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OFFICE OF THE CITY CLERK  
OAKLAND

2014 FEB 13 PM 1:22 **AGENDA REPORT**

**TO:** DEANNA J. SANTANA  
CITY ADMINISTRATOR

**FROM:** David McPherson  
Revenue & Tax Administrator

**SUBJECT:** Contract Award to Adjudication  
Hearing Officers

**DATE:** January 13, 2014

City Administrator  
Approval 

Date 1/27/14

**COUNCIL DISTRICT:** City-Wide

**RECOMMENDATION**

Staff recommends that the City Council approve a Resolution authorizing the City Administrator to award Professional Services Contracts to Rudy Villegas and to Mario Thornton to serve as Adjudication Hearing Officers for the Parking Section as needed at the discretion of the City Administrator, in a combined total amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000) per year for three (3) years, each with two (2) one-year renewal options. The Contracts with the above mentioned Hearing Officers will be effective upon adoption of the Resolution.

**OUTCOME**

Authorization of this Resolution will result in a Contract with Mr. Rudy Villegas and a Contract with Mr. Mario Thornton, collectively referred to as the "Hearing Officers," to conduct and render decisions on parking violations that have undergone the first level of administrative review or subject to appeal for towed vehicles.

**BACKGROUND/LEGISLATIVE HISTORY**

In July 1993, State of California Assembly Bill 408 decriminalized parking citations and transferred responsibility for citation processing and adjudication from the courts to the issuing agency. State law requires that all counties and municipalities follow the provision of the California Vehicle Code ("CVC") in adjudicating parking citations.

Section 40215 of the CVC specifies that citations must be paid or contested no later than twenty-one (21) calendar days from the issuance of a parking citation, or fourteen (14) calendar days from the mailing of a notice of delinquent parking violation, whichever is later. The recipient of a parking citation ("Contestant") may request an initial administrative review of the citation. The initial review is conducted by the departmental staff to evaluate and determine whether the registered owner was responsible for the violation and/or whether extenuating circumstances

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make dismissal of the citation appropriate in the interest of justice. A Contestant dissatisfied with the results of the initial administrative review may request an administrative hearing within twenty-one (21) days of mailing the results of the initial administrative review letter. If found liable after the administrative hearing, the Contestant may then file an appeal to be heard by the Superior/Municipal Court within thirty (30) calendar days after the mailing of the administrative hearing decision. These timelines are set by the CVC, which also specifies that failure to exercise appeal rights by the deadlines eliminate any further rights to appeals.

Currently in the City of Oakland-Parking Section, there are two contract Hearing Officers who conduct hearings on parking citations, perform tow hearings and handle court cases. The existing Contracts have expired and there is a need to continue providing these public services. Therefore, in search of qualified Hearing Officers and to ensure compliance with the City's contracting policies, the Revenue Division worked with the Contract Compliance Department and initiated a formal Request for Qualifications ("RFQ") process to encourage participation by qualified local entities.

### ANALYSIS

After several meetings between Contract Compliance and Revenue Division staff, it was determined that specialized knowledge, skills, and training were essential to do the work contemplated under the Contract. Thus, it was necessary to engage in a formal RFQ for "As-Needed Adjudication Hearing Officer" to conduct hearings on parking citations issued by City of Oakland staff and other local jurisdictions' law enforcement officers. In preparation for the RFQ, the Contract Compliance Department conducted an availability analysis of certified Local and Small Local Business Enterprise Program (L/SLBE). The search found no L/SLBE's to perform the scope of services as required by the Oakland Municipal Code ("OMC") and CVC.

On October 9, 2013, the Contract Compliance Department issued an RFQ for, "As needed Adjudication Hearing Officer," seeking the most qualified candidates to hear and render decisions on contested Parking Citations. On October 9 and October 16, 2013, the City advertised the RFQ in the Oakland Tribune and San Francisco Chronicle. Furthermore, the RFQ was made available on the City's website. Staff held a pre-proposal meeting on October 23, 2013. Two (2) proposals were submitted to the City by the submission deadline of October 30, 2013, one from Mr. Rudy Villegas and the other from Mr. Mario Thornton. Both proposals were reviewed by the Contract Compliance staff and were found to be qualified and meet the requirements outlined in the RFQ and cover letter. On November 4, 2013, Revenue Division staff interviewed both proposers, and determined that the proposers were qualified by training and experience to render the necessary services.

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The Hearing Officer responsibilities include, but are not limited to, the following:

- Render decisions on parking violations that have undergone the first level of administrative review.
- Conduct independent and impartial hearings that meet the qualifications specified in the California Vehicle Code Section (CVC) 40215(c)(4).
- Conduct in-person or written administrative hearings. Review written declarations and supporting evidence.
- Make findings of facts and render verbal and written decisions.
- Maintain records of hearings decisions and monitor cases until all matters have been resolved.
- Retain all evidence and files in all cases in accordance with departmental procedures.
- Conduct administrative hearings for vehicle owners and drivers on contested parking citations and towed/booted vehicles.
- Review codes, policies, procedures and “best practices” related to parking issues.
- Conduct independent administrative hearings without bias or prejudice to ensure fair and impartial hearing decisions.

