

RESOLUTION NO. 03-174

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE MUNICIPAL CODE CORPORATION TO PERFORM CODIFICATION OF THE TOWN CODE; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the “Town”) adopted the Code of Miami-Dade County as its own Code (the “Code”) at its incorporation on December 5, 2000; and

WHEREAS, the Town has amended its Code through various ordinances since its incorporation; and

WHEREAS, the Town desires to codify the Town’s Code into text and electronic format; and

WHEREAS, the City of Delray Beach (the “City”) has contracted with Municipal Code Corporation (“Municode”) for codification services subsequent to their response to a Request for Proposals; and

WHEREAS, pursuant to Section 2(G)(2) of the Town Purchasing Procedures, the Town may enter into contracts without following competitive bidding procedures when another public agency has already followed such procedures; and

WHEREAS, the Town would like to “piggyback” the Agreement between Municode and the City.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing Recitals are true and correct and are incorporated herein by this reference.

Section 2. Approval of Agreement. The Agreement between the Town of Miami Lakes and Municipal Code Corporation for codification of the Town Code, attached as Exhibit "A" (the "Agreement"), together with such non-material changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is hereby approved.

Section 3. Authorization of Town Officials. The Town Manager and Town Attorney are authorized to take all steps necessary to implement the terms and conditions of this Agreement.

Section 4. Authorization of Fund Expenditure. The Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the Agreement.

Section 5. Authorization to Execute. The Mayor is authorized to execute the Agreement on behalf of the Town.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

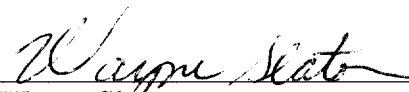
PASSED AND ADOPTED this 14th day of October, 2003.

Motion to adopt by Thomson, second by Collins.

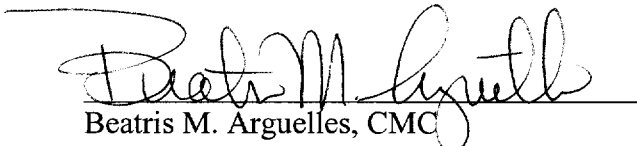
Resolution No. 03-174

FINAL VOTE AT ADOPTION 6-0

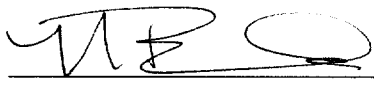
Mayor Wayne Slaton	<u>Yes</u>
Vice Mayor Roberto Alonso	<u>Yes</u>
Councilmember Mary Collins	<u>Yes</u>
Councilmember Robert Meador	<u>Yes</u>
Councilmember Michael Pizzi	<u>Yes</u>
Councilmember Nancy Simon	<u>Absent</u>
Councilmember Peter Thomson	<u>Yes</u>


Wayne Slaton
MAYOR

ATTEST:


Beatris M. Arguelles, CMC
TOWN CLERK

Approved as to form and legality for the use
and benefit of the Town of Miami Lakes only:


Weiss, Serota, Helfman, Pastoriza, Guedes,
Cole & Boniske, P.A.
TOWN ATTORNEY

Resolution No. 03-174

Table of Contents

PROPOSAL

Page No.

PART ONE - PUBLICATION OF CODE

(1)	Ordinances Included	1
(2)	Editorial Work.....	1
(3)	Index	1
(4)	Tables.....	2
(5)	Typesetting and Proofs.....	2
(6)	Printing and Binding	2
(7)	Adopting Ordinance.....	3

PART TWO - ADDITIONAL SERVICES AVAILABLE

(1)	Legal Review of Code.....	3
(2)	Update State Law References.....	3
(3)	Reprint Pamphlets	3
(4)	Code Furnished Electronically	3

PART THREE - SUPPLEMENT SERVICE

(1)	Ordinances to be Furnished by Municipality	5
(2)	Schedule.....	5
(3)	Electronic Supplementation	5
(4)	Editorial Scrutiny	5
(5)	Editorial Notes	5
(6)	Index and Tables	5
(7)	Instruction Sheet	5
(8)	Checklist	6
(9)	Graphics	6
(10)	Reprints.....	6
(11)	Sample Ordinance Service	6
(12)	Update State Law References.....	6
(13)	Legal Review of Code.....	6
(14)	Shipment; Distribution	6
(15)	Termination	6

