

# RESOLUTION NO. 2011-290

Adopted by the Sacramento City Council

May 24, 2011

## FOURTH AMENDMENT TO CITY AGREEMENT NUMBER 97-021 PARTNERSHIP AGREEMENT BETWEEN THE CITY OF SACRAMENTO AND THE SACRAMENTO ZOOLOGICAL SOCIETY FOR THE OPERATION OF THE SACRAMENTO ZOO

### BACKGROUND

- A. In 1997, the City and the Sacramento Zoological Society entered into City Agreement 97-021, whereby the Society agreed to operate the Sacramento Zoo on behalf of the City for the benefit of the Sacramento region. Under the agreement, the Society is to reimburse the City for certain expenses it incurs related to the operation of the Zoo, including employee salaries, benefits, and utilities.
- B. The current payment process outlined in the agreement results in the City's disbursement of funds to the Society and then the Society's reimbursement to the City for its reimbursable expenses. This results in multiple payments back and forth between the parties.

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

- Section 1. The City Manager, or his designee, is authorized to execute the Fourth Amendment to City Agreement 97-021, attached as Exhibit A.
- Section 2. Exhibit A is part of this Resolution.

Adopted by the City of Sacramento City Council on May 24, 2011 by the following vote:

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

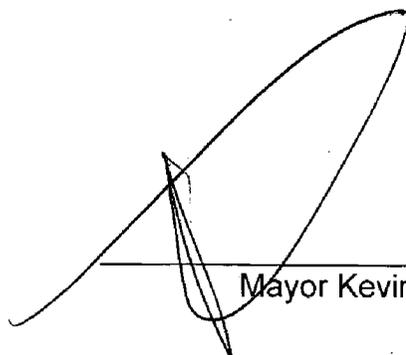
Noes: None.

Abstain: None.

Absent: None.

Attest:

  
Shirley Concolino, City Clerk

  
Mayor Kevin Johnson

**FOURTH AMENDMENT TO CITY AGREEMENT NUMBER 97-021**  
**PARTNERSHIP AGREEMENT BETWEEN THE CITY OF SACRAMENTO AND**  
**THE SACRAMENTO ZOOLOGICAL SOCIETY FOR THE OPERATION OF**  
**THE SACRAMENTO ZOO**

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This amendment (hereinafter referred to as "Amendment") to City Agreement Number 97-021, between the City of Sacramento, a municipal corporation (the "City"), and Sacramento Zoological Society, a non-profit, public benefit corporation (the "Society"), is effective on the date both parties have signed it, as indicated by the dates in the signature blocks below.

The parties agree to the following amendment:

1. **Section 8. Financial Provisions**, Paragraphs A through D shall be replaced with the following language:
  - A. In consideration for operating the Zoo as outlined in this agreement, City shall provide funding as mutually agreed upon, as recommended by Manager and approved by City Council.
  - B. Beginning Fiscal Year 2010/11, the City shall pay the Society, on a quarterly basis, an amount equal to 25% of the City's total annual funds identified in subsection A above, less any expenses incurred by the City during the prior calendar quarter in support of the Sacramento Zoo operations. These expenses include, but are not limited to, salaries, employee benefits, and utilities (the "City's Expenses"), but do not include costs of repairs or replacements that are the City's responsibility under this agreement. The City shall remit this payment no later than 60 days after the end of the prior calendar quarter.
  - C. If the City's Expenses are greater than the City's scheduled quarterly payment, the City shall bill Society for an amount equal to the City's Expenses less the City's scheduled quarterly payment.
  - D. The Society shall remit payment no later than thirty days after the invoice date.
2. All other terms and conditions of City Agreement Number 97-021 and subsequent amendments shall remain in full force and effect.

*(Signature Page Follows)*

CITY OF SACRAMENTO  
A Municipal Corporation

SACRAMENTO ZOOLOGICAL  
SOCIETY, a Nonprofit Corporation

By: \_\_\_\_\_  
Barbara Bonebrake  
Convention, Culture & Leisure Director  
For: William Edgar, Interim City Manager  
  
Date: \_\_\_\_\_, 2011

By: Starr W. Hurley  
Starr W. Hurley  
President  
  
Date: May 18, 2011

By: Mary Healy  
Mary Healy  
Zoo Director / CEO  
  
Date: May 18, 2011

APPROVED AS TO FORM:

Kenneth C. Bond  
Deputy City Attorney

ATTEST:

\_\_\_\_\_  
City Clerk