

## City Council Report

915 I Street, 1<sup>st</sup> Floor

Sacramento, CA 95814

[www.cityofsacramento.org](http://www.cityofsacramento.org)

---

**File ID:** 2018-01505

December 11, 2018

**Consent Item 03**

---

**Title: Approve Amendment to Agreement to Provide Legal Services to the Sacramento Public Library Authority**

**Location:** Citywide

**Recommendation:** Adopt a Resolution: 1) authorizing the City Attorney to execute the necessary amendments to the professional services agreement with the Sacramento Public Library Authority for legal services through Fiscal Year (FY) 2019/20; and 2) authorizing the City Manager or City Manager's designee to increase the revenue budget in the City Attorney's operating budget above \$52,000, with a corresponding increase to the expenditure budget in the City Attorney's Automation CIP (A03000100) at the end of FY2018/19 and FY2019/20.

**Contact:** Jennifer Gore, Deputy City Attorney II, (916) 808-5346, Office of the City Attorney

**Presenter:** None

**Attachments:**

- 1- Description/Analysis
- 2- Resolution
- 3- Amendment No. 1 to Professional Services Agreement

## Description/Analysis

**Issue Detail:** The Sacramento City Attorney's Office has provided legal counsel to the Sacramento Public Library Authority ("Library") under contract since FY2009/10. In April 2015, the Library issued a Request for Proposals for Library Counsel, and on May 28, 2015, the Library Board approved the use of the Sacramento City Attorney's Office for general counsel services. On June 16, 2015, the City Council approved the current contract for a three-year term, including two one-year extensions. At this time, the City Attorney's Office is seeking approval to execute amendments for each one-year extension approved by the Library, through FY2019/20.

**Policy Considerations:** Provision of high quality, cost-effective general counsel services to the Library will increase the efficiency of the Library's operations and benefit the community, thereby helping to achieve the City's goal of making Sacramento the livable city in America.

**Economic Impacts:** None.

**Environmental Considerations:** Under the California Environmental Quality Act Guidelines, provision of legal services does not constitute a project and is therefore exempt from review.

**Sustainability:** Not applicable.

**Commission/Committee Action:** At its September 26, 2018, meeting, the Library Board approved the extension of current agreement to allow the Sacramento City Attorney's Office to continue to provide general counsel services to the Library through FY2019/20.

**Rationale for Recommendation:** The Sacramento Public Library Authority – a joint powers agency of which the City is a member – requires ongoing legal services to support its mission of providing library services throughout the City and Sacramento County. For the past eight fiscal years, the Sacramento City Attorney's Office has provided those legal services. Under the current professional services agreement, a member of the City Attorney's Office serves as General Counsel to the Library, providing day-to-day legal advice and attending Library Board meetings. The continued use of the City Attorney's Office will provide the Library with high quality public agency legal services, meeting the needs of a vital community asset - public libraries.

**Financial Considerations:** The Library will pay the City \$4,800 per month (or \$57,600 per year for FY2018/19 and FY2019/20) for up to 30 hours of legal services per month, with additional services in excess of 30 hours billed at an hourly rate of \$175. The City Attorney's

Office is requesting that amounts received in excess \$52,000 per year be transferred to the department's Automation CIP (A03000100) at the end of FY2018/19 and FY2019/20.

**Local Business Enterprise (LBE):** Not applicable.

## **RESOLUTION NO. 2018-**

Adopted by the Sacramento City Council

### **APPROVAL OF AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH THE SACRAMENTO PUBLIC LIBRARY AUTHORITY FOR PROVISION OF LEGAL SERVICES**

#### **BACKGROUND**

- A. Since July 1, 2009, the City Attorney's Office has been providing legal services to the Sacramento Public Library Authority ("Library").
- B. On June 16, 2015, City Council passed a resolution that authorized the City Attorney to execute a professional services agreement for legal services through FY2017/18, with two one-year options to extend the term of the agreement through FY2019/20. At that time, the City Attorney was not authorized to execute the amendments
- C. If the attached Amendment No. 1 is approved, the City Attorney's Office will continue to provide its services to the Library as follows: (1) the Library will pay the City \$4,800 per month for up to 30 hours of legal services, with services in excess of 30 hours per month billed and paid at \$175 per hour; (2) the Library Director can request that the City Attorney's Office provide assistance in labor negotiations at the rate of \$175 per hour; and (3) the term of the agreement would be extended through June 30, 2019, with one more annual extension remaining.

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

- Section 1. The City Attorney is authorized to execute Amendment No. 1 to the Professional Services Agreement with the Sacramento Public Library Authority, attached to this Resolution as Exhibit A, and any subsequent amendment required for the provision of legal services through FY2019/20.
- Section 2. The City Manager or his designee is authorized to increase the revenue budget of revenues in excess of \$52,000 with a corresponding expenditure budget in the City Attorney's Automation CIP (A03000100) at the end of FY2018/19 and FY2019/20.

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

Exhibit A: Amendment No. 1 to Professional Services Agreement

**SACRAMENTO PUBLIC LIBRARY AUTHORITY  
FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT**

The **Sacramento Public Library Authority**, a joint powers agency ("AUTHORITY"), and the City of Sacramento ("CONTRACTOR"), as parties to that certain July 1, 2015, Professional Services Agreement ("Agreement") hereby agree as follows:

1. Section 5 of Exhibit A ("Scope of Services") of the Agreement, is amended to extend the time of performance through June 30, 2019.
2. The maximum not-to-exceed amount for CONTRACTOR'S compensation specified in Exhibit B is increased by \$63,600 and the maximum not-to-exceed amount is amended to read as follows:

Agreement's current not-to-exceed amount:	\$190,800
Increase by this amendment:	<u>\$ 63,600</u>
New not-to-exceed amount:	\$254,400

3. CONTRACTOR agrees that the not-to-exceed amount specified in section 2 above shall constitute full compensation for the services specified in the Agreement.
4. CONTRACTOR warrants and represents that the person or persons executing this amendment on behalf of CONTRACTOR has or have been duly authorized by CONTRACTOR to sign this amendment and bind CONTRACTOR to the terms hereof.
5. All other terms and conditions of the Agreement shall remain in full force and effect.

**SACRAMENTO PUBLIC LIBRARY AUTHORITY**  
A Joint Powers Agency

By:   
Rivkah K. Sass, Library Director

Date: 9/28/2018

(If over \$50,000)  
Board Action # and Date: Approved

Item # 7.4  
9/28/18

**CITY OF SACRAMENTO**  
A Municipal Corporation

By: \_\_\_\_\_  
Susana Alcala Wood, City Attorney

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

ATTEST:

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