

City of Culver City, California
City Council Agenda Item Report

Meeting Date 01/14/2008		Item Number: <u>C-4</u>	
AGENDA ITEM: Approval of Amendment to Existing Professional Services Agreement with Judy A. Sherman and Philip R. Levine for Parking Citation Administrative Hearing Examiner Services for an Additional Two-Year Period.			
Contact Person/Dept.: Dianne Gifford		Phone Number: (310) 253-6252	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒	Attachments: ☒
Public Notification: Master Notification List (01/09/08)			
Department Approval: Don Pedersen, Chief of Police (12/17/2008)		City Attorney Approval Carol A. Schwab (by H. Baker) (01/09/08)	
Fiscal Impact Review Jeff Muir (by M. Noller) (01/08/08)		City Manager Approval: Jerry B. Fulwood Jerry B. Fulwood (01/09/08)	

RECOMMENDATION:

Staff recommends the City Council approve amendment to the existing professional services agreement with Judy A. Sherman and Philip R. Levine for Parking Citation Hearing Examiner services for an additional two-year period.

BACKGROUND:

Since January 1996, California State Law has required that the Parking Citation Administrative Hearing Examiner be an independent entity from the issuing and processing agency. Since that time, the Westside Cities Group (WSG) consisting of Beverly Hills, West Hollywood, Santa Monica and Culver City have contracted with a Hearing Examiner to conduct the hearings for these Cities.

Prior to the actual hearing, the respondent will have had their citation analyzed by police department staff through an Administrative Review process to determine the validity of the citation. If the respondent is found liable at the Administrative Review level, the respondent may then request a hearing either in-person or by mail.

The Administrative Review documents consist of the original documents from the respondent and any additional police commentary. These documents are presented to the Hearing Examiner at the time of the Hearing. The Hearing Examiner present at the scheduled date hears the case, renders a decision, and provides a computerized disposition of either Liable or Not-Liable.

By working jointly with other WSG member cities, Culver City is able to attract more competitive hearing examiner rates due to the combined work volume.

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When feasible, WSG has established cooperative agreements to share hearing examiners and hearing locations to facilitate convenient scheduling with individuals contesting a parking citation.

The contract extension with the current Parking Citation Administrative Hearing Examiners, Judy A. Sherman and Philip R. Levine expired on December 31, 2007. Because of the imminent expiration of the contract, it was determined that WSG must examine options by jointly inviting proposals from qualified persons interested in providing administrative hearing services.

DISCUSSION:

In September 2007, the City of Santa Monica, with the approval of WSG, sent a Request for Proposal ("RFP") to vendors and agencies that provide administrative hearing services. The RFP was also posted on the California Public Parking Association website and with Parking Today magazine. Only one vendor responded as follows:

	CONTRACT		EXTENSIONS	
<u>Proposal Vendor</u>	<u>2008</u>	<u>2009</u>	<u>2010/11</u>	<u>2012/13</u>
Philip R. Levine & Judy A. Sherman	\$13**	\$14**	\$16 **	\$18 **

**per hearing

In October 2007, WSG met telephonically to discuss the proposal. The only responsive vendor is our current Hearing Examiner and WSG opted to continue interviews telephonically and through email because of a change in pricing. Each City waived professional comprehensive general liability insurance, which has been proposed but never been required and would raise fees significantly.

The WSG has been very satisfied with the competent services of Judy A. Sherman and Philip A. Levine. They are respected attorneys and, in addition to hearing parking citations for the WSG, they also provide similar services for various Los Angeles area agencies.

Exhibit A in your packet is Judy A. Sherman's and Philip R. Levine's proposal and incorporated resume.

FISCAL IMPACT:

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Currently a flat rate of \$12.00 is charged for each hearing whether in-person or written. For Fiscal Year 2006/2007, there were approximately 192 hearings conducted for a total fee of \$2,304. The proposed one dollar per hearing fee increase would equate to an approximate annual increase of \$192.00 per year depending upon how many cases are contested at the Hearing Examiner level.

Sufficient funds are budgeted in 10140900.619800 - Other Contractual Services for the remainder of Fiscal Year 2007/2008 to cover the cost of this requested amended agreement.

ATTACHMENTS:

1. Exhibit A: Proposal of Judy A. Sherman and Philip Levine and incorporated resume.

MOTION:

That the City Council:

1. Approve an amendment to the existing Professional Services Agreement with Judy A. Sherman and Philip R. Levine to conduct parking administration hearings for the City of Culver City; and
2. Authorize the City Attorney to review/prepare the necessary documents and authorize the City Manager to execute such documents on behalf of the City