



City of Sacramento City Council

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

Meeting Date: 2/22/2011

Report Type: Consent

Title: Agreement: Parking Citation Hearing Officer Services

Report ID: 2011-00129

Location: Citywide

Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute a two-year Supplemental Agreement to existing Professional Services Agreement 2007-0775 for parking citation hearing officer services.

Contact: Brad Wasson, Revenue Manager, (916) 808-5844, Department of Finance

Presenter: None

Department: Finance

Division: Revenue Administration

Dept ID: 06001211

Attachments:

- 1-Description/Analysis
- 2-Resolution
- 3-Exhibit A Contract

City Attorney Review

Approved as to Form
Larry Duran
2/9/2011 9:55:24 AM

City Treasurer Review

Prior Council Financial Policy Approval or
Outside City Treasurer Scope
Janelle Gray
2/3/2011 9:12:11 AM

Approvals/Acknowledgements

Department Director or Designee: Leyne Milstein - 2/8/2011 1:51:44 PM

Assistant City Manager: Patti Bisharat - 2/8/2011 7:38:15 PM

Description/Analysis

Issue: The City of Sacramento has an existing agreement (#2007-0775) with the University of the Pacific, McGeorge School of Law to provide hearing officers for City issued parking citation administrative hearings. The existing five-year agreement, entered into on August 1, 2007, authorizes \$15,000 per year for these services.

The demand for administrative hearings has increased 102% over the past three years, from 678 hearings in FY2007/08 to 1,374 hearings in FY2009/10. Last year the contract amount was increased from \$15,000 per year to \$19,800 per year, but that amount still fell short by about \$6,500. This surge in the demand for hearings has resulted in the need for an additional \$50,000 per year in order to meet the demand for hearings over the next two years. The hourly rate of compensation and all other terms and conditions of the existing agreement remain the same. This report requests authorization to spend up to \$65,000 per year for the remaining two years of the agreement. Funding for these costs is included in the Department of Transportation's operating budget. A portion of the increased authorization will be used to remit payment for approximately \$6,500 in unpaid FY2009/10 invoices, due to FY2009/10 invoice payment obligations in excess of the original purchase order.

Policy Considerations: Parking citation administrative hearings are required by Vehicle Code Section 40215 (b) to be available to those persons dissatisfied with the results of the initial review by the issuing agency. McGeorge law students serve as hearing officers for such hearings.

Environmental Considerations: Under the California Environmental Quality Act (CEQA) guidelines, continuing administrative activities do not constitute a project and are therefore exempt from review.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: The City is experiencing significant increased demand for parking citation administrative hearings. Due to the increased volume of hearings, monthly contractor billings are exceeding the authorized spending authority.

Financial Considerations: In FY2009/10, approximately \$8.4 million in parking citation revenue was collected. Based on the projected volume of parking citation administrative hearings for FY2010/11 and FY2011/12, an increase in authorized spending is required as follows:

Year 1 – 2 of existing agreement:	\$15,000 per year not-to-exceed
Year 3 of existing agreement	\$19,800 per year not-to-exceed
Year 4 – 5 requested authority	\$65,000 per year not-to-exceed

The cost for these services will be covered under the Parking Division operating budget.

Emerging Small Business Development (ESBD): The University of the Pacific, McGeorge School of Law is an accredited educational institution. The McGeorge School of Law was the only responder to the 2007 formal bidding process.

RESOLUTION NO.

Adopted by the Sacramento City Council

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.

Table of Contents:

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

Exhibit A

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:

Walker Blach 1-6-11
Project Manager Date

Approved As To Form By:

Lawrence J. Duran
City Attorney Date

Approved By:

Elizabeth R. Parker 12/9/10
Contractor Date

Attested To By:

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