

RESOLUTION NO. 2011-094

Adopted by the Sacramento City Council

February 22, 2011

AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT TO AGREEMENT 2007-0775 FOR THE CITY'S PARKING CITATION ADMINISTRATIVE HEARING PROCESS

BACKGROUND

- A. The City of Sacramento has issued approximately 230,000 parking citations annually over the past three years. During this time, requests for an initial review of a parking citation have increased by 56%, while requests for the second stage administrative hearing have increased by 102%.
- B. Vehicle Code Section 40215 (b) allows those persons dissatisfied with the results of the initial review by the issuing agency to request an administrative hearing.
- C. The City is required by code to provide an administrative hearing process and has experienced a significant increase in these requests in recent years, resulting in the need to increase spending authority to carry out this mandate.
- D. The City currently contracts with McGeorge School of Law for the provision of administrative hearing officers. The current contract, entered into in 2007 does not provide for the current volume of administrative hearing requests.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Council hereby approves and authorizes the City Manager or designee to execute a two-year Supplemental Agreement #002 to Professional Services Agreement #2007-0775 with the McGeorge School of Law for parking citation hearing officer services, attached hereto as Exhibit A.
- Section 2. Exhibit A is part of this resolution.

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Exhibit A – Supplemental Agreement #002 to Professional Services Agreement #2007-0775 for the McGeorge School of Law

Adopted by the City of Sacramento City Council on February 22, 2011 by the following vote:

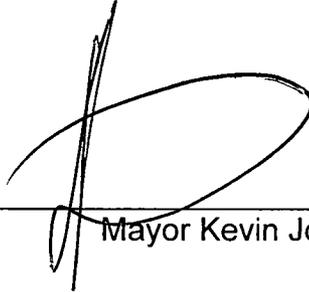
Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.

Attest:



Mayor Kevin Johnson



Shirley Concolino, City Clerk

Unexecuted Contract/Agreements

- The Unexecuted Contract/Agreement is signed by the other party, is attached as an exhibit to the resolution, and is approved as to form by the City Attorney.
- The Unexecuted Contract/Agreement (Public Project) is NOT signed by the other party, is attached as an exhibit to the resolution, and is approved as to form by the City Attorney.
- The Unexecuted Contract is NOT included as an exhibit to the Resolution because the Agreement(s) is with other another governmental agency and it is not feasible to obtain the other agency's signature prior to Council action (be they denominated Agreements, MOUs, MOAs, etc.); however, the City Attorney approves the forwarding of the report to Council even though the signed agreement is not in hand yet.
- The Unexecuted Contract is NOT included as an exhibit to the resolution because, due to special circumstances, and the City Attorney confirms in writing that it is okay to proceed with Council action even though the signed agreement is not in hand yet.

All unexecuted contracts/agreements which are signed by the other parties are in the Office of the City Clerk before agenda publication.

SUPPLEMENTAL AGREEMENT

Project Title and Job Number: Parking Citation Hearing Officer Services
Purchase Order #: 0000011590 (FY11)

Date: 12/2/10
Supplemental Agreement No.: 002

The City of Sacramento ("City") and University of the Pacific, McGeorge School of Law ("Contractor"), as parties to that certain Professional Services Agreement designated as Agreement Number 2007-0775, including any and all prior supplemental agreements modifying said agreement (said agreement and supplemental agreements are hereafter collectively referred to as the "Agreement"), hereby supplement and modify the Agreement as follows:

- 1. The scope of Services specified in Exhibit A of the Agreement is amended as follows: No change in scope of services, terms, or conditions. Increase in volume of administrative hearings.
2. In consideration of the additional and/or revised services described in section 1, above, the maximum not-to-exceed amount that is specified in Exhibit B of the Agreement for payment of Contractor's fees and expenses, is increased/decreased by _____, and said maximum not-to-exceed amount is amended as follows:

Table with 2 columns: Description and Amount. Rows include Agreement's original not-to-exceed amount (\$15,000 per year), Net change by previous supplemental agreements (\$4,800 per year), Not-to-exceed amount prior to this supplemental agreement (\$19,800 per year), Increase/decrease by this supplemental agreement (\$45,200 per year), and New not-to exceed amount including all supplemental agreements: For last two years (\$65,000 per year).

- 3. Contractor agrees that the amount of increase or decrease in the not-to-exceed amount specified in section 2, above, shall constitute full compensation for the additional and/or revised services specified in section 1, above, and shall fully compensate Contractor for any and all direct and indirect costs that may be incurred by Contractor in connection with such additional and/or revised services, including costs associated with any changes and/or delays in work schedules or in the performance of other services or work by Contractor.
4. Contractor warrants and represents that the person or persons executing this supplemental agreement on behalf of Contractor has or have been duly authorized by Contractor to sign this supplemental agreement and bind Contractor to the terms hereof.
5. Except as specifically revised herein, all terms and conditions of the Agreement shall remain in full force and effect, and Contractor shall perform all of the services, duties, obligations, and conditions required under the Agreement, as supplemented and modified by this supplemental agreement.

Approval Recommended By:

Approved As To Form By:

Walker Blach 1-6-11
Project Manager Date

Lawrence J Duran
City Attorney Date

Approved By:

Attested To By:

Elizabeth R. Parker 12/9/10
Contractor Date

City Clerk Date

Approved By:

City Manager or Designee Date

ATTACHMENT A
TO
SUPPLEMENTAL AGREEMENT No. 2 (2007-0775)

	FY2008	FY2009	FY2010	FY2011	FY2012	TOTAL
Agreement's original not-to-exceed amount:	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$75,000
Net Change by previous supplemental agreements:			\$ 4,800	\$ 4,800	\$ 4,800	\$14,400
Not-to-exceed amount prior to this supplemental agreement:	\$15,000	\$15,000	\$19,800	\$19,800	\$19,800	\$89,400
Net increase/decrease by this supplemental agreement:				\$45,200	\$45,200	\$90,400
New not-to-exceed amount including all supplemental agreements:	\$15,000	\$15,000	\$19,800	\$65,000	\$65,000	\$179,800