QUOTATION SHEET.....	7
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SIGNATURE PAGE.....	9
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PROFESSIONAL SERVICES PROPOSAL

The **MUNICIPAL CODE CORPORATION**, a corporation duly authorized and existing under the laws of the State of Florida, hereinafter referred to as MCC, hereby offers to publish a Code of Ordinances for the **CITY OF MIAMI LAKES, FLORIDA**, a municipal corporation duly organized and existing under state law, hereinafter referred to as the Municipality, according to the following terms and conditions.

<p style="text-align: center;">PART ONE PUBLICATION OF ORDINANCES</p>

(1) **ORDINANCES INCLUDED.** Classify and edit the ordinances of a general and permanent nature passed in final form by the Municipality as of the date of any contract entered into pursuant to this agreement; provided that the Municipality may forward to MCC all ordinances passed subsequent to said date for inclusion in the new Code until notice is received that editorial work has been completed. We request the ordinances be furnished electronically (diskettes, e-mail, CD-ROM, etc.), though they may be furnished in printed form.

(2) **EDITORIAL WORK.** The editorial work on the Code will include the following:

- a) **Chapter Arrangement.** Each chapter of the new Code shall embrace all ordinances dealing with the subject matter of that chapter, and within the chapter itself the ordinances shall be arranged in an orderly and logical fashion. Chapters and sections will be reserved for future expansion.

Title arrangement is also available and will be discussed, if desired.

- b) **Cross References and Footnotes.** Cross-references will be prepared to tie together related sections of the Code. Proper explanation will also be made in the form of footnotes to relevant provisions of the Code.
- c) **History Notes.** A history note will be prepared for each section of the Code. The note will indicate the source from which the section is derived.
- d) **Chapter Analysis.** Each chapter of the new Code will be preceded by a detailed analysis listing the articles, divisions, and sections contained therein.
- e) **Catchlines.** Each section will be preceded by a catchline describing the content of the section.

(3) **INDEX.** A comprehensive, legal and factual general index for the entire Code will be prepared. All sections are indexed under major subjects with appropriate section citations. Columnar citations are used to enhance the ease of reference.

- (4) **TABLES.** The following Tables will be prepared for the new Code:
- a) **Table of Contents.** This Table will list the chapters, articles or divisions of the Code, with appropriate page numbers.
 - b) **Comparative Table.** If feasible, prepare a Comparative Table, listing the ordinances included in the Code, in chronological sequence and setting out the location of such ordinances in the Code.
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(5) **TYPESETTING AND PROOFS.** After typesetting has been completed, MCC will submit one set of proofs to the Municipality for review. The Municipality may make word changes on the proofs without charge. However, the Municipality will be charged for changes or deletions constituting more than one page of type.

It shall be the duty of the Municipality to return the proofs, with the changes indicated thereon, within forty-five (45) days from the date of their receipt. If proofs are not returned within forty-five (45) days and no notice to the contrary is received by MCC, it will be assumed that no changes are to be made. MCC will then proceed to print the Code and no changes shall thereafter be allowed.

Should the Municipality request to review the proofs beyond forty-five (45) days but fails to return them within five (5) months, the contract balance shall become due and payable. Upon mutual agreement regarding time and compensation, MCC shall update the proofs with subsequent enactments before delivery of the printed Code.

MCC guarantees typographical correctness. Errors attributable to MCC will be corrected throughout the term of the contract without charge to the Municipality. MCC's liability for all services shall extend only to the correcting of errors in the Code or future supplements, not to any acts or occurrences as a result of such errors and only so long as the contract is in effect.

(6) **PRINTING AND BINDING.** When the Municipality returns the proofs, MCC will proceed with printing and binding the Code in accordance with the following:

- a) **Copies.** The number of copies desired by the Municipality will be printed on 50 lb. white offset paper.
- b) **Page format.** The page size will be consistent with the format chosen by the Municipality: 8 ½ x 11 inches, single column (samples attached).
- c) **Type size.** Various type sizes are available for text. MCC will publish the Code in ten-point type unless otherwise specified. Notice of such font change must be given prior to notice of completion of the editorial work so that the impact upon cost can be determined and discussed.
- d) **Tables and graphics.** Tables, drawings, designs, Algebra formulae, graphics, or other material that require special methods of reproduction or modification, will be charged as set out on the Quotation Sheet. MCC will require an electronic file of the tables and graphics included in the Code and/or a clean printed copy.

