

AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF MANHATTAN BEACH AND HARRIS &
ASSOCIATES.

This First Amendment (“Amendment No. 1”) to that certain agreement by and between the City of Manhattan Beach, a California municipal corporation (“City”) and Harris & Associates, a California corporation (“Consultant”) (collectively, the “Parties”) is hereby entered into as of June 7, 2022 (“Effective Date”).

RECITALS

A. On March 24, 2020, the City and Consultant entered into an agreement for professional services for the Consultant to provide direct assessment services for street lighting and landscaping (“Agreement”);

B. The Parties now desire to amend the Agreement modify the Scope of Services to include all the City’s direct assessments for FY 2022-23, FY 2023-24, and FY 2024-25 and increase the Maximum Compensation to \$93,000.

NOW, THEREFORE, in consideration of the Parties’ performance of the promises, covenants, and conditions stated herein, the Parties hereby agree as follows:

Section 1. Section 2 of the Agreement is hereby revised to extend the term of the Agreement through June 30, 2025, unless sooner terminated as provided in Section 12 of the Agreement.

Section 2. Section 3.A of the Agreement is hereby revised to increase the Maximum Compensation amount by \$70,350, for a new Maximum Compensation of \$93,000.

Section 3. “Exhibit A – Scope of Services and Fee Schedule” of the Agreement is hereby replaced by the Exhibit A attached to this Amendment.

Section 4. Except as specifically amended by this Amendment No. 1, all other provisions of the Agreement shall remain in full force and effect.

IN WITNESS THEREOF, the Parties hereto have executed this Amendment No. 1 on the day and year first shown above.

[SIGNATURE PAGE FOLLOWS]

The Parties, through their duly authorized representatives are signing this Amendment No. 1 on the date stated in the introductory clause.

City:

Consultant:

City of Manhattan Beach,
a California municipal corporation

Harris & Associates,
a California corporation

By: _____

Name: Bruce Moe
Title: City Manager

DocuSigned by:

Alison Bouley

Name: Alison Bouley, P.E.
Title: Vice President

ATTEST:

By: _____ 5/26/2022

Name: Liza Tamura
Title: City Clerk

APPROVED AS TO FORM:

DocuSigned by:

City Attorney, Quinn Barrow

Name: Quinn M. Barrow
Title: City Attorney

APPROVED AS TO FISCAL IMPACT:

DocuSigned by:

Steve S. Charelian

Name: Steve S. Charelian
Title: Finance Director

APPROVED AS TO CONTENT:

DocuSigned by:

Steve S. Charelian

Name: Steve S. Charelian
Title: Finance Director

EXHIBIT A

SCOPE OF SERVICES & FEE SCHEDULE



April 28, 2022

City of Manhattan Beach
Attn: Julie Bondarchuk
Financial Services Manager
1400 Highland Avenue
Manhattan Beach, CA 90266

Re: Proposal for Assessment District and Storm Drain Fee Annual Administration Services

Dear Julie:

Harris & Associates (Harris) is pleased to submit this Annual Administrative Services letter proposal for the City's Landscape & Lighting Assessment District Engineering Services, Stormwater Fee and Utility Undergrounding Assessment Districts (UUAD's). Our previous work with the City as well as extensive experience with the requirements needed for submitting Fees and Assessments to the County will aid in the seamless transition for City Staff. The following is the Scope of Services and Fee for each District:

SCOPE OF SERVICES

I. Utility Undergrounding Assessment District Services

A. Annual Administration Services

- A.1 Identify all costs associated with the administration of Districts and recover those costs through levy process.
- A.2 Determine the fund balance requirements and make recommendations to keep the flow of funds and fund balances in compliance with the bond documents. Cash flow analysis will be performed to determine levy shortfall or surplus collections.
- A.3 Calculate and Submit the levy to the County in the appropriate format. Parcels rejected by the County Auditor Controller will need to be researched; with corrected data submitted for collection on the County Tax Roll. Any parcels that are not submitted to the County for collection should be produced as handbills by the consultant with payment directed to the City.
- A.4 Provide reports throughout the year coinciding with the performance of the annual administration. These reports will include, a detail of the amounts submitted to the levy, details of delinquent assessments, fund analysis, paid off parcels and release of liens, all bond call activity, and assessed valuation information.

A.5 Provide assessment payoff calculations to interested parties.

A.6 Prepare all documents required to release the liens of parcels that have prepaid the assessment.

B. Delinquency Management Services

B.1 Research the records of the County Tax Collector for payment information to determine which parcels are delinquent after the property tax installment due dates. Delinquency reports will include parcel lists showing the Assessor Parcel Numbers, property owner and delinquent amount for each parcel. Reports will be prepared after the December 10th and April 10th collections have been processed and the County has made the information available.

B.2 Maintain a database that includes a regularly updated delinquency history of the parcels in the UUAD previously levied. Delinquency history shall include delinquent amounts for each parcel including statutory penalties and interest due, reference to those parcels that have been referred to Foreclosure Counsel, and prior year delinquencies that have been paid.

B.3 Review any policies established related to the collection of delinquent assessments for consistency with the foreclosure covenant and/or with the requirements of the bond issue. Make recommendations to the City as appropriate.

B.4 Assist in preparing documents submitted to City requesting authorization of foreclosure action. Harris will provide initial delinquent amounts (including penalty and interest) to Foreclosure Counsel in the event that foreclosure proceedings are initiated.

B.5 Prepare and forward letters (on City letterhead) to City for mailing, via first-class mail, registered return receipt (if requested), to the current property owners at the time and in the format required by the delinquency policy. Harris will respond to public requests regarding delinquent notices and can prepare, if necessary, statements to the requesting party of all amounts delinquent including penalties, interest, and roll removal fees.

