



Subject: Second Continuation Agreement for
Elections Commission Evaluator
(through 12/31/10)

Council Agenda: 3-1-11
Item: 2.7

City Council Action Request

Richard Doyle
City Attorney

CEQA: Not a Project,
File No. PP10-066(e)

Coordination: City
Clerk's Office

Date: 2-17-11

RECOMMENDED ACTION:

Adopt a resolution authorizing the City Attorney to execute a Second Continuation Agreement with Hanson, Bridgett LLP to provide legal and investigative services as the Evaluator to the San José Elections Commission for services through December 31, 2010, extending the term through March 31, 2011 to allow for payment, and increasing compensation by \$22,620, for a total amount of compensation not to exceed \$202,620.

BASIS FOR RECOMMENDATION:

The San José Municipal Code and the Elections Commission Regulations and Procedures provide that the City Council shall retain an independent and neutral Evaluator, selected by the Commission, to review and investigate complaints that are filed with the Commission alleging violations of the Ethics Ordinances in Title 12 of the Municipal Code. Section 12.04.080 of the Municipal Code states that the City Council shall appropriate the funds necessary for the Evaluator.

On December 14, 2010, the City Council approved a new agreement with Hanson Bridgett LLP for legal and investigative services as the Evaluator and Investigator to the San José Elections Commission for a four-year term beginning on January 1, 2011 and extending through January 1, 2015. Prior to this agreement, Hanson Bridgett had been providing these services to the San José Elections Commission under an agreement which expired on December 31, 2010.

During the month of December, 2010, Hanson Bridgett was required to provide a higher than anticipated level of legal and investigative services to the Elections Commission under the prior contract. It is now necessary to enter into a Second Continuation Agreement to add compensation for services provided during the term of the prior contract.

COST AND FUNDING SOURCE:

Elections Commission Appropriation 3383; Adopted Budget Page IX-32; Ordinance 28765, June 29, 2010.

FOR QUESTIONS CONTACT: LISA HERRICK, Sr. Deputy City Attorney, (408) 535-1963