### **PUBLIC OUTREACH/INTEREST**

The RFQ was advertised in local newspapers, Oakland Tribune and San Francisco Chronicle. In addition, it was made available on the Contract Compliance Webpage and the City’s iSupplier in order to encourage participation by the local entities.

### **COORDINATION**

This report was prepared by the Revenue Division in coordination with the City Administrator’s Office – Contract Compliance Department, City Attorney’s Office, and the Budget Office.

### **COST SUMMARY/IMPLICATIONS**

The projected combined annual cost of the Professional Services Contracts shall not exceed One Hundred Fifty Thousand Dollars (\$150,000) per year, for three (3) years, with two (2) one-year options to renew. At the June 27, 2013 special meeting of the Oakland City Council approved Resolution 84466 adopting the FY 2013-15 Policy Budget (“Budget”). The adopted Budget appropriated sufficient funds in the Administrative Services Department-Revenue Division budget to fund these contracts.

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**Economic:** There are no economic impacts associated to this report.

**Environmental.** There are no environmental impacts associated to this report.

**Social Equity:** There are no social equity issues associated with this report.

For questions regarding this report, please contact David McPherson, Revenue & Tax Administrator, at (510) 238-6650.

Respectfully submitted,



for David McPherson  
Revenue & Tax Administrator  
Administrative Services Department  
Revenue Division

Reviewed by:  
Margaret O'Brien - Principle Revenue Analyst  
Administrative Services Department- Revenue Division

Prepared by:  
Shahla Azimi - Revenue Analyst  
Administrative Services Department - Revenue Division

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# OAKLAND CITY COUNCIL

*Karen Helen Boyd*  
City Attorney

2014 FEB 13 PM 1:23 RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD PROFESSIONAL SERVICES CONTRACTS TO RUDY VILLEGAS AND TO MARIO THORNTON TO SERVE AS ADJUDICATION HEARING OFFICERS FOR THE PARKING SECTION AS NEEDED AT THE DISCRETION OF THE CITY ADMINISTRATOR, IN A COMBINED TOTAL AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) PER YEAR FOR THREE (3) YEARS, EACH WITH TWO (2) ONE-YEAR RENEWAL OPTIONS.**

**WHEREAS**, in July 1993, State of California Assembly Bill 408 decriminalized parking citations and transferred responsibility for citation processing and adjudication from the courts to the issuing agency; and

**WHEREAS**, Section 40215 of the California Vehicle Code specifies that citations must be paid or contested no later than twenty-one (21) calendar days from the issuance of a parking citation, or fourteen (14) calendar days from the mailing of a notice of delinquent parking violation, whichever is later; and

**WHEREAS**, a parking citation may be contested by the recipient ("Contestant") by requesting an initial administrative review; and the initial administrative review is conducted by City of Oakland-Parking staff; and

**WHEREAS**, if a Contestant is dissatisfied with the results of the initial administrative review, may request an administrative hearing within twenty-one (21) days of mailing the results of the initial administrative review letter; and

**WHEREAS**, currently in the City of Oakland-Parking Section, there are two contract Hearing Officers who conduct hearings on parking citations, perform tow hearings, and handle court cases; and

**WHEREAS**, the existing Professional Services Contracts ("Contracts") have expired and there is a need to continue providing these public services; and

**WHEREAS**, the Revenue Division determined that specialized knowledge, skills, and training were essential to do the work contemplated under the Contracts, and it was necessary to engage in a Request for Qualification ("RFQ") process; and

**WHEREAS**, on October 9, 2013, the City issued an RFQ for "As needed Adjudication Hearing Officer" with a submission deadline of October 30, 2013; and

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**WHEREAS**, in accordance with the City's purchasing policies, the City advertised the RFQ in the Oakland Tribune and San Francisco Chronicle, both on October 9 and October 16, 2013, as well as posted the RFQ on the City's website; and

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**WHEREAS**, a total of two (2) proposals were submitted to the City by the submission deadline, one from Rudy Villegas and the other from Mario Thornton; and

**WHEREAS**, both proposals were reviewed by Contract Compliance staff, and found to meet the requirements outlined in the RFQ and cover letter; and

**WHEREAS**, on November 4, 2013, Revenue Division staff interviewed both Rudy Villegas and Mario Thornton, and determined that the proposers were qualified by training and experience to render the necessary services; and

**WHEREAS**, the term of the Contracts will be for three (3) years, each with two (2) one-year options to renew; and

**WHEREAS**, the projected combined annual cost of the Contracts shall not exceed \$150,000 (One Hundred Fifty Thousand Dollars) per year; and

**WHEREAS**, at the June 27, 2013 special meeting of the Oakland City Council, the Council approved Resolution 84466, adopting the FY 2013-15 Policy Budget ("Budget"), which appropriated sufficient funds to the Administrative Services Department-Revenue Division budget to fund these Contracts; and

**WHEREAS**, the Contracts with the Rudy Villegas and Mario Thornton will be effective upon adoption of the Resolution; and

**WHEREAS**, the public interest will be served by adoption of this Resolution; now therefore, be it

**RESOLVED**, that the City Administrator is hereby authorized to award Professional Services Contracts to Rudy Villegas and to Mario Thornton, in a combined total amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000) per year for three (3) years, each with two (2) one-year renewal options, to serve as Hearing Officers in the City of Oakland Parking section as needed at the discretion of the City Administrator or her designee.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

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