

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Jennifer Mellon, Administrative Services Manager 

DATE: August 4, 2013 (CC Meeting of 9/4/13)

SUBJECT: Consider Amendment No. 1 to the Agreement with Library Systems and Services, LLC and Consider Resolution Amending the Fiscal Year 2013/14 (FY 13/14) Budget Allocating Funds from the Library Services Fund (1010)

BACKGROUND AND DISCUSSION

On May 8, 2012, the City entered into a five-year Agreement with Library Systems and Services, LLC (LSSI) for operation of the Moorpark City Library. This Agreement consists of staffing and operation costs to provide daily management of the library. This Amendment No. 1 to the Agreement you are considering tonight is to clarify the language and intent within the original Agreement between the City and LSSI. Staffing costs were called out per Fiscal Year in the Agreement and general expense costs were identified; however, there was an error in the total cost of the Agreement in Section 7.1 and in the agenda report.

In Exhibit B, Scope of Services and Compensation of the Agreement, the staffing costs are broken out by year at a total cost of \$2,195,524 for the term of the Agreement and the general expense costs are identified to, "remain at twenty-five thousand dollars (\$25,000) for the term of the Agreement and will be invoiced by LSSI at a monthly amount of two thousand eighty-three dollars and thirty-three cents (\$2,833.33)." This implies that the amount is just \$25,000; not \$25,000 per year as intended. The total general expense cost for the term of the Agreement was to be \$25,000 annually or \$125,000 over the five-year term of the Agreement as understood by both parties at the time the Agreement was executed.

The actual total cost of the five-year agreement should include staffing at a cost of \$2,195,524 as well as the general expense cost of \$25,000 per year for a total of \$125,000 which was left out of the calculation. The total cost for staffing and general expenses for LSSI to provide Library Services for the Term of the Agreement from July 1, 2011 through June 30, 2016 should be \$2,320,524.

The Attached Amendment No. 1 to the LSSI Agreement corrects and clarifies the total cost amounts.

FISCAL IMPACT

There will be an impact to the Library Services Fund (1010) of \$25,000 in FY 13/14 as well as in the remaining two years of the Agreement Term; FY 14/15 and FY 15/16.

STAFF RECOMMENDATION **(ROLL CALL VOTE)**

- 1) Authorize the City Manager to execute Amendment No. 1 to the Agreement with Library Systems and Services, LLC
- 2) Adopt Resolution No. 2013-____, amending the budget for Fiscal Year 2013/14 allocating funds from the Library Services Fund (1010) budget.

Attachment 1: Amendment No. 1
Attachment 2: Resolution

**AMENDMENT NO. 1
TO AGREEMENT BETWEEN THE CITY OF MOORPARK AND
LIBRARY SYSTEMS AND SERVICES, LLC (LSSI) FOR OPERATION OF THE
MOORPARK CITY LIBRARY**

This Amendment No. 1 to the Agreement between the City of Moorpark, a municipal Corporation ("City"), and Library Systems and Services, LLC (LSSI), a Maryland limited liability company, ("Consultant") for operation of the Moorpark City Library is made and entered into the _____ day of _____, 2013.

RECITALS

WHEREAS, on May 8, 2012, the City and Consultant entered into an Agreement for Consultant to provide library services including staffing and daily operations; and

WHEREAS, the Agreement compensation and payment Section 7.1 and Exhibit B, Section G do not accurately reflect the total cost of the Agreement; and

WHEREAS, the \$25,000.00 cost for general expenses which is to be paid annually throughout the five-year term of the Agreement was not included in the total cost of the Agreement; therefore, the total cost of the Agreement needs to be increased by \$125,000.

NOW, THEREFORE, it is mutually agreed by and between the parties to amend the Agreement as follows:

I. Section 7, COMPENSATION AND PAYMENT, is amended by replacing Section 7.1 in its entirety as follows:

Compensation for the services to be performed by Consultant shall be in accordance with Exhibit B. Compensation shall not exceed the rates, annual compensation limits, or total contract value of two million, three hundred twenty thousand, five hundred twenty-four dollars (\$2,320,524) as stated in Exhibit B, without the written authorization of the City Manager. Payment by City to Consultant shall be in accordance with the provisions of the Agreement.

II. Exhibit B, Section G, GENERAL EXPENSES, is amended by changing the first sentence of the section as follows:

General Expenses shall be set at twenty-five thousand dollars (\$25,000) per year throughout the five-year term of the Agreement for a total amount of one hundred twenty-five thousand dollars (\$125,000) and will be invoiced by LSSI at a monthly amount of two thousand eighty-three dollars and thirty-three cents (\$2,083.33).

III. Remaining Provisions:

Except as revised by this Amendment No. 1, all of the provisions of the Agreement shall remain in full force and effect.

CITY OF MOORPARK

LIBRARY SYSTEMS AND SERVICES, LLC

By: _____
Steven Kueny, City Manager

By: _____
Ronald Dubberly, CEO

Attest:

Maureen Benson, City Clerk

RESOLUTION NO. 2013-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING THE FISCAL YEAR 2013/14 BUDGET TO ALLOCATE \$25,000.00 FROM THE LIBRARY SERVICES FUND (1010) FOR AMENDMENT NO. 1 TO THE AGREEMENT WITH LIBRARY SYSTEMS AND SERVICES, LLC.

WHEREAS, on May 8, 2012, the City entered into an Agreement with Library Systems and Services, LLC (LSSI); and

WHEREAS, a staff report has been presented to said Council requesting a budget amendment allocating \$25,000.00 from the Library Services Fund (1010) for Amendment No. 1 to the Agreement with LSSI ; and

WHEREAS, Exhibit "A" hereof describes said budget amendment and the resulting impact to the budget line item.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. A budget amendment allocating \$25,000.00 from the Library Services Fund (1010), more particularly described in Exhibit "A" attached hereto is hereby approved.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 4th day of September, 2013.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Attachment: Exhibit A – Budget Amendment

EXHIBIT A

**BUDGET AMENDMENT FROM THE LIBRARY SERVICES FUND FOR AMENDMENT
NO. 1 TO THE AGREEMENT WITH LIBRARY SYSTEMS AND SERVICES, LLC.**

FUND ALLOCATION FROM:

FUND TITLE	FUND ACCOUNT NUMBER	AMOUNT
Library Services Fund	1010-5500	\$25,000.00
Total		\$25,000.00

DISTRIBUTION OF APPROPRIATION TO EXPENSE ACCOUNTS:

BUDGET NUMBER	ADOPTED	REVISION	ADJUSTED
1010.7640.0000.9205	\$60,000.00	\$25,000.00	\$85,000.00
Total	\$60,000.00	\$25,000.00	\$85,000.00

Finance approval: 