- e) **Binding.** MCC will bind copies of the completed Code in expandable post binders with slide lock fasteners. Covers will be imitation leather and available colors are black, burgundy, blue, or green, with gold lettering. Other binder choices are available (D-ring and three-ring). Cost may vary. Additional binders can be ordered at any time at the then-current prices.
- f) **Separator tabs.** MCC will furnish separator tab sheets (Mylar tabs, printed both sides) for the bound Codes. The tabs will reflect the major divisions or chapters of the Code volume.

(7) **ADOPTING ORDINANCE.** MCC will furnish the Municipality with a suggested form of an ordinance adopting the new Code. Once the Code has been adopted, a copy of the ordinance should be sent to MCC so that it can be included in the Code.

PART TWO
ADDITIONAL SERVICES AVAILABLE

(1) **LEGAL REVIEW OF ORDINANCES.** If deemed necessary, MCC offers, under the direction of the Municipal Attorney, to review the ordinances against current state law. MCC's attorney assigned will submit an editorial memorandum to the Municipal Attorney outlining all recommendations for eliminating duplications, inconsistencies and obsolete provisions. All recommendations are intended for use by the Municipal Attorney, and as such are not to be considered legal advice to a ~~layperson~~ *non-city*.

Appropriate state statute references will be included in the Code as deemed necessary. A Statutory Reference Table will be prepared, listing by statutory citation all sections carrying a reference.

Recommended provisions desired to be included as a result of the legal review will be incorporated in the Code upon specific instructions from the Municipality. Amendatory ordinances may be included in the future through the Supplement Service as provided in Part Three.

(2) **STATE LAW REFERENCES.** In the event the Municipality does not choose the option for a complete legal review of the ordinances, MCC offers to add state law references as a part of the editorial work.

(3) **REPRINT PAMPHLETS.** Additional copies of specific chapters or any portion of the Code may be printed and bound in paper covers for separate sale or distribution by the Municipality. Quotations for specific chapters in pamphlet format will be furnished upon request.

(4) **CODE FURNISHED ELECTRONICALLY.** The Code can be furnished in a variety of electronic formats as described below. All formats will be updated through the most recently published ordinance in the printed Code.

- a) ***Folio BoundVIEWS.*** This is a full text search engine that supports standard Boolean logic, phrase searching, proximity searching and word stemming to include word variations and synonyms in searches. Every word of the Code is electronically indexed so queries are performed on the entire Code. A powerful context-sensitive, on-line help system is included within ***Folio BoundVIEWS,*** though the software is sufficiently intuitive to use without consulting the help library.

- b) ***Code on the web.*** The Code may also be included on MCC's web site (www.municode.com). The site contains a collection of more than 1,000 local government Codes and is available to anyone with Internet access. All Codes on the site are integrated with Folio web search engine and amendments to the Code are incorporated as the book is updated. A link to the Municipality's web site can also be provided.

- c) ***Word processing format.*** The master database of the Code can easily be converted into an RTF format that is useable in most of today's popular word processing formats, e.g., WORD or WordPerfect. Alternatively, the Code can be provided in a generic text format such as ASCII or HTML.

- d) ***Support and training.*** Telephone support for all of the above-mentioned programs is available during working hours by calling our toll-free number (800-262-CODE). Most problems are resolved in one call and this support is free of charge. Installing software is easily accomplished by the Municipal IT staff, although MCC's support is available during installation, if needed. All of the above-mentioned programs are very intuitive and typically do not require separate training, however, on-site training is available. A written quotation will be provided upon request.

**PART THREE
SUPPLEMENT SERVICE**

(1) **ORDINANCES TO BE FURNISHED BY MUNICIPALITY.** The Municipality shall forward to MCC copies of the ordinances upon final enactment by the Municipality. We request that the ordinances be furnished electronically and have established a special e-mail address (ords@mail.municode.com) to receive e-mailed ordinances. Printed copies are accepted.

