



CITY COUNCIL AGENDA REPORT



DEPARTMENT: City Clerk

MEETING DATE: September 16, 2003

PREPARED BY: Linda B Proctor, CMC, City Clerk

AGENDA LOCATION: J-1

TITLE: Adoption by Reference of the Monrovia Municipal Code, 2003 Edition, Introduction and First Reading of Ordinance No 2003-15, and Set for Public Hearing on October 7, 2003 for Second Reading and Adoption

OBJECTIVE: To adopt the newly recodified edition of the Monrovia Municipal Code

BACKGROUND: On June 25, 2002, the City Council approved a Professional Services Agreement with American Legal Publishing to provide a legal update to the Municipal Code and convert it to an 8 ½ x 11, double-sided, single column, electronic, and web-based formats

On May 3, 1983, the City Council adopted Ordinance No 83-7, which adopted by reference the recodified and recompiled Monrovia Municipal Code (1983 Edition) by Book Publishing Company. At various other times since the adoption of the Ordinance, the City Council has adopted other ordinances that have added provisions to or otherwise amended the Monrovia Municipal Code (1983 Edition)

In 1994, the City Council approved an agreement with American Legal Publishing to codify quarterly the Monrovia Municipal Code

As the Municipal Code had not been recodified nor had a legal update since 1983, Staff recommended to the City Council that American Legal Publishing be awarded a Professional Services Agreement for a legal review and change of format

Based on the legal analysis and internal comparison by the City Attorney, City Clerk and a designated member from each department (pertinent to each department), non-substantive corrections were made as needed. Generally, the amendments were minor in nature and the Code has not been substantively changed, merely reformatted for ease of use and updated to reflect current laws and City policies

The revised Code Books have now been received from the Publisher, and, as the final step to the project so that the Code may be placed into use, it is necessary for the City Council to adopt an ordinance approving the replacement of our existing Code Book with the recodified edition. Language in the Ordinance is in compliance with State law

ANALYSIS: The adoption of the enabling ordinance is a "housekeeping" action required by Government Code. The Monrovia Municipal Code, once adopted, will continue to be updated on a quarterly basis. The Code will also be available to the general public via the City's website, on the Online Library of American Legal Publishing Corporation, Liberty, and, of course, in hard copy through the City Clerk's Office. Members of the public may also order a hard copy on a subscription basis directly through the publisher at the expense of the person making such a request. Code books are also issued to various positions in each department. The City Clerk's Office maintains the Code books for the entire City.

FISCAL IMPACT: There is no fiscal impact with the adoption of this Ordinance.

RECOMMENDATION: Staff recommends that the City Council introduce, waive further reading and read by title only Ordinance No. 2003-15.

COUNCIL ACTION REQUIRED: If the City Council concurs, the appropriate action is a motion to

1. Set for Public Hearing on October 7, 2003 for second reading and adoption of Ordinance No. 2003-15, and
2. Introduce and waive further reading of Ordinance No. 2003-15, and
3. Read by title only Ordinance No. 2003-15.

Linda B. Proctor, CMC, City Clerk

ORDINANCE NO. 2003-15

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA
ADOPTING BY REFERENCE THE MONROVIA MUNICIPAL CODE
(2003 EDITION)**

THE CITY COUNCIL OF THE CITY OF MONROVIA DOES ORDAIN AS FOLLOWS:

Section 1. Findings and Intent. The City Council finds and declares that

A On May 3, 1983, the City Council adopted Ordinance No 83-7 By such action, the City Council adopted by reference the recodified and recompiled Monrovia Municipal Code and added Sections 1 01 010 through 1 01 060 thereto ("Monrovia Municipal Code (1983 Edition)")

B. At various other times since the adoption of Ordinance No. 83-7, the City Council has adopted various other ordinances that have added provisions to or otherwise amended the Monrovia Municipal Code (1983 Edition)

C. The City Council desires to amend and recodify the existing ordinances comprising the Monrovia Municipal Code as of May 27, 2003 (through Ordinance No 2003-07)