C. Assessment Apportionment Services

C.1 Perform 1915 Act lien apportionments pursuant to Part 10.5 of Division 10 of the California Streets and Highway Code, Section 8740 et seq., consisting of the following services in conjunction with functions performed by the City of Manhattan Beach. This scope assumes that the apportionments will be initiated at the time an application for any tract map, parcel map or lot line adjustment is filed at the City.

C.2 Apportion the special assessment according to the method of spread as described in the Engineer's Report.

C.3 Prepare an amended assessment diagram, notice and report. The diagram and notice will be filed and recorded with the County Recorder.

C.4 Prepare and deliver a notice of apportionment via certified mail to the issuing underwriter.

II. Stormwater Fee Services

A. Annual Administration Services

A.1 Receive levy database from the City.

A.2 Submit the levy to the County in the appropriate format. Parcels rejected by the County Auditor Controller will need to be researched; with corrected data submitted for collection on the County Tax Roll. Any parcels that are not submitted to the County for collection should be produced as handbills by consultant with payment directed to the City.

III. Landscape and Lighting Maintenance Assessment District Administration Services

Provisions of the Landscaping and Lighting Act of 1972 will be used in completing the work. This scope of work is based on the assumption that there will be no increases in assessment rates as defined by Article XIID of the California Constitution (Prop. 218) and the Prop 218 Omnibus Implementation Act.

A. Annual Administration Services

A.1 Coordinate with City staff to review the LLMD, receive budgets and confirm schedule.

A.2 Obtain all available information from the City regarding the LLMD, including current assessment database, electronic map files from the City, a listing of projected expenditures, revenues, and any additional information.

A.3 Research changes to the existing database.

A.4 Incorporate into the database the proposed assessment rates, based on the actual costs are for each parcel within each zone, up to the maximum allowable assessment rates.

A.5 Provide the City with updated summaries.

A.6 Conduct one status meeting in conjunction with the draft Engineer's Report.

A.7 Furnish one bound copy and one electronic copy of the Engineer's Report and one bound copy of the Preliminary Assessment Roll, for processing and filing.

A.8 Attend (if requested) the City Council meetings considering the Resolution of Intention and the Public Hearing, and provide technical support and answer questions.

A.9 After confirmation of assessment rates by City Council, update the current database file with the latest Assessor’s parcel numbers and land use information, and submit the assessments to the Los Angeles County Auditor/Controller’s office in the required format. Make necessary corrections, if required, after receipt of the Exception Report from the County. Furnish two (2) bound copies and an electronic version of the Final Assessment Roll for the LLMD to the City.

Responsibilities of the City

- a. Prepare all resolutions and notices of public hearings or other meetings to be published by the City Clerk.
- b. Provide qualified legal counsel to provide legal advice to City staff and to the Assessment Engineer, as required.
- c. Provide access to records and data resulting in subdivision of land affecting the LLMD.

IV. Extended Services

A. Extended Services

- A.1 Attendance at City meetings.
- A.2 Any other services requested and authorized by the City.

FEE SCHEDULE

Based on our knowledge and understanding of the City’s District and the Scope of Work outlined herein, Harris & Associates will provide the annual administration services for the following fees:

IA. UUAD Annual Administration Services per table below
plus \$800 per payoff calculation

District	Parcel Count	Annual Fee
UUAD 2018	713	\$5,000
UUAD 19-4	127	\$3,000

UUAD 19-12	162	\$3,000
UUAD 19-14	180	\$3,000
Total for IA UUAD Annual Administration Services		\$14,000

IB. UUAD Delinquency Management Services.....\$1,250 per district annually
plus \$500 per delinquency letter

IC. UUAD Assessment Apportionment Services\$1,200 per application
plus \$60 per lot

ID. UUAD Continuing Disclosure Services \$2,500 per report
plus \$500 per notice of significant event

IIA. Stormwater Fee Annual Administration Services

Stormwater Administration	12,816 Parcels	\$5,000
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IIIA. Landscape and Lighting Maintenance Assessment District Administration Services

Landscape and Lighting Maintenance District Administration	Zone 1-9	\$6,550
	Zone 10	\$1,000
Total for Landscape and Lighting Maintenance District Administration		\$7,550
Total for all services		\$26,550
*annually the fees will be escalated by 4%		

IVA. Extended Services..... based on table below
Subject to annual inflation escalation equal to CPI

Harris & Associates
2022 Schedule of Hourly Rates *

Assessment Engineer.....	\$220 - 270 / hour
Project Manager.....	\$190 - 220 / hour
Senior Project Analyst	\$130 - 180 / hour
Project Analyst	\$115 - 130 / hour
Administrative Staff.....	\$95 / hour

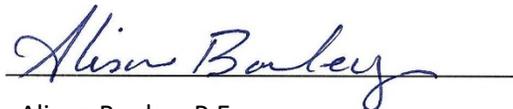
* Hourly rates may be updated on an annual (calendar year) basis.

Indirect expenses (such as mileage, duplicating and postage) are included in the fees above. Invoices will be submitted monthly for services provided in the previous month and shall be paid within 30 days of receipt. Harris reserves the right to negotiate mutually acceptable contract language.

Our team is excited about the prospect of continuing our working relationship with the City of Manhattan Beach. If you have any questions regarding this proposal please call or email either of us. Our contact information is listed below.

Sincerely,

Harris & Associates



Alison Bouley, P.E.
Vice President
Municipal Funding & District Finance
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