(2) **SCHEDULE.** After shipment of the new Code, MCC will keep the Code up-to-date by the publication of Supplements that will contain the new ordinances of a general and permanent nature enacted by the governing body. The Supplements can be published on a schedule to meet the requirements of the Municipality. A minimum of thirty (30) working days will be required for delivery of a Supplement.

(3) **ELECTRONIC SUPPLEMENTATION.** If the Municipality has chosen to receive the Code in electronic media as set out in Part Two of this agreement, MCC can provide the Supplements electronically on a schedule to meet the Municipality's needs, e.g., monthly or bimonthly. The Municipality may choose to have printed Supplements published less frequently. The electronic media will reflect the entire Code as updated through the most recent Supplement.

(4) **EDITORIAL SCRUTINY.** The new ordinances will be studied by a member of the editorial staff of MCC in conjunction with the existing provisions of the Code for the purpose of determining if any provisions of the basic Code are repealed, amended or superseded. The page or pages of the Code containing provisions that are repealed or amended by ordinance shall be reprinted or printed to remove such repealed or amended provisions and to insert the new ordinances.

(5) **EDITORIAL NOTES.** Appropriate editorial notes will be prepared and appended as deemed necessary by MCC. State law references appended to the new ordinances by the Municipal Attorney will be included as appropriate footnotes.

(6) **INDEX AND TABLES.** When the inclusion of new material necessitates changes in the index, appropriate entries will be prepared and the necessary pages of the index will be printed or reprinted to include the new entries.

The Comparative and State Law Reference Tables will be kept up-to-date to reflect the new ordinances and state law citations, if any, included in each Supplement. The Table of Contents will also be kept current to reflect changes in the Code.

(7) **INSTRUCTION SHEET.** Each Supplement will contain a page of instructions for removal of the obsolete pages and insertion of the new pages. The latest ordinance included in the published Supplement will be noted in boldface type on the Instruction Sheet.

(8) **CHECKLIST.** A checklist of up-to-date pages will be prepared and kept current for the benefit of the user. The checklist of up-to-date pages will allow instant determination of whether the user is relying on a page reflecting current ordinances.

(9) **GRAPHICS.** Should the Supplement contain tables, drawings or graphics for which special methods of reproduction or modification are required, the costs will be as set out on the Quotation Sheet.

(10) **REPRINTS.** The looseleaf reprint pamphlets, which contain certain portions of the Code, including appropriate index pages, will be kept up-to-date at the same time the Code volume is supplemented, if desired.

(11) **SAMPLE ORDINANCE SERVICE.** Sample provisions of specific subjects will be furnished upon request. A sample ordinance index will be furnished for use in requesting the desired sample provisions.

(12) **UPDATE STATE LAW REFERENCES.** Due to the nature of Supplementation, the state law references in a Code become outdated. MCC offers to update and add state law references at any time during this contract. MCC would also update the State Law Reference Table. Accordingly, a more complete legal review can be provided. See paragraph (13) below.

The cost for the state law reference updating would be on an hourly basis, not to exceed a specific number of hours as agreed upon by MCC and the Municipality.

(13) **LEGAL REVIEW OF CODE.** At any time the Municipality may request information and a cost for MCC to review the Code on a chapter-by-chapter basis against the current state law. Written recommendations will be submitted to the Municipal Attorney as to any Code changes deemed necessary or desirable as a result of such legal review. MCC's attorney will work with the Municipal Attorney in drafting legislation as deemed necessary.

The cost for the legal review and drafting services would be on an hourly basis, not to exceed a specific number of hours as agreed upon by MCC and the Municipality.

(14) **SHIPMENT; DISTRIBUTION.** Supplements will be shipped to the Municipality for distribution to the holders of the Codes. However, storage, distribution and billing services for outside users are available through MCC's Distribution Services. Prices will be furnished upon request. The Municipality will have the exclusive right to sell the Codes and Supplements unless otherwise agreed to by the parties.