D In enacting this Ordinance, the City Council has complied with the procedural requirements of California Government Code Section 50022.1 *et seq* As part of such compliance, there has been filed in the office of the City Clerk for public inspection a copy of the Monrovia Municipal Code, together with a copy of each of the secondary codes therein adopted by reference

E. The City Council finds that this amendment and recodification of the Monrovia Municipal Code does not have any potential for significant environmental impact, and that the adoption of this Ordinance therefore is exempt from consideration under the California Environmental Quality Act

Section 2. Recodification and Adoption of the Code The Monrovia Municipal Code, as amended as of May 27, 2003 (through Ordinance No 2003-07), is hereby amended and recodified to read as set forth in that certain document entitled "Monrovia Municipal Code (2003 Edition)" and published by American Legal Publishing Corporation The Monrovia Municipal Code (2003 Edition), and the secondary codes duly described therein, are adopted by reference pursuant to California Government Code Section 50022 1 *et seq* This amendment, recodification and adoption of the Monrovia Municipal Code is sometimes referred to in this Ordinance as the "2003 recodification" of the Monrovia Municipal Code

Section 3. Continuation of Existing Law Where substantially the same as existing law, the Monrovia Municipal Code (2003 Edition) shall be considered a continuation of existing law and not a new enactment

Section 4. Effect of Recodification The 2003 recodification of the Monrovia Municipal Code does not affect the following matters

A Actions and proceedings that began before the effective date of this Ordinance

B Prosecution for ordinance violations committed before the effective date of this Ordinance

C Licenses and penalties due and unpaid at the effective date of this Ordinance

D Collection of licenses and penalties due and unpaid at the effective date of this Ordinance

E Bonds and cash deposits required to be posted, filed or deposited pursuant to any ordinance, resolution or regulation

F Matters of record that refer to or are connected with an ordinance whose substance is included in the Monrovia Municipal Code (1983 Edition) as amended. Such references shall be construed to apply to the corresponding provisions of the Monrovia Municipal Code (2003 Edition)

Section 5. Repeal The provisions of the Monrovia Municipal Code (1983 Edition) as amended are repealed except as otherwise provided in this Ordinance or in the Monrovia Municipal Code (2003 Edition)

Section 6. Exclusions from Repeal No ordinance governing the following subject matters is repealed as a result of the 2003 recodification of the Monrovia Municipal Code or of this Ordinance

A Corporate or jurisdictional limits of the City

B Contracts to which the City is a party.

C Elections to which the City is a party

D City taxes

E City franchises

F Land use classifications of specific property

G Highways, roads, streets or other public right-of-way

H Bonds or indebtedness of the City

I A district, public corporation or other entity established by the City

- J. Specific public improvements or assessments.
- K. Appropriation or investment of City funds.
- L. Compensation of elected officials, officers or employees of the City.
- M. A plat or subdivision within the City
- N. Interim moratoria

Section 7. Subsequent Amendments to the Code. Nothing contained in this Ordinance shall affect the validity of ordinances enacted by the City Council after May 27, 2003 for codification in the Monrovia Municipal Code, including without limitation Ordinance Nos 2003-08 and 2003-10. The City Clerk shall cause such ordinances to be incorporated into the Monrovia Municipal Code (2003 Edition)

Section 8. Maintenance of the Code. The City Clerk shall keep not less than one certified copy of the Monrovia Municipal Code (2003 Edition) on file in the City Clerk's office for use by the public

Section 9. Certification and Publication The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

INTRODUCED this 16th day of September, 2003

SIGNED, APPROVED, AND ADOPTED this 7th day of October 2003 by the following vote

AYES.
NOES
ABSTAIN
EXCUSED

BY:

Rob Hammond, Mayor
City of Monrovia

ATTEST.

APPROVED AS TO FORM

Linda B. Proctor, CMC, City Clerk
City of Monrovia

Craig A. Steele, City Attorney
City of Monrovia