

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM NO: Consent C 5
DATE: August 27, 2009
SUBJECT: Code Publishing Contract

CONTACT PERSON: Laura Koenig, Clerk/Deputy Finance Director *JK*

ISSUE:

The issue before the Council is authorization for the Mayor to sign a contract with Code Publishing to update the Sultan Municipal Code not to exceed \$5,000. Code Publishing can not provide an estimate until they review the documents and determine the number of code books and CD's the City will need.

SUMMARY:

The last complete update of the Sultan Municipal Code was done in 2006. Since that time the City has adopted 110 ordinances, 95 are changes to the code. Special ordinances for budgets, taxes and rates are not published in the code. The last time the code was updated, the City requested 25 full hardcopies, 50 hardcopy supplements and CD's. The cost for the update was \$4,800.

The initial work to be done by Code Publishing will be the edit of the ordinances, incorporation into the existing code and updates to the tables. During this process, the City can make a determination of the number of full code books, supplements and CD's it will need for staff and other agencies. Currently the outside agencies the City provides full copies of the code to include the Snohomish County Law Library, Evergreen District Court, Sultan Library, Hearing Examiner.

Code Publishing hosts municipal codes on the server through Online OnDemand. The following is an excerpt from an e-mail from Code Publishing:

"I also wanted to give you a little more information about Online OnDemand. Right now, your code is hosted in HTML on MRSC's server. If we host it on our server, we can update the online code as soon as you send us newly-passed ordinances. (We could try to do the same with the code at MRSC, but once we send them the updated HTML files we have no control over how quickly they actually upload them. In the past, it's taken them weeks to do so.) You would pay the usual editorial and electronic fees when we update the online code, then when it comes time to update the printed volume you wouldn't pay the editorial fee for the work we've already done. It just spreads your usual cost out over the year, basically. We will match the annual hosting fee that you have been paying MRSC to host your code, so there would be no additional cost to you if you decided to have us host. An example of our basic online code is the Pacific Municipal Code:"

<http://www.codepublishing.com/wa/pacific/>

This service would provide updates to the code in a timely manner and provide the staff and public with the most recent version of the Sultan Municipal Code.

RECOMMENDED ACTION:

Staff recommends authorizing the Mayor to sign the contract with Code Publishing and to provide the necessary documents to begin the update to the code. Staff would also recommend changing from the MRSC host to the Code Publishing Online OnDemand service. This change would be included in the 2010 Budget proposal.

FISCAL IMPACT: Estimated amount of the update is \$5,000. This will be split between the operating funds.

MOTION:

Move to Authorize the Mayor to sign the Contract for Services with Code Publishing and direct staff to provide the necessary documents to Code Publishing for the code update.

Attachments: A. Contract and Information from Code Publishing.

Contractor Services Agreement for the City of Sultan, WA

This Agreement is entered into between the City of Sultan, WA, hereinafter referred to as the "CITY," and CODE PUBLISHING COMPANY, hereinafter referred to as the "CONTRACTOR." The Agreement covers legal publishing services, including supplementing, printing, and computer text output of The Sultan Municipal Code, hereinafter referred to as the "CODE." The CITY may contract separately for a complete recodification and republishing of the CODE at any time in the future. All copyrights belong to the CITY.

General

The CONTRACTOR will provide codification service of the CODE to include Internet hosting and searchable electronic files, and supplements for both the online version and printed version.

The CITY will deliver to the CONTRACTOR the present CODE text and ordinances both in hard-copy or digitally scanned (PDF or TIF) format and, where available, in a word processing or text format (i.e., a non-graphic format) via Internet upload at <http://www.codepublishing.com/upload/sultan.asp>.

The CODE produced by the CONTRACTOR shall be the exclusive and sole property of the CITY, and the CITY may use said CODE for any purposes it deems appropriate, including the right to copy, distribute, or sell said CODE.

Supplements

Newly adopted, revised or amended ordinances will be forwarded periodically by the CITY to the CONTRACTOR. The CITY will provide the CONTRACTOR with ordinances both in hard-copy or digitally scanned (PDF or TIF) format and, where available, in a word processing or text format (i.e., a non-graphic format) via upload to CONTRACTOR's web site. Affected pages of the CODE, the index, and ordinance tables will be edited and revised to reflect new provisions and/or modifications, with appropriate headnotes, catchlines, footnotes, and cross references. All new ordinances will be inserted into the CODE using the established code section numbering system. New ordinances not following this system will be changed accordingly.

The CONTRACTOR will provide supplemental updated pages for the CODE on a schedule determined by the CITY. Printed supplement sets together with insertion/deletion instructions will be delivered to the CITY. The electronic files will be updated concurrently with the printed edition, (or as specified by the CITY). Print and electronic file supplement delivery will occur two to six weeks following receipt of the last ordinance included in the update.

Internet Services

HTML formatted electronic files will be created for Internet use. The schedule for periodic supplements of the CODE on the Internet is determined by the CITY.



publishing.inc

Indemnification/Hold Harmless

The CONTRACTOR shall protect, defend, indemnify and hold harmless the CITY, its officers, employees and agents from any and all costs, claims, judgments or awards of damages arising out of or in any way resulting from the negligent acts or omissions of the CONTRACTOR, its officers, employees and agents in performing this Agreement.

