

VALLEY CLEAN ENERGY ALLIANCE**Staff Report – Item 10**

TO: Board of Directors

FROM: Mitch Sears, Executive Officer

SUBJECT: Approval of Amendment 4 to Pacific Policy Group agreement extending the agreement and increasing the not to exceed amount

DATE: June 9, 2022

RECOMMENDATION

Authorize VCE's Executive Officer to execute an amendment to the Pacific Policy Group Agreement for lobbying services extending the term six (6) months from July 1, 2022 to December 31, 2022, with a total not to exceed additional amount of \$30,000 for this time period.

BACKGROUND and ANALYSIS

In February 2019, VCE retained Mark Fenstermaker of Pacific Policy Group (PPG) as VCE's lobbyist to represent VCE on legislative matters at the capitol. The contract was for one year at a not to exceed amount of \$60,000. Staff and PPG utilized the VCE Vision, Mission statement and Board actions and direction to identify priorities for VCE legislative activities. The agreement with PPG has been extended three times by the Board, at the same monthly rate, through June 2022.

With the 2021-2022 Legislative session in process, staff believes the continuance of VCE's direct engagement with the Legislature is important as key energy Bills continue to move through the process. In order to be effective and execute VCE's legislative platform, staff believes it is necessary to have an experienced lobbying presence in Sacramento. Staff continues to be satisfied with PPG's performance, responsiveness, and professionalism and is therefore recommending an extension of the existing contact for lobbying services.

The cost for the current recommended extension through December 2022 is at the same monthly rate for a total six (6) month agreement extension of \$30,000. This amount has been budgeted in the Calendar Year 2022 operating budget.

CONCLUSION

Staff recommends approval of Amendment 4, extending VCE's agreement with PPG through December 31, 2022 and setting the total compensation for the period of July 1, 2022 through December 31, 2022 not to exceed \$30,000.

Attachments:

1. PPG Amendment Four (4)
2. Resolution 2022-XXX

FOURTH AMENDMENT
TO THE AGREEMENT FOR CONSULTANT SERVICES
BETWEEN
VALLEY CLEAN ENERGY ALLIANCE
AND
PACIFIC POLICY GROUP, LLP

1. Parties and Date.

This Fourth (4th) Amendment to the Consultant Services Agreement (“#4 Amendment”), is made and entered into as of this __ day of _____ 2022, by and between Valley Clean Energy Alliance, a Joint Powers Agency, existing under the laws of the State of California with its principal place of business at 604 2nd Street, Davis, California 95616 (“VCE”) and Consultant, a Pacific Policy Group, a Limited Liability Partnership (“PPG”), with its principal place of business at 1121 L Street, Suite 700, Sacramento, CA 95814 (“PPG”). VCE and PPG are sometimes individually referred to as “Party” and collectively as “Parties.”

Recitals.

1. On February 1, 2019 VCE and PPG entered into an “Agreement for Consultant Services (“Agreement”), for the purpose of retaining Pacific Policy Group to provide the services described in Exhibit A of the Agreement. The Agreement was for a term of one (1) year and a total amount not to exceed \$60,000.

2. On February 1, 2020 the VCE Board of Directors approved Resolution No. 2020-009 authorizing the Executive Officer to execute #1 Amendment to the Agreement, extending the term for 5 months for a new expiration date of June 30, 2020, and increasing the not to exceed amount by \$25,000, for a total amount not to exceed \$85,000. On June 11, 2020 the VCE Board of Directors approved Resolution No. 2020-018 authorizing the Executive Officer to execute #2 Amendment to the Agreement, extending the term for one year for a new expiration date of June 30, 2021 and for a not to exceed amount of \$60,000. On April 8, 2021 the VCE Board of Directors approved Resolution 2021-007 authorizing the Executive Officer to execute #3 Amendment to the Agreement, extending the term for one (1) year for a new expiration date of June 30, 2022 and for a not to exceed amount of \$60,000

3. VCE and PPG now desire to further amend the Agreement to extend the term by six (6) months for a new expiration date of December 31, 2022 and increase the not to exceed amount by \$30,000 for a total amount not to exceed \$90,000.

