

28. Approve Amendments to Consultant Agreements with Claudia Perez (Mayor Amezcua), Andrew Linares (Councilmember Bacerra), and Valerie Magdaleno (Councilmember Lopez) for Council Aide Services (General Fund)

Department(s):

Recommended Action:

1. Authorize the City Manager to execute second amendments to consultant agreements with Claudia Perez, Andrew Linares, and Valerie Magdaleno for Council Aide Services, to increase the not-to-exceed amount of each agreement by \$10,000, for a total amount not to exceed \$60,000 per agreement, and to extend the term of the agreements to June 30, 2024. (Agreement Nos. A-2024-XXX, A-2024-XXX, A-2024-XXX)
2. Provide input for future Council Aide Services agreements regarding not to exceed amounts by selecting one of the following options:
 - a. Option 1: Invoicing not to exceed \$5,000 per month per agreement, with monthly invoicing of hourly rates, material, and other reimbursable items;
or
 - b. Option 2: Invoicing not to exceed \$60,000 per year per agreement, with monthly invoicing of hourly rates, material, and other reimbursable items



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
May 7, 2024

TOPIC: Amendments to Consultant Agreements for Council Aide Services

AGENDA TITLE

Approve Amendments to Consultant Agreements with Claudia Perez (Mayor Amezcuca), Andrew Linares (Councilmember Bacerra), and Valerie Magdaleno (Councilmember Lopez) for Council Aide Services (General Fund)

RECOMMENDED ACTION

1. Authorize the City Manager to execute second amendments to consultant agreements with Claudia Perez, Andrew Linares, and Valerie Magdaleno for Council Aide Services, to increase the not-to-exceed amount of each agreement by \$10,000, for a total amount not to exceed \$60,000 per agreement, and to extend the term of the agreements to June 30, 2024. (Agreement Nos. A-2024-XXX, A-2024-XXX, A-2024-XXX)
2. Provide input for future Council Aide Services agreements regarding not to exceed amounts by selecting one of the following options:
 - a. **Option 1:** Invoicing not to exceed \$5,000 per month per agreement, with monthly invoicing of hourly rates, material, and other reimbursable items; or
 - b. **Option 2:** Invoicing not to exceed \$60,000 per year per agreement, with monthly invoicing of hourly rates, material, and other reimbursable items

GOVERNMENT CODE §84308 APPLIES: Yes

DISCUSSION

Starting in Fiscal Year 2022-23, the City Council allocated \$420,000 annually to provide Council Aide Services for each member of the council. Under this program, each councilmember may direct the City Manager's Office to engage one or more independent contractors to provide services to that councilmember. These direct services augment general City Council staff support provided by the City Manager's Office and include one or more of the following: (1) data collection and analysis, program evaluation, and public policy; (2) community engagement; and (3) constituent services. As directed by the City Council, the City Manager's Office allocates \$60,000 each Fiscal Year for these services for each of the seven members of the City Council, totaling \$420,000.

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Currently, there are seventeen (17) agreements to support elected officials. The agreements have been executed by the City Manager in accordance with the City Manager's annual award authority of \$50,000. Each agreement has been negotiated and the term, maximum payment, hourly rates, and details have been different for each agreement. The table below provides information concerning each of the agreements:

Aide/Assigned		Date	Term	Amount	Payment Terms
Claudia Perez (Amezcuca)	Original Agreement	12-22-22	Missing Term	\$32,500	Monthly Payments \$5,000
	New Agreement	07-1-23	12-31-23	\$30,000	Hourly Rate of \$55.00
	1 st Amendment	11-07-23	04-30-24	\$50,000	Hourly Rate of \$50.00
Andrew Linares (Bacerra)	Original Agreement	07-19-23	12-31-23	\$30,000	Hourly Rate of \$57.69
	1 st Amendment	11-07-23	04-30-24	\$50,000	Same Rate
Fatima Avalos (Hernandez)	Original Agreement	07-12-23	06-30-24	\$30,000	Hourly Rate of \$22.00
Terry Tucker (Hernandez)	Original Agreement	09-01-23	06-30-24	\$30,000	Hourly Rate of \$27.00
Valerie Magdaleno (Lopez)	Original Agreement	05-01-23	06-30-23	\$30,000	Hourly Rate of \$35.00
	New Agreement	07-01-23	12-31-23	\$30,000	Hourly Rate of \$35.00
	1 st Amendment	11-07-23	04-30-24	\$50,000	Hourly Rate of \$40.00
Elizabeth Alvarado (Lopez)	Original Agreement	05-24-22	06-30-23	\$30,000	Hourly Rate of \$30.00
Frida Ramirez (Penaloza)	Original Agreement	10-19-23	06-30-24	\$40,000	Hourly Rate of \$38.00
Ricardo Cuica (Penaloza)	Original Agreement	11-17-23	06-30-24	\$20,000	Hourly Rate of \$59.00
Amanda Tran (Phan)	Original Agreement	10-05-23	12-31-23	\$5,000	Hourly Rate of \$30.00
	1 st Amendment	12-07-23	12-10-24	\$20,000	Same Rate
Dustin Lam (Phan)	Original Agreement	06-30-22	12-22	\$15,000	Hourly Rate \$30.00 + pay travel
	1 st Amendment	12-28-22	12-31-24	No Increase	Same Rate
Lisbeth Rosales (Phan)	Original Agreement	08-30-22	12-31-22	\$15,000	Hourly Rate \$30.00
	1 st Amendment	12-28-22	12-31-24	No Increase	Same Rate

