

**Meeting Date:** 5/28/2013

**Report Type:** Consent

**Report ID:** 2013-00449

**Title: Supplemental Agreement with Sacramento Public Library Authority:  
Provision of Fiscal Year (FY) 2013/14 Legal Services**

**Location:** Citywide

**Issue:** The City Attorney's Office provides legal counsel to the Sacramento Public Library Authority under contract. The contract for FY 2012/13 is expiring on June 30, 2013 and a new contract is required to continue to provide such services.

**Recommendation:** Pass a Resolution: 1) authorizing the City Attorney to execute Amendment No. 4 to City Agreement No. 2009-0629 with the Sacramento Public Library Authority for legal services in FY 2013/14; and 2) authorizing the City manager or his designee to recognize and move all revenue generated under Memorandum of Understanding in excess of \$50,400 to the City Attorney's Automation CIP (A03000100) at the end of FY 2013/14.

**Contact:** Jerry Hicks, Supervising Deputy City Attorney (916) 808-5346, Office of the City Attorney

**Presenter:** None

**Department:** City Attorney

**Division:**

**Dept ID:**

**Attachments:**

1-Description/Analysis

2-Resolution

3-Exhibit A to Resolution

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**City Attorney Review**

Approved as to Form  
Gerald Hicks  
5/23/2013 10:25:09 AM

**City Treasurer Review**

Reviewed for Impact on Cash and Debt  
Russell Fehr  
5/15/2013 11:05:13 AM

**Approvals/Acknowledgements**

Department Director or Designee: Jerry Hicks- 5/22/2013 11:15:25 AM

## Description/Analysis

**Issue Detail:** 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 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) The MOU was extended for successive one year terms in 2010, 2011 and 2012. The 2012 extension expires on June 30, 2013. This item seeks City Council approval to extend the term of the MOU for another year until June 30, 2014.

**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.

**Economic Impacts:** None.

**Environmental Considerations:** None.

**Sustainability:** Not applicable.

**Commission/Committee Action:** At its March 28, 2013 meeting, the Authority Board approved a one-year extension of the MOU, for the period of July 1, 2013 to June 30, 2014.

**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 four fiscal years, the Sacramento City Attorney's Office has provided 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 with 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 FY 2013/14) for up to 30 hours of legal services, with additional services in excess of the 30 hours per month billed at a rate of \$165 per hour. Optional litigation services will be provided at various hourly rates (from \$135 to \$200) based on the nature of the litigated matter. During a prior year extension, the fees generated under this Memorandum of Understanding were returned to the general fund on an ongoing basis as part of City Attorney operating budget reductions. Under this current extension, the City Attorney will continue to return the \$50,400 contract amount to the general fund, but is requesting that amounts over \$50,400 received will be recognized and moved to the department's Automation CIP at the end of the FY13/14 fiscal year.

**Emerging Small Business Development (ESBD):** Not applicable.

## **RESOLUTION NO. 2013-**

Adopted by the Sacramento City Council  
May 28, 2013

### **APPROVAL OF AMENDMENT NO. 4 TO THE MEMORANDUM OF UNDERSTANDING WITH THE SACRAMENTO PUBLIC LIBRARY AUTHORITY FOR PROVISION OF LEGAL SERVICES**

#### **BACKGROUND**

A. Pursuant to a Memorandum of Understanding ("MOU," City Agreement 2009-0629), the City Attorney's Office has been providing legal services to the Sacramento Public Library Authority ("Authority") since July 1, 2009.

B. The MOU was extended for successive one year terms in 2010, 2011 and 2012. The 2012 extension expires on June 30, 2013.

C. On March 28, 2013, the Authority Board approved a one-year extension of the MOU, for the period of July 1, 2013 to June 30, 2014.

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

Section 1. The City Attorney, or a designated representative, is authorized to execute Amendment No. 4 to Memorandum of Understanding with the Sacramento Public Library Authority, attached to this Resolution as Exhibit A, for the provision of legal services in FY2013/14.

Section 2: The City Manager or the City Manager's designee is authorized to recognize and move all revenue generated under this Memorandum of Understanding in excess of \$50,400 to the City Attorney's Automation CIP (A03000100) at the end of FY 2013/14.

#### **Table of Contents:**

Exhibit A – Amendment No. 4 to the Memorandum of Understanding

Adopted by the City of Sacramento City Council on May 28, 2013 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

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Mayor Kevin Johnson

Attest:

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Shirley Concolino, City Clerk

AMENDMENT NO. 4 TO MEMORANDUM OF UNDERSTANDING

THIS AMENDMENT NO. 4 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, a Second Amendment extending the term of the MOU for another one year period, from July 1, 2011 through June 30, 2012, and Third Amendment extending the term of the MOU for another one year period from July 1, 2012 through June 30, 2013;

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, 2013 through June 30, 2014.
2. Section 3 of the MOU is revised to read as follows:
3. ASSIGNED ATTORNEYS. Senior Deputy City Attorney Sheri M. Chapman shall be designed as Authority Counsel. However, other attorneys in the City Attorney's Office may provide services as needed, expedient, or requested.
3. All other terms and conditions of the MOU shall remain the same.

IN WITNESS WHEREOF, the parties have entered into this Amendment No. 4 to the Memorandum of Understanding on the date last signed below.

CITY OF SACRAMENTO

SACRAMENTO PUBLIC LIBRARY  
AUTHORITY

By: \_\_\_\_\_  
City Attorney

By: Ronald K. Smith  
Library Director

Date: \_\_\_\_\_

Date: 5/15/2013

Attest:  
\_\_\_\_\_  
City Clerk

By: Linda J. Beymer  
Clerk of the Authority

Approved as to form:  
\_\_\_\_\_  
City Attorney

Approved as to form:  
Sheri M. Chapman  
Authority Counsel