(15) **TERMINATION.** The Supplement Service as provided herein shall be in full force and effect for a period of three (3) years from the date of shipment of the completed Code to the Municipality. Thereafter, the Supplement Service will be automatically renewed from year to year, provided that either party may alter or cancel the terms of this Part Three upon sixty (60) days' written notice.

QUOTATION SHEET

PART ONE – PUBLICATION OF CODE

(1)	Base cost, includes	\$6,950
	a) Editorial work	
	b) Typesetting and proofs	
	c) Indexing	
	d) Printing and binding	
	i. Number of copies	25
	ii. Number of binders	25
	iii. Number of sets of special order tabs	25
	iv. Estimated pages ¹	400
	8 ½ x 11 inches, single column	
(2)	Base cost does not include:	
	a) Excess pages, additional per page cost	\$19
	b) Graphics, additional charge each ²	\$10
	c) Freight charges (invoiced upon shipment)	Prepaid
	d) State sales tax, if applicable	

PART TWO – ADDITIONAL SERVICES AVAILABLE

(1)	Legal Review of ordinances	\$750
(2)	Updating state law references	Quotation upon request
(3)	Reprints	Quotation upon request
(4)	Electronic Code:	
	a) Data integrated with <i>Folio BoundVIEWS</i> , one license	No charge
	b) Each additional license	\$125
	c) Site license for up to 15 users	\$1,700
	d) Code on the Internet, per year	\$200
	(Includes up to four updates)	
	e) Code formatted for word processing	Quotation upon request

¹ A page is defined as the area on one side of a sheet of paper. A sheet contains two (2) pages.

² If a graphic is larger than one page, the charge is then per page.

PART THREE – SUPPLEMENT SERVICE

(1)	Annual fee for Supplements	None
(2)	Number of copies	25
(3)	Cost per page	
	a) 8 ½ x 11 inches, single column	\$19
	b) Graphics, additional charge each ¹	\$10
	c) One set of updated electronic media, per Supplement (cost in addition to regular Supplement per page charge)	\$75
	d) Additional sets of updated electronic media, per set	\$75
(4)	Electronic Supplementation (Costs include printed supplements on a semiannual or annual basis.)	
	a) Quarterly or bimonthly schedule, cost per page	\$19
	b) Monthly schedule cost per page	\$24
(5)	Sample Ordinance Service - during the first year following shipment of the Code	No charge

PAYMENT

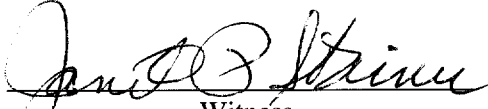
(1)	Upon signing of the contract	\$2,775
(2)	<u>(Optional)</u> Upon submission of editorial memorandum, if legal review of Code is chosen, Part Two	\$750
(3)	Upon receipt of proofs	\$2,100
(4)	Balance upon delivery of Code.	
(5)	Payment for the Supplement Service will be due upon receipt of an invoice. Supplements will be invoiced when shipped.	
(6)	Freight charges will be prepaid and invoiced at time of final billing.	

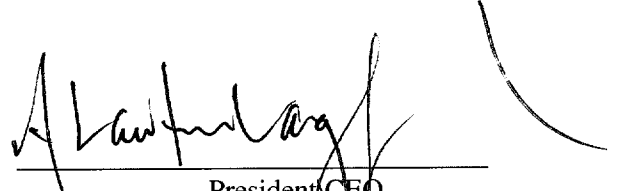
¹If a graphic is larger than one page, the charge is then per page.

This proposal shall be valid for a period of ninety (90) days from the date appearing below.

Submitted by:

MUNICIPAL CODE CORPORATION

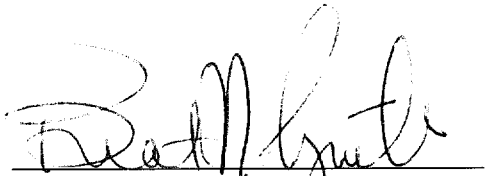

Witness


President/CEO

May 22, 2003

Accepted by:

MIAMI LAKES, FLORIDA


Witness


Wayne Slaton, Title Mayor

Beatris M. Arguelles, CMC
Town Clerk

October 14, 2003
Date