted four years ago;
- Organizing ordinances by subject matter;
- Incorporating all amendments, repeals, and new enactments, generated history notes for each section;
- Assigning an expandable numbering system to the code to accommodate future changes;
- Creating a numerical table of ordinances, including a brief description of each ordinance and its location in the code, editing the text for proper code style, grammar, gender neutrality, punctuation and consistency; and
- Creating an alphabetical subject index for easy research.

Further, the recodification of the Municipal Code has reduced the bulk of the code, thereby allowing the City to include the City Charter and the Civil Service Rules and Regulations in the project at no additional cost to the City.

By outsourcing the recodification and maintenance of the Municipal Code, the City is able to reduce the amount of staff time needed to perform these duties. Outsourcing the maintenance will provide a consistent look to the code, and online navigation and search capability will be enhanced while improving the appearance and reducing the bulk of the code. Future updates to the Municipal Code will be prepared quarterly and handled by Quality Code Publishing. As new ordinances are passed, notations will be added to the online code, linking to the new ordinance prior to its codification into the existing code. Quality Code Publishing will also provide hard copy subscription services thus freeing up City Clerk staff resources. Subscribers will contact Quality Code Publishing directly for hard copy updates.

FINANCIAL SUMMARY

Council resolution 06-0584, adopted December 05, 2006, approved a contract in the
amount of $31,010 to be paid from account number 010-1101-510.20.65. A partial payment of $15,000 was made to Quality Code Publishing in June 2007. There are sufficient funds available in this account to make the final payment of $15,236.50 plus an estimated $200 for shipping and handling, for the completion of the initial work. The annual maintenance cost, estimated to be $3,940 per year, will be budgeted through the City’s Computer Internal Service Fund.

Respectfully submitted,

KATHERINE GONG MEISSNER
CITY CLERK

Approved by City Manager

GORDON PALMER, JR.
CITY MANAGER

KM: bh
ORDINANCE NO. ____________

AN ORDINANCE OF THE CITY OF STOCKTON, ADOPTING THE STOCKTON MUNICIPAL CODE

Quality Code Publishing, Seattle, Washington, has compiled, edited and published a codification of the permanent and general ordinances of the City of Stockton, California; and

There are now on file in the Office of the City Clerk, for public inspection, three copies of a document entitled "Stockton Municipal Code"; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:


Section 2. Title—Citation—Reference. This Code shall be known as the "Stockton Municipal Code" and it shall be sufficient to refer to said Code as the "Stockton Municipal Code" in any prosecution for the violation of any provision of this Code or in any proceeding at law or equity. It is sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion of this Code as an addition to, amendment to, correction or repeal of the "Stockton Municipal Code." References may be made to the titles, chapters, sections and subsections of the "Stockton Municipal Code" and such references shall apply to those titles, chapters, sections or subsections as they appear in the code.

Section 3. Reference applies to all amendments. Whenever a reference is made to this Code as the "Stockton Municipal Code" or to any portion thereof, or to any ordinance of the City of Stockton, California, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

Section 4. Title, chapter and section headings. Title, chapter and section headings contained in this Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section in this Code.

Section 5. Reference to specific ordinances. The provisions of this Code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise, and which are included within the Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code.
Section 6. Ordinances passed prior to adoption of the Code. The last ordinance included in this Code was Ordinance 013-08 adopted October 21, 2008. The following ordinances, passed subsequent to Ordinance 013-08 but prior to adoption of this Code, are adopted and made a part of this Code:

Ordinance 014-08 adopted October 28, 2008 – Zoning Map Change,
Ordinance 016-08 adopted October 28, 2008 – Zoning Map Change,
Ordinance 022-08 adopted November 18, 2008 – Zoning Map Change,
Ordinance 024-08 adopted December 02, 2008 – Zoning Map Change,
Ordinance 028-08 adopted December 09, 2008 – Zoning Map Change,
Ordinance 030-08 adopted December 16, 2008 – Promotional Banners,
Ordinance 001-09 adopted January 20, 2009 – Zoning Map Change,
Ordinance 002-09 adopted January 20, 2009 – Zoning Map Change,
Ordinance 003-09 adopted March 03, 2009 – Abolish/create Departments,
Ordinance 004-09 adopted March 17, 2009 – Mayor/Council salary & benefits,
Ordinance 005-09 adopted March 17, 2009 – Mayor/Council salary & benefits,
Ordinance 006-09 adopted April 14, 2009 – Demolition of historic resources

Section 7. Effect of Code on past actions and obligations. The adoption of this Code does not affect prosecutions for ordinance violations committed prior to the effective date of this Code, does not waive any fee or penalty due and unpaid on the effective date of this Code, and does not affect the validity of any bond or cash deposit posted, filed, or deposited pursuant to the requirements of any ordinance.

Section 8. Constitutionality. If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

Section 9. References to prior code. References in City forms, documents and regulations to the chapters and sections of the former City code shall be construed to apply to the corresponding provisions contained within this Code.

ADOPTED: 

EFFECTIVE: 

ANN JOHNSTON, Mayor
of the City of Stockton

ATTEST:

KATHERINE GONG MEISSNER
City Clerk of the City of Stockton