Insurance

The CONTRACTOR shall procure and maintain, for the duration of this Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the CONTRACTOR, their agents, representatives, or employees. The CONTRACTOR shall maintain commercial general liability insurance with limits of no less than \$1,000,000 each occurrence and \$2,000,000 general aggregate.

Termination of Agreement

This Agreement may be terminated by either party upon 60 days' written notice. The CONTRACTOR will be entitled to compensation to the extent of actual work performed, consistent with the compensation provisions.

Payment, Terms, and Invoice Requirements

Payments to the CONTRACTOR from the CITY will correspond to the attached Cost Sheet. Supplements, Internet and legal services are invoiced upon delivery. Additional services are also invoiced upon delivery. Invoices are due and payable within 30 days.

Effective Date

This Agreement is effective upon signature by both the CITY and the CONTRACTOR.

Code Publishing Company

City of Sultan, WA

By:

By:

Margaret O. Bustion, President

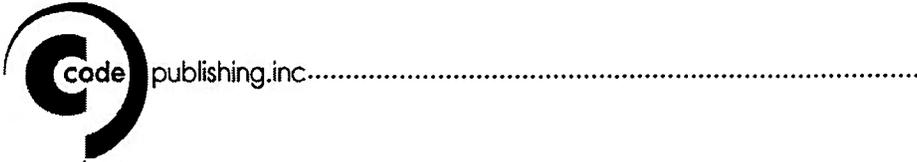
Deborah Knight, City Administrator

Attest

By:

Laura J. Koenig, City Clerk

Dated this _____ day of _____, 2009.



**Electronic Services
A La Carte Options
2009**

Internet:

Online on-demand schedule (OLOD)	<u>No additional charge</u>
Customized Internet interface	<u>\$250.00 set up</u>
CodeTrak	<u>\$200.00 per year</u>
OrdAlert	<u>\$200.00 per year</u>
OrdSearch	<u>\$150.00 set up</u>
Selective printing	<u>\$125.00 per year</u>
RTF download	<u>\$125.00 per year</u>
CodeTips	<u>\$200.00 set up</u>
Search Options	
Saved Searches	<u>\$150.00 set up</u>
Scope Searching	<u>\$150.00 set up</u>
Advanced Search Options	<u>No additional charge</u>
Frameless version of the code	<u>\$130.00 set up</u>
Links:	
to state code citations	<u>\$150.00 set up</u>
to title PDF files	<u>\$75.00 set up</u>
to ordinances	<u>See OrdSearch</u>

In-House:

Code chapters in RTF format	<u>\$200.00 per year</u>
Folio Views	<u>Available upon request</u>

See attached for description of options.

Online Options – Description

OnLine On-Demand Schedule (OLOD): Updating the code on the Internet as soon as ordinances are received or become effective.

Customized Internet Interface: The look of the code is customized to match the municipality's web site. <http://www.codepublishing.com/az/litchfieldpark/> (click graphic to see city's site)

Selective Printing: Use check boxes to choose one or more sections to print.
<http://www.codepublishing.com/ak/palmer.html>

Save as RTF: Use check boxes to choose one or more sections to save in RTF (Word) format; see above example.

CodeTrak: The online code identifies with highlighting and revision date those parts of the code which have been updated online since the previous print supplement. Most useful when paired with online on-demand (OLOD). <http://www.codepublishing.com/ca/SanCarlos/>

OrdAlert: The online code identifies with highlighting those parts of the code affected by newly enacted ordinances. A description of each ordinance will be added to the numeric list at the back of the code, with a link to the ordinance in signed, PDF format. Ordinances and highlighting will be removed after codification. Most useful when online and print versions of the code are updated on the same set schedule. <http://www.codepublishing.com/wa/puyallup/>

OrdSearch: The ordinances listed at the back of the code will link to those sections of the code where cited. Links can also be provided from the history notes or ordinance table to the original, signed ordinance when accessible on the Internet.
<http://www.codepublishing.com/or/newberg/> (see Ord. 895 for examples of both)

Links To:

State Codes: References in the municipal code to state code sections will link to state legislature sites. <http://www.codepublishing.com/or/beaverton/>

Ordinances, Resolutions: See **OrdSearch**.

PDF files: Clicking on a link at the top of a title or chapter provides access to files which look exactly like the printed code. <http://www.codepublishing.com/az/litchfieldpark/>

Search Options:

Scope Searching: Use check boxes to choose one or more specific documents to search.
<http://www.codepublishing.com/ak/palmer.html> (Titles in this case)

Saved Searches: Users can save searches with specific parameters to use again.
<http://www.codepublishing.com/ca/monterey/>

Advanced Search Options: Users have options like stemming, fuzzy searching, phonic searching; see above example.

CodeTips: Mouseover links display a popup box with text of the linked section (in digests and section cites); see above example.

Frameless Version: Simplified format for ADA and cell phone use.

Telephone Support: We have very responsive customer service.