



Legislation Details (With Board Report)

File #: 14-903 **Name:** Active Network Amendment No. 1
Type: General Agenda Item **Status:** Passed
File created: 8/12/2014 **In control:** Board of Supervisors
On agenda: 8/26/2014 **Final action:** 8/26/2014
Title: a. Approve the Park Department’s Amendment No. 1 to the Agreement between Monterey County and Active Network, Inc., adding to the current terms approved on July 30, 2013 for the internet based reservation software solution; and
b. Authorize the Chair of the Monterey County Board of Supervisors to sign Amendment No. 1 to the Agreement.

Sponsors:

Indexes:

Code sections:

Attachments: 1. AN Amendment 1_signed copy.pdf, 2. AN Agreement.pdf, 3. Treasurer Notice_12.19.13.pdf, 4. Completed Board Order

Date	Ver.	Action By	Action	Result
8/26/2014	1	Board of Supervisors	approved	

a. Approve the Park Department’s Amendment No. 1 to the Agreement between Monterey County and Active Network, Inc., adding to the current terms approved on July 30, 2013 for the internet based reservation software solution; and
b. Authorize the Chair of the Monterey County Board of Supervisors to sign Amendment No. 1 to the Agreement.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve the Park Department’s Amendment No. 1 to the Agreement between Monterey County and Active Network, Inc., adding to the current terms approved on July 30, 2013 for the internet based reservation software solution; and
- b. Authorize the Chair of the Monterey County Board of Supervisors to sign Amendment No. 1 to the Agreement.

SUMMARY/DISCUSSION:

The Parks Department is seeking to amend the Agreement with Active Network, Inc., for the on-line reservation system approved by the Monterey County Board of Supervisors on July 30, 2013. Since the Agreement was approved, the Parks Department has worked with Active Network, Inc., to develop and plan the implementation of the on-line reservation system. Through this process, there were several items identified which the Parks Department is requesting to include in the services provided by Active Network, Inc. These include the capability to offer special pricing for groups of 10 or more reservations, a gift card program to offer park visitors, and the inclusion of the lakes’ marina slip rentals.

In addition, the Monterey County Treasurers Office required that additional language be included to address the potential need to change the merchant of record for processing of transactions paid for through electronic credit card format as well as to securitize funds.

The proposed changes added to Section 4 of the Agreement, reflect the additional burden for implementation of the services provided. These surcharges to current fees reflect no more than the reasonable costs of providing the services, are allocated to the payor in a fair and reasonable relationship to the service provided, are in alignment with other agency fees for similar services, and reflect no more than the burden on the County for providing the benefit to the customers using the on-line system. As part of the Agreement, the service fees are being passed on to the payor as part of the provision of the service. As such, the fees are not 'taxes' as that term is defined pursuant to Article XIIC, section 1.e (1),(2) and (4) (fee is not 'tax' if charge arises from benefit received by payor, services provided to payor, and/or use of or admission to government property by payor).

OTHER AGENCY INVOLVEMENT:

In addition to the Parks Department and the Monterey County Treasurer-Tax Collector, County Counsel has reviewed and approved the Amendment, as to form.

FINANCING:

Amendment No. 1 updates the Compensation and Payment Section 4.0 to include additional services available on the reservation system which had not previously been considered. There is no impact to the General Fund Contribution as a result of this action.

Prepared by: Stella Sandoval, Finance Manager, 831-758-4895

Approved by:

Nicholas E. Chiulos, Assistant CAO/Interim Parks Director

Attachments on file with Clerk of the Board:

- Amendment No. 1 to the Agreement with Active Network, Inc. dated July 30, 2013
- Letter to Parks Department from Monterey County Treasurer-Tax Collector