

VALLEY CLEAN ENERGY ALLIANCE
Board of Directors Meeting

Staff Report – Item 12

To: Valley Clean Energy Alliance Board of Directors

From: Mitch Sears, Interim General Manager

Subject: Approval of Proposal to Retain Pacific Policy Group for Lobbying Services

Date: March 12, 2019

RECOMMENDATION

Authorize VCE's Interim General Manager to execute an amendment to the Pacific Policy Group ("PPG") Agreement for lobbying services to (1) modify the term, retroactive to February 1, 2020; (2) extend the termination date to June 30, 2020; and (3) increase the not to exceed amount to \$85,000.

BACKGROUND

During VCE's first year of operations, there were several legislative bills identified in the 2017-2018 Legislative session that pose significant issues for CCA's. Although VCE participates in the joint CalCCA Legislative group for monitoring of legislative bills that may have significant impact on CCA's, VCE did not have a lobbying and consulting firm that would provide legislative advocacy services for VCE's specific interests.

On February 1, 2019 an agreement with PPG was entered into for lobbying services with an expiration date of January 31, 2020 and a not to exceed amount of \$60,000. As of February 1, 2020, VCE has expended the \$60,000.

As VCE enters into the 2020-2021 Legislative session, staff believes the continuance of VCE's direct engagement in the legislative process is needed as an increasing number of complex energy related Bill are introduced. In particular, Bills threatening CCA's core activities and viability as well as PG&E bankruptcy related legislation are introduced. In order to be effective and have a voice in the process a lobbying presence in Sacramento is necessary. Staff has been satisfied with PPG's performance, responsiveness, and professionalism and is therefore recommending an extension of the existing contact for lobbying services.

Staff is requesting that the contract be extended through June 30, 2020 and increase the contract by \$25,000 to a not to exceed amount of \$85,000 to cover the costs for the months of February 2020 through June 2020. This increase can be accommodated in the FY2019-2020 operating budget.

CONCLUSION

Staff recommends to the Board that the contract amount be increased to a not to exceed amount of \$85,000 and extend the contract to expire on June 30, 2020 to cover costs through the end of the second quarter of 2020.

Attachments: Amendment One (1)
Resolution

AMENDMENT NO. ONE (1)
TO THE ENERGY ADVISORY SERVICES
BETWEEN
VALLEY CLEAN ENERGY ALLIANCE
AND
PACIFIC POLICY GROUP, LLP

1. Parties and Date.

This Amendment No. One (1) to the Energy Advisory Services is made and entered into as of this 1st day of February 2020, by and between Valley Clean Energy Alliance, a Joint Powers Agency, existing under the laws of the State of California (“VCEA”) and Pacific Policy Group, a Limited Liability Partnership (“PPG”). VCEA and PPG are sometimes individually referred to as “Party” and collectively as “Parties.”

2. Recitals.

2.1 VCEA and PPG entered into a legal services agreement effective February 14, 2019 for the purpose of retaining PPG to provide energy advisory services described in the Agreement. (“the “ Agreement”)

2.2 Amendment Purpose. VCEA and PPG desire to amend the Agreement to extend the term through June 30, 2020 and increase the not to exceed amount under the Agreement.

3. Terms.

3.1 Amendment. Sections 1.4 Term and 4.1 Compensation of the Agreement are hereby amended in their entirety to read as follows:

1.4 Term. The term of this Agreement shall begin on the date VCEA Board of Directors approves this Agreement with a term period of February 1, 2019 through June 30, 2020 or when terminated as provided in Article 5.

4.1 Compensation. This is a “time and materials” based agreement. Consultant shall receive compensation, including authorized reimbursements, for Services rendered under this Agreement at the rates, in the amounts and at the times set forth in **Exhibit D**. Notwithstanding the provisions of Exhibit D, the total compensation shall not exceed Eighty-five Thousand (\$85,000) without written approval of VCEA. Extra work may be authorized, as described in the July 11, 2019 Agreement, and if authorized, will be compensated at the rates and manner set forth in this Agreement.

3.4 Continuing Effect of Agreement. Except as amended by this Amendment No. One (1), all other provisions of the Energy Advisory Services Agreement remain in full force and effect and shall govern the actions of the parties. From and after the date of this Amendment No. One (1) whenever the term “Agreement” appears in the Agreement, it shall mean the Agreement as amended by this Amendment No. One (1).

3.6 Severability. If any portion of this Amendment No. One (1) is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

IN WITNESS WHEREOF, the Parties have entered into this Amendment No. ONE (1) as of the 12th day of March 2020.

VALLEY CLEAN ENERGY ALLIANCE

PACIFIC POLICY GROUP, LLP

By: _____
Mitch Sears
Interim General Manager

By: _____
Its: Owner

Printed Name: Mark Fenstermaker

APPROVED AS TO FORM:

By: _____
Harriet Steiner
VCEA Attorney

VALLEY CLEAN ENERGY ALLIANCE

RESOLUTION NO. 2020- _____

A RESOLUTION OF THE VALLEY CLEAN ENERGY ALLIANCE APPROVING AMENDMENT ONE (1) TO THE PACIFIC POLICY GROUP AGREEMENT FOR LOBBYING SERVICES AND AUTHORIZING THE VCE INTERIM GENERAL MANAGER TO EXECUTE THE AMENDMENT

WHEREAS, the Valley Clean Energy Alliance (“VCE”) is a joint powers agency established under the Joint Exercise of Powers Act of the State of California (Government Code Section 6500 et seq.) (“Act”), and pursuant to a Joint Exercise of Powers Agreement Relating to and Creating the Valley Clean Energy Alliance between the County of Yolo (“County”), the City of Davis (“Davis”), the City of Woodland and the City of Winters (“Cities”) (the “JPA Agreement”), to collectively study, promote, develop, conduct, operate, and manage energy programs; and,

WHEREAS, during VCE’s first year of operations, there were several legislative bills identified in the 2017-2018 Legislative session that posed significant issues for CCAs;

WHEREAS, VCE participates in the joint CalCCA Legislative group for monitoring of legislative bills that may have significant impact on CCA’s, however VCE did not have a lobbying and consulting firm that provided legislative advocacy services for VCE’s specific interests; and,

WHEREAS, on February 1, 2019 an agreement was entered into between VCE and Pacific Policy Group, LLP, (“PPG”) for lobbying services, said agreement expired on January 31, 2020.

NOW, THEREFORE, the VCE Board of Directors hereby authorizes the VCE Interim General Manager to execute on behalf of VCE Amendment One (1) to the PPG Agreement for lobbying services 1) modifying the term, retroactive to February 1, 2020 and extending the termination date to June 30, 2020 and 2) increasing the not to exceed amount to \$85,000, as set forth in the attached Exhibit A – Amendment One (1) to PPG’s Agreement.

PASSED, APPROVED, AND ADOPTED, at a regular meeting of the Valley Clean Energy Alliance, held on the ____ day of _____ 2020 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Don Saylor, VCE Chair

Alisa M. Lembke, VCE Board Secretary

Attachment: Exhibit A - Amendment One (1) to Pacific Policy Group Agreement

Exhibit A

Amendment One (1) to Pacific Policy Group Agreement