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Elizabeth Alvarado (Vazquez)	Original Agreement	07-12-23	06-30-24	\$30,000	Hourly Rate \$30.00
Lynn Ygual (Vazquez)	Original Agreement	07-01-23	06-30-24	\$30,000	Hourly Rate of \$50.00
Yenni Diaz (Vazquez)	Original Agreement	11-01-23	06-30-24	\$25,000	Hourly Rate of \$35.00

In the past two years, City Manager's Office staff has administered 22 agreements including amendments. The administration of these agreements require invoice processing, renewal of expired agreements, amendments of current agreements, and the tracking of time, involving City Manager's Office, City Attorney's Office, and Finance and Management Services staff time. Staff is proposing to streamline the agreement process and seeks City Council input. Provided feedback will allow Staff to formulate standardized policies and procedures for this program. Input requested includes the maximum allowable invoicing at \$5,000 per month or the option of \$60,000 annually with invoicing of hourly rates, material, and other reimbursable items.

A new administrative policy will be developed to ensure uniformity for new agreements and will provide direction outlining City Council Aides approved parameters. These parameters will include language that includes but is not limited to prohibiting political campaigning, participation in City internal confidential meetings, limitations of hours and use of City equipment and services, and appropriate invoicing and accounting for the consultant services. Additionally, to streamline the agreement process, new agreements will be standardized to end in alignment with the City's fiscal year (June 30).

The approval of this item will allow the extension of the agreements referenced in the exhibits to end with the fiscal year, June 30, 2024. The amendment will not exceed the allotted \$60,000 per City Councilmember. New agreements will be prepared for the term of July 1, 2024 through June 30, 2025, and those agreements that exceed the \$50,000 City Manager authority will be brought to City Council for consideration and approval.

FISCAL IMPACT

This item includes three proposed amendments that, if approved by the City Council, will increase City Council aide consultancy services-related expenditures by \$30,000 for the remainder of FY 2023-24. Funds in the amount of \$30,000 are available for expenditure in the City Council Service Enhancement – Contracted Vendor Personnel Services account (no. 01104012-62302).

EXHIBIT(S)

1. Second Amendment to Agreement with Claudia Perez
2. Second Amendment to Agreement with Andrew Linares
3. Second Amendment to Agreement with Valerie Magdaleno

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May 7, 2024
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Submitted By: Steven Mendoza, Assistant City Manager

Approved By: Alvaro Nuñez, Acting City Manager

**SECOND AMENDMENT TO CONSULTANT AGREEMENT WITH CLAUDIA PEREZ
TO PROVIDE LEGISLATIVE SUPPORT SERVICES FOR
MAYOR VALERIE AMEZCUA**

THIS SECOND AMENDMENT to the above-referenced agreement is entered into on May 1, 2024, by and between Claudia Perez (“Consultant”) and the City of Santa Ana, a charter city and municipal corporation organized and existing under the Constitution and laws of the State of California (“City”).

RECITALS

- A. The parties entered into Agreement No. N-2023-187 (“Agreement”) dated July 1, 2023, to provide legislative support services for Mayor Valerie Amezcua.
- B. On November 7, 2023, the parties entered into a First Amendment to the Agreement (#N-2023-187-01) to extend the term of the Agreement until April 30, 2024, revise the Consultant’s hourly rates, and increase the total “not-to-exceed” amount to the available compensation. The Agreement is current and in effect.
- C. The parties now wish to further amend the Agreement to increase the total “not to exceed” amount available under the Agreement and to extend the term of the Agreement. No other changes are contemplated by this Second Amendment.

The Parties therefore agree:

- 1. **Section 2.a., Compensation**, is amended to read as follows: City agrees to pay, and Consultant agrees to accept as total payment for Consultant’s services for City, the amounts listed in sections 2.b. through 2.f. of this Agreement. The total sum to be expended during the term of this Agreement **shall not exceed \$60,000.00**.
- 2. **Section 3, Term**, is amended to read as follows: This Agreement shall commence on July 1, 2023 and terminate on June 30, 2024, unless terminated earlier in accordance with Section 15, below.
- 3. Except as modified by this Second Amendment, all terms and conditions of the Agreement, as amended, shall remain in full force and effect.

