



Office of the City Manager

CONSENT CALENDAR

October 28, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin Fong, Director, Information Technology

Subject: Waiver of Sanctuary City Contracting Ordinance to Contract with Superior LLC (a CentralSquare company) for FUND\$ Software Maintenance and Support

RECOMMENDATION

Adopt a Resolution waiving the contract prohibition of Chapter 13.105, Sanctuary City Contracting, in order to continue contracting with Superior LLC (a CentralSquare company, aka "Superior") for software maintenance and support of the FUND\$ system, which is critical to the City's operations.

CURRENT SITUATION AND ITS EFFECTS

The City seeks a Council waiver for the Sanctuary City Contracting Ordinance to finalize a contract with Superior, the sole vendor for the proprietary, mission-critical FUND\$ system (30 years of use managing revenue, taxation, and land management).

While Council approved the contract in December 2023 (Res. 71,133-N.S.) and later an amendment for \$592,500 total spending in June 2025 (Res. 71,795-N.S.), the administrative contract process was never completed. A new contract is required where one did not previously exist. As part of the contract process, when asked to accept the City's updated contract boilerplate, Superior refused to sign the Sanctuary City form.

Superior falls under the scope of the Sanctuary City Contracting Ordinance (BMC 13.105) because it serves Federal agencies, however, when asked if they conduct data brokering and extreme data vetting to agencies such as ICE, they responded: "CentralSquare does not currently provide the covered services to ICE. As a public safety vendor, we cannot agree to preclude ourselves from potentially providing these services in the future."

Given the lack of any reasonable alternative vendor to maintain this essential platform, Council approval of a waiver is required under Berkeley Municipal Code Chapter 13.105 to prevent catastrophic disruption to City operations.

BACKGROUND

The City implemented the Superior system in the 1990's and has since built extensive processes, data management, and financial workflows around it. The system integrates deeply into City operations, and replacement requires a multi-year procurement and implementation effort which is currently underway.

Superior is widely used across state and local governments, as well as by some Federal agencies. As the proprietary vendor, it retains exclusive rights and ability to maintain, patch, and support the City's installation. Because no third party can provide equivalent services, the City has no alternative but to continue this contract.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

A contract with Superior involves only the provision of software maintenance and support services. There are no identifiable environmental impacts.

RATIONALE FOR RECOMMENDATION

The City depends on the FUND\$ system to carry out essential financial and land management operations. No other vendor can provide maintenance and support, and interruption of services would significantly impair the City's ability to collect revenue, manage land records, and administer taxes.

ALTERNATIVE ACTIONS CONSIDERED

None. No alternative vendors are available, and replacement of the system is not feasible in the short term. Staff do not recommend continuing to use this critical software without software maintenance and support.

CONTACT PERSON

Kevin Fong, Director, Information Technology, (510) 981-6541

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

ADOPT A RESOLUTION WAIVING THE CONTRACT REQUIREMENTS OF THE SANCTUARY CITY CONTRACTING ORDINANCE PURSUANT TO CHAPTER 13.105 OF THE BERKELEY MUNICIPAL CODE, IN ORDER TO CONTRACT WITH SUPERION LLC FOR MAINTENANCE AND SUPPORT OF THE CITY'S LEGACY ENTERPRISE SYSTEM

WHEREAS, the City of Berkeley has used the Superior LLC ("Superion") enterprise system for more than 30 years to support Accounts Receivable/General Billing, Tax System, and Land Management operations; and

WHEREAS, Superior is the sole provider of licensing, maintenance, and support for this proprietary system; and

WHEREAS, no alternative vendor exists that can maintain and support the City's existing system, and replacement is not feasible in the short term; and

WHEREAS, pursuant to Ordinance No. 7,650-N.S. and Chapter 13.105, the Sanctuary City Contracting Ordinance, Council may grant a waiver upon determining that no reasonable alternative exists; and

WHEREAS, continuation of this contract is essential to maintaining financial stability, tax collection, and land management functions for the City.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a waiver of the "no-contract" provision of BMC Section 13.105 is approved in order for the City to continue its contract with Superior LLC for software maintenance and support services.

