

VALLEY CLEAN ENERGY ALLIANCE

Staff Report – Item 11

TO: Board of Directors

FROM: Mitch Sears, Interim General Manager

SUBJECT: Approval of Amendment 3 extending the agreement with Pacific Policy Group for lobbying services

DATE: April 8, 2021

RECOMMENDATION

Authorize VCE's Interim General Manager to execute an amendment to the Pacific Policy Group ("PPG") Agreement for lobbying services extending term one-year effective July 1, 2021 terminating June 30, 2022 for a not to exceed amount of \$60,000.

BACKGROUND

During VCE's first year of operations, there were several legislative bills identified in the 2017-2018 Legislative session that posed 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.

To address this need, the Board approved a contract with PPG in February 2019 for lobbying services at a not to exceed amount of \$60,000/yr. The agreement was extended by the Board at the original cost through June 30, 2021. This contract allows VCE to execute its legislative platform most recently updated by the Board in December 2020.

With the 2021 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 this agreement extension for lobbying services is \$60,000/yr and will be budgeted in the FY20201-2022 operating budget.

CONCLUSION

Staff recommends approval of Amendment 3, extending VCE's agreement with PPG through June 30, 2022.

Attachments:

1. Amendment Three (3)
2. Resolution

AMENDMENT NO. THREE (3)
TO THE ENERGY ADVISORY SERVICES
CONSULTANT AGREEMENT
BETWEEN
VALLEY CLEAN ENERGY ALLIANCE
AND
PACIFIC POLICY GROUP, LLP

1. Parties and Date.

This Amendment No. Three (3) to the Energy Advisory Services Agreement is made and entered into as of 1st day of May 2021, 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 consultant services agreement effective February 1, 2019 for the purpose of retaining PPG to provide energy advisory services, including lobbying services, described in the Agreement (“the “Agreement”); extended this Agreement, by Amendment No. 1 through June 30, 2021.

2.2 Amendment Purpose. VCEA and PPG desire to amend the Agreement to extend the term through June 30, 2022 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 which began on February 1, 2019 and has been extended through June 30, 2021 shall be extended and shall continue from July 1, 2021 through June 30, 2022 unless terminated as provided in Article 5.

3.2 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. 2 shall continue through June 30, 2021. Thereafter and notwithstanding the provisions of Exhibit D, the total compensation for the period July 1, 2021 through June 30,

2022 shall not exceed Sixty Thousand (\$60,000) without written approval of VCEA. 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.

3.4 Continuing Effect of Agreement. Except as amended by this Amendment No. Three (3), 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. Three (3) whenever the term “Agreement” appears in the Agreement, it shall mean the Agreement as amended by this Amendment No. Three (3).

3.6 Severability. If any portion of this Amendment No. Three (3) 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. THREE (3) as of the _____ day of _____, 2021.

VALLEY CLEAN ENERGY ALLIANCE

PACIFIC POLICY GROUP, LLP

By: _____
Mitch Sears
Interim General Manager

By: _____
Its: Principal and Co-founder

Printed Name: Mark Fenstermaker

APPROVED AS TO FORM:

By: _____
Harriet Steiner
VCEA Attorney

VALLEY CLEAN ENERGY ALLIANCE

RESOLUTION NO. 2021- _____

A RESOLUTION OF THE VALLEY CLEAN ENERGY ALLIANCE APPROVING AMENDMENT THREE (3) TO THE PACIFIC POLICY GROUP AGREEMENT FOR LOBBYING SERVICES AND AUTHORIZING THE VCE INTERIM GENERAL MANAGER TO EXECUTE THE AMENDMENT

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 and 2, the Agreement was extended to expire June 30, 2021 and the not to exceed amounts were modified; and,

NOW, THEREFORE, the VCE Board of Directors hereby authorizes the VCE Interim General Manager to execute on behalf of VCE Amendment Three (3) to the PPG Agreement for lobbying services attached hereto and incorporated herein extending term for one year effective July 1, 2021 terminating June 30, 2022 for a not to exceed amount of \$60,000, as set forth in the attached Exhibit A – Amendment Three (3) to PPG's Agreement.

PASSED, APPROVED, AND ADOPTED, at a regular meeting of the Valley Clean Energy Alliance, held on the ___ day of _____ 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dan Carson, VCE Chair

Alisa M. Lembke, VCE Board Secretary

Attachment: Exhibit A - Amendment Three (3) to Pacific Policy Group Agreement

Exhibit A

Amendment Three (3) to Pacific Policy Group Agreement