



City of Sacramento City Council

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915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: 5/15/2012

Report Type: Consent

Title: Supplemental Agreement: Provision of FY2012/13 Legal Services

Report ID: 2012-00421

Location: Citywide

Recommendation: Pass a Motion 1) authorizing the City Attorney to execute Amendment No. 3 to City Agreement No. 2009-0629 with the Sacramento Public Library Authority for legal services in FY 2012/13; and 2) authorizing the City Manager or the City Manager's designee to establish a revenue budget in the amount of \$50,400 within the City Attorney's FY 2012/13 General Fund operating budget.

Contact: Matthew Ruyak, Assistant, City Attorney (916) 808-5346, Office of the City Attorney

Presenter: None

Department: City Attorney

Division: City Attorney

Dept ID:

Attachments:

1-Description/Analysis

2-Legal Service MOU Amendment No 3 with Sacramento Public Library Authority

City Attorney Review

Approved as to Form
Matthew Ruyak
5/3/2012 10:50:03 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
5/2/2012 10:58:09 AM

Approvals/Acknowledgements

Department Director or Designee: Eileen M. Teichert - 5/2/2012 11:41:51 AM



Description/Analysis

Issue: On May 28, 2009, after a formal selection process, the Sacramento Public Library Authority (“Authority”) Board approved the use of the Sacramento City Attorney’s Office as Authority Counsel. The City and the Authority then entered into a Memorandum of Understanding (“MOU”), effective July 1, 2009, for an initial term of one year. (Resolution 2009-381; City Agreement 2009-0629). In 2010, the MOU was amended to extend the term for another year until June 30, 2011. In 2011, the MOU was amended to extend the term for another year until June 30, 2012. This report seeks City Council approval to extend the term of the MOU for another year until June 30, 2013.

Policy Considerations: Provision of professional services to the Authority helps to achieve the City’s goal of making Sacramento the most livable city in America.

Environmental Considerations: None.

Sustainability: Not applicable.

Commission/Committee Action: At its April 26, 2012 meeting, the Authority Board approved a one-year extension of the MOU, for the period July 1, 2012 to June 30, 2013.

Rationale for Recommendation: The Sacramento Public Library Authority, of which the City is a member agency, is in need of legal services. For the past three fiscal years, the Sacramento City Attorney's Office has been providing those services. Under the MOU, a member of the City Attorney's Office serves as Authority Counsel, providing day-to-day legal advice and attending Authority Board meetings. The continued use of the City Attorney's Office will afford the Authority the highest caliber public agency legal services, thus meeting the needs of a vital community asset - public libraries.

Financial Considerations: The Authority will pay the City \$4,200 per month (or \$50,400 for FY2012/13) for up to 30 hours of legal services, with additional services in excess of the 30 hours per month billed at \$165 per hour. Optional litigation services will be provided at various hourly rates (from \$135 to \$200) based upon the nature of the litigated matter. A revenue budget will be established within the City Attorney's FY2012/13 operating budget in the amount of \$50,400 for the amounts paid under the MOU.

Emerging Small Business Development (ESBD): Not applicable.

AMENDMENT NO. 3 TO MEMORANDUM OF UNDERSTANDING

THIS AMENDMENT NO. 3 to the Memorandum of Understanding (City Agreement No. 2009-0629), dated May 28, 2009 between the City of Sacramento ("City") and Sacramento Public Library Authority ("Authority"), is made and entered into on the date last signed below

RECITALS

WHEREAS, City and Authority entered into a Memorandum of Understanding ("MOU") for the provision of legal services to the Authority for a one year period, from July 1, 2009 through June 30, 2010;

WHEREAS, the parties entered into an Amendment extending the term of the MOU for an additional one year period, from July 1, 2010 through June 30, 2011 and a Second Amendment extending the term of the MOU for another one year period, from July 1, 2011 through June 30, 2012;

WHEREAS, the parties desire to extend the term of the MOU for an additional one year.

WITNESS

NOW, THEREFORE, CITY AND AUTHORITY DO MUTUALLY AGREE AS FOLLOWS:

- 1. The MOU (City Agreement No. 2009-0629) shall be extended for a one year period, from July 1, 2012 through June 30, 2013.
- 2. Section 3 of the MOU is revised to read as follows:
- 3. **ASSIGNED ATTORNEYS.** Senior Deputy City Attorney Janeth San Pedro shall be designated as Authority Counsel. However, other attorneys in the City Attorney's Office may provide services as needed, expedient, or requested.
- 2. All other terms and conditions of the MOU shall remain the same.

IN WITNESS WHEREOF, the parties have entered into this Amendment No. 3 to Memorandum of Understanding on the date last signed below.

CITY OF SACRAMENTO

SACRAMENTO PUBLIC LIBRARY AUTHORITY

By: _____
City Attorney

By: Ruth K. King
Library Director

Date: _____

Date: 5/4/2012

Attest:

City Clerk

By: [Signature]
Clerk of the Authority

Approved as to form:
[Signature]
City Attorney

Approved as to form:
Janeth San Pedro
Authority Counsel