



## AGENDA REPORT

**Meeting Date:** May 6, 2008  
**Item Number:** F-7  
**To:** Honorable Mayor & City Council  
**From:** Henry Briceno, Senior Customer Service Representative  
**Subject:** APPROVAL OF AMENDMENT NO. 2 TO AN AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND PHILIP R. LEVINE, ESQ. AND JUDY A. SHERMAN, ESQ., JOINTLY AND SEVERALLY, FOR PARKING CITATION ADMINISTRATIVE HEARING EXAMINER SERVICES  
**Attachments:** 1. Amendment

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### **RECOMMENDATION**

Staff recommends that the City Council move to approve amendment no. 2 to the agreement with Philip R. Levine, Esq. and Judy A. Sherman, Esq. for parking citation administrative hearing services in the amount of \$20,000 per year.

### **INTRODUCTION**

In 2003, the City of Beverly Hills entered into a three year agreement with Philip R. Levine, Esq. and Judy A. Sherman, Esq. to provide hearing examiner services for contested parking citations. The initial term of the agreement expired in 2006, and was extended for an additional two-year term. City desires to extend the term of the agreement through January 6, 2010.

### **DISCUSSION**

The California Vehicle Code (CVC) establishes guidelines for the adjudication of parking citations. Utilizing these guidelines, an issued parking citation may be contested by the recipient in three separate stages: administrative review, administrative hearing and Superior Court.

An administrative hearing is the second step in contesting a parking citation and is conducted by a Hearing Examiner. The CVC requires that the citation issuing agency appoint or contract hearing examiner services with a provider who meets the minimum hours of training.

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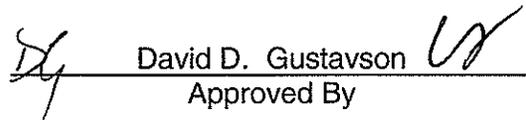
Philip Levine, Esq. and Judy A. Sherman, Esq. both meet the minimum requirement set forth in the CVC and also serve as the hearing examiners with the cities of West Hollywood, CA and Santa Monica, CA, with whom the City of Beverly Hills coordinates portions of Administrative Hearings. All three cities have agreed to recommend extending the agreement for two additional years.

**FISCAL IMPACT**

Commencing January 1, 2008, the City shall compensate the Hearing Examiners at a flat rate of thirteen dollars (\$13.00) per citation, including scheduled hearings when parking citation contestant fails to appear, for the period of January 1, 2008 through December 31, 2008.

Commencing January 1, 2009, the City shall compensate the Hearing Examiners at a flat rate of fourteen dollars (\$14.00) per citation, including scheduled hearings when parking citation contestant fails to appear, for the period of January 1, 2009 through the end of this contract term.

  
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Scott G. Miller  
Finance Approval

  
\_\_\_\_\_  
David D. Gustavson  
Approved By

AMENDMENT NO. 2 TO AN AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND PHILIP R. LEVINE, ESQ. AND JUDY A. SHERMAN, ESQ., JOINTLY AND SEVERALLY, FOR PARKING CITATION ADMINISTRATIVE HEARING EXAMINER SERVICES

This Amendment No. 2 is to that certain Agreement between the City of Beverly Hills, a municipal corporation ("City") and Philip R. LeVine, Esq. and Judy A. Sherman, Esq., jointly and severally, hereinafter referred to as "Hearing Examiners.", dated January 7, 2003 and identified as Contract No. 3-03 as amended by Amendment No. 1, dated January 3, 2006 and identified as Contract No. 07-06 ("Agreement").

RECITALS

A. City entered into the Agreement with Hearing Examiners which was previously amended.

B. City desires to continue utilizing Hearing Examiners for hearing examiner services and to amend the Agreement to extend its term through January 6, 2010.

NOW, THEREFORE, the parties agree as follows:

Section 1. Section 3 of the Agreement, Compensation, shall be amended to read as follows:

“3. Compensation.

(a) For services provided pursuant to this Agreement, Hearing Examiners shall be compensated at the flat rate of eleven dollars (\$11.00) per citation, including scheduled hearings when parking citation contestant fails to appear, through December 31, 2005.

(b) Hearing Examiners shall be compensated at the flat rate of twelve dollars (\$12.00) per citation, including scheduled hearings when parking citation contestant fails to appear, for the period of January 1, 2006 through December 31, 2007.

(c) Hearing Examiners shall be compensated at the flat rate of thirteen dollars (\$13.00) per citation, including scheduled hearings when parking citation contestant fails to appear, for the period of January 1, 2008 through December 31, 2008.

(d) Hearing Examiners shall be compensated at the flat rate of fourteen dollars (\$14.00) per citation, including scheduled hearings when parking citation contestant fails to appear for the period from January 1, 2009 through the end of this contract term.

(e) Commencing January 1, 2008, City agrees to compensate Hearing Examiners for a monthly average minimum of 16 cases per 4 hour day at hearings conducted at the City location. Calculation of the monthly minimum cases will be based upon the number of hearings scheduled at the City location on behalf of each issuing city (Santa Monica, Beverly Hills and West Hollywood) and may consist of any combination of in person, written declaration, failure to appear or failure to appear with a reschedule.

(f) If a previously scheduled hearing is rescheduled for a failure to appear and held, City shall pay Hearing Examiners for one hearing. Parking for Hearing Examiners conducting hearings in the City of Beverly Hills shall be provided by the City free of charge. Hearing Examiners shall not be entitled to reimbursement for other expenses incurred in connection with the services provided herein."

Section 2. The Agreement is hereby extended through January 6, 2010, pursuant to Section 8 of the Agreement, entitled "Term and Termination".

Section 3. Except as specifically amended by Section 2 of Amendment No. 1 and this Amendment No. 2, the Agreement shall remain in full force and effect.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_, at Beverly Hills, California.

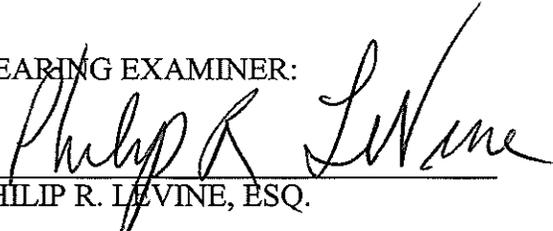
CITY OF BEVERLY HILLS, a municipal corporation

\_\_\_\_\_  
BARRY BRUCKER  
Mayor of the City of Beverly Hills,  
California

ATTEST:

\_\_\_\_\_  
BYRON POPE (SEAL)  
City Clerk

HEARING EXAMINER:

  
\_\_\_\_\_  
PHILIP R. LEVINE, ESQ.

[signatures continue]

HEARING EXAMINER:

  
\_\_\_\_\_  
JUDY A. SHERMAN, ESQ.

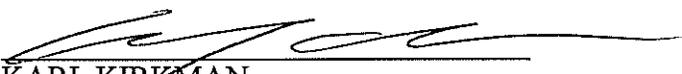
APPROVED AS TO FORM:

  
\_\_\_\_\_  
LAURENCE S. WIENER  
City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
RODERICK J. WOOD  
City Manager

  
\_\_\_\_\_  
DAVID D. GUSTAVSON  
Director of Public Works and Transportation

  
\_\_\_\_\_  
KARL KIRKMAN  
Risk Manager