[signatures on following page]

**SIGNATURE PAGE FOR SECOND AMENDMENT TO CONSULTANT AGREEMENT
WITH CLAUDIA PEREZ TO PROVIDE LEGISLATIVE SUPPORT SERVICES FOR
MAYOR VALERIE AMEZCUA**

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to the Agreement on the date and year first written above.

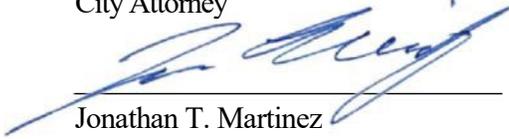
Jennifer L. Hall
City Clerk

Alvaro Nunez
Acting City Manager

APPROVED AS TO FORM

CONSULTANT

City Attorney



Jonathan T. Martinez
Assistant City Attorney

Claudia Perez

**SECOND AMENDMENT TO CONSULTANT AGREEMENT WITH ANDREW
LINARES TO PROVIDE LEGISLATIVE SUPPORT SERVICES FOR
COUNCILMEMBER PHIL BACERRA**

THIS SECOND AMENDMENT to the above-referenced agreement is entered into on May 1, 2024, by and between Andrew Linares (“Consultant”) and the City of Santa Ana, a charter city and municipal corporation organized and existing under the Constitution and laws of the State of California (“City”).

RECITALS

- A. The parties entered into Agreement No. N-2023-195 (“Agreement”) dated July 1, 2023, to provide legislative support services for Councilmember Phil Bacerra.
- B. On November 7, 2023, the parties entered into a First Amendment to the Agreement (#N-2023-195-01) to extend the term of the Agreement until April 30, 2024, and increase the total “not-to-exceed” amount to the available compensation. The Agreement is current and in effect.
- C. The parties now wish to further amend the Agreement to increase the total “not to exceed” amount available under the Agreement and to extend the term of the Agreement. No other changes are contemplated by this Second Amendment.

The Parties therefore agree:

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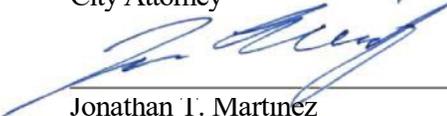
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**SIGNATURE PAGE FOR SECOND AMENDMENT TO CONSULTANT AGREEMENT
WITH ANDREW LINARES TO PROVIDE LEGISLATIVE SUPPORT SERVICES FOR
COUNCILMEMBER PHIL BACERRA**

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to the Agreement on the date and year first written above.

Jennifer L. Hall
City Clerk

APPROVED AS TO FORM
SONIA R. CARVALHO
City Attorney



Jonathan I. Martinez
Assistant City Attorney

Alvaro Nunez
Acting City Manager

CONSULTANT

Andrew Linares

**SECOND AMENDMENT TO CONSULTANT AGREEMENT WITH VALERIE
MAGDALENO TO PROVIDE LEGISLATIVE SUPPORT SERVICES
FOR COUNCILMEMBER JESSIE LOPEZ**

THIS SECOND AMENDMENT to the above-referenced agreement is entered into on May 1, 2024, by and between Valerie Magdaleno (“Consultant”) and the City of Santa Ana, a charter city and municipal corporation organized and existing under the Constitution and laws of the State of California (“City”).

RECITALS

- A. The parties entered into Agreement No. N-2023-165 (“Agreement”) dated July 1, 2023, to provide legislative support services for Councilmember Jessie Lopez (*then* Mayor Pro Tem Jessie Lopez).
- B. On November 7, 2023, the parties entered into a First Amendment to the Agreement (#N-2023-165-01) to extend the term of the Agreement until April 30, 2024, revise the Consultant’s hourly rates, and increase the total “not-to-exceed” amount to the available compensation. The Agreement is current and in effect.
- C. The parties now wish to further amend the Agreement to increase the total “not to exceed” amount available under the Agreement and to extend the term of the Agreement. No other changes are contemplated by this Second Amendment.

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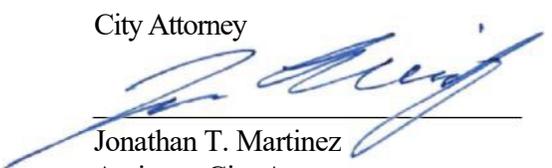
[signatures on following page]

**SIGNATURE PAGE FOR SECOND AMENDMENT TO CONSULTANT AGREEMENT
WITH VALERIE MAGDALENO TO PROVIDE LEGISLATIVE SUPPORT SERVICES
FOR COUNCILMEMBER JESSIE LOPEZ**

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to the Agreement on the date and year first written above.

Jennifer L. Hall
City Clerk

APPROVED AS TO FORM
SONIA R. CARVALHO
City Attorney



Jonathan T. Martinez
Assistant City Attorney

Alvaro Nunez
Acting City Manager

CONSULTANT

Valerie Magdaleno