Now therefore, for good and valuable consideration, the amount and sufficiency of which is hereby acknowledged, the Parties agree as follows:

3.1 Section 1.4 Term of the Agreement is hereby amended in its entirety to read as follows:

1.4 Term. The term of this Agreement, which began on February 1, 2019 shall end on December 31, 2022, unless amended as provided in this Agreement, or when terminate as provided in Article 5.

3.2 Sections 4.1 Compensation of the Agreement is hereby amended in its entirety to read as follows:

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**. The total compensation as set forth in Amendment No. 3 shall continue through June 30, 2022. Thereafter and notwithstanding the provisions of Exhibit D, the total compensation for the period July 1, 2022 through December 31, 2022 shall not exceed Thirty Thousand (\$30,000) without written approval of VCE. Extra work may be authorized, as described in the Agreement, and if authorized, will be compensated at the rates and manner set forth in this Agreement.

4. Except as amended by this #4 Amendment, all other provisions of the Agreement will remain in full force and effect.

5. If any portion of this #4 Amendment is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

[Signatures on Next Page]

**SIGNATURE PAGE FOR #4 AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES
BETWEEN VALLEY CLEAN ENERGY ALLIANCE
AND PACIFIC POLICY GROUP**

IN WITNESS WHEREOF, the Parties have entered into this #4 Amendment as of the _____ day
of _____ 2022.

VALLEY CLEAN ENERGY ALLIANCE

NAME OF CONSULTANT

By: _____
Mitch Sears
Executive Officer

By: _____
Its: Principal and Co-Founder

Printed Name: Mark Fenstermaker

APPROVED AS TO FORM:

By: _____
Inder Khalsa
VCE Attorney

VALLEY CLEAN ENERGY ALLIANCE

RESOLUTION NO. 2022- _____

A RESOLUTION OF THE VALLEY CLEAN ENERGY ALLIANCE APPROVING AMENDMENT FOUR (4) TO THE PACIFIC POLICY GROUP AGREEMENT FOR LOBBYING SERVICES AND AUTHORIZING VCE EXECUTIVE OFFICER TO EXECUTE THE AMENDMENT

WHEREAS, The Valley Clean Energy Alliance (“VCE”) was formed as a community choice aggregation agency (“CCA”) on November 16, 2016, under the Joint Exercise of Power Act, California Government Code sections 6500 et seq., among the County of Yolo, and the Cities of Davis and Woodland, to reduce greenhouse gas emissions, provide electricity, carry out programs to reduce energy consumption, develop local jobs in renewable energy, and promote energy security and rate stability in all of the member jurisdictions. The City of Winters, located in Yolo County, was added as a member of VCE and a party to the JPA in December of 2019; and,

WHEREAS, VCE participates in the joint CalCCA Legislative group for monitoring of legislative bills that may have significant impact on CCA’s, but VCE desired to have a lobbying and consulting firm that provided legislative advocacy services for VCE’s specific interests;

WHEREAS, on February 1, 2019 an agreement was entered into between VCE and Pacific Policy Group, LLP, (“PPG”) for lobbying services;

WHEREAS, through Amendments 1, 2 and 3, the Agreement was extended to expire June 30, 2022 and the not to exceed amounts were modified; and,

NOW, THEREFORE, the VCE Board of Directors hereby authorizes the VCE Executive Officer to execute on behalf of VCE Amendment Four (4) to the PPG Agreement for lobbying services attached hereto and incorporated herein extending term for six (6) months effective July 1, 2022 terminating December 31, 2022 for a total compensation not to exceed \$30,000 for this time period, as set forth in the attached Exhibit A – Amendment Four (4) to PPG’s Agreement.

PASSED, APPROVED, AND ADOPTED, at a regular meeting of the Valley Clean Energy Alliance, held on the ___ day of _____ 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jesse Loren, VCE Chair

Alisa M. Lembke, VCE Board Secretary

Attachment: Exhibit A – Amendment Four (4) to Pacific Policy Group Agreement

EXHIBIT A

AMENDMENT FOUR (4) TO PACIFIC POLICY GROUP AGREEMENT