



## Legislation Text

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**File #:** 24-563, **Version:** 1

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*Report Prepared by: Craig J. Cornwell, City Attorney*

**SUBJECT:** Approval of Agreement for Professional Services with Thomas E. Lewis, Attorney at Law for Administrative Hearing Officer Services

### REPORT IN BRIEF

Considers approving an agreement for professional services with Thomas E. Lewis, Attorney at Law for administrative hearing officer services.

### RECOMMENDATION

**City Council** - Adopt a motion:

- A. Approving an Agreement for Professional Services with Thomas E. Lewis, Attorney at Law; and,
- B. Authorizing the Finance Officer to make the necessary budget adjustments; and,
- C. Authorizing the City Manager to execute the necessary documents.

### ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to conditions other than as recommended by staff; or,
3. Deny; or,
4. Continue to a future meeting.

### AUTHORITY

Charter of the City of Merced, Section 200.

### CITY COUNCIL PRIORITIES

As provided for in the 2024-25 Budget.

### DISCUSSION

As part of the City of Merced's Administrative Citations Program, the City is required to have an independent hearing officer for citizens appealing citations issued by the City of Merced employees pursuant to the Administrative Citations Program.

The City also requires the services of an independent hearing officer for appeals by citizens challenging parking citations issued by City of Merced employees. Parking citations may include allegations concerning equipment violations in addition to parking violations.

Mr. Lewis has been acting as the City's Hearing Officer since 2016 for such appeals. It is the City's desire to continue utilizing Mr. Lewis' services at the rate of \$225.00 per hearing per case. The flat fee per case is very reasonable when factoring the time the hearing officer will expend on a case, which includes conducting the hearing, preparing a written decision, serving the decision, and any additional time in the event a matter is continued for any reason (at the discretion of the hearing officer).

### **IMPACT ON CITY RESOURCES**

\$20,000 of funding is available within the City Attorney's FY24-25 Proposed operating budget. Future years will be included in the budget process.

### **ATTACHMENTS**

1. Agreement for Professional Services