



### Consent Item 10

**TO:** East Bay Community Energy Board of Directors  
**FROM:** Howard Chang, Chief Operating Officer  
**SUBJECT:** Legal Services Approval  
**DATE:** July 17, 2019

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#### Recommendation

Adopt a resolution authorizing the Chief Executive Officer, or a designee to negotiate and execute contracts with select legal firms in accordance with the board approved legal budget, totaling \$1,076,000 for fiscal year 2019-2020.

Selected law firms include:

- Richards Watson & Gershon -General Counsel Services
- Davis Wright Tremaine - Policy
- Keyes & Fox - Policy/Compliance/Power procurement
- Hall Energy Law - Power Procurement
- Wilson Sonsini Goodrich & Rosati - Power Procurement
- Liebert Cassidy & Whitmore - Employment/HR
- Nixon Peabody - Finance

#### Background

On June 19, 2019, EBCE Board approved the 2019-2020 fiscal year budget. The budget includes a total legal budget of \$1,076,000 across legislative and regulatory policy, power procurement, general counsel services, finance, and other areas. In June 2018 EBCE launched a broad legal services RFP to select legal expertise across various staff functions. Staff is seeking approval to get enabled with the following selected law firms. All firms were previously utilized in Fiscal year 2018-2019. Staff is pleased with the prior services and interested in maintaining strong working relationships as it seeks new enabling agreements.

- Richards Watson & Gershon -General Counsel Services
- Davis Wright Tremaine - Policy
- Keyes & Fox - Policy/Compliance/Power procurement
- Hall Energy Law - Power Procurement
- Wilson Sonsini Goodrich & Rosati - Power Procurement
- Liebert Cassidy & Whitmore - Employment/HR
- Nixon Peabody - Finance

The anticipated budget breakdown across these functions is:

1. Outside General Counsel: \$250,000-350,000
2. Policy: \$200,000-300,000
3. Power Procurement: \$350,000-450,000
4. Other: \$100,000-200,000

### **Conclusion**

Staff anticipates contract amounts with the selected law firms in varying amounts that may exceed \$100,000. Staff is seeking approval of a resolution that would approve the CEO or a designee to negotiate and execute contracts with the identified legal firms consistent with the total legal budget of \$1,076,000 as approved by the board on June 19, 2019

### **Attachments:**

- A. Resolution Authorizing Chief Executive Officer to Negotiate and Execute Legal Service Agreements with selected law firms.

**RESOLUTION EBCE R-2019-**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE EAST BAY COMMUNITY ENERGY AUTHORITY  
AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO NEGOTIATE  
AND EXECUTE LEGAL SERVICE AGREEMENTS WITH SELECTED  
LAW FIRMS**

**WHEREAS**, the East Bay Community Energy Authority (“EBCE”) was formed pursuant to a Joint Powers Agreement to study, promote, develop, conduct, operate, and manage energy programs in Alameda County; and

**WHEREAS**, in June 2018 the EBCE issued a broad legal services RFP to select law firms to provide legal expertise across various staff functions, including legislative and regulatory policy, power procurement, general counsel services, finance, and other areas; and

**WHEREAS**, EBCE has previously utilized the following law firms to secure such legal expertise: Richards Watson & Gershon, Davis Wright Tremaine, Keyes & Fox, Hall Energy Law, Wilson Sonsini Goodrich & Rosati, Liebert Cassidy & Whitmore, and Nixon Peabody; and

**WHEREAS**, on June 19, 2019, the EBCE Board approved the 2019-2020 fiscal year budget, including a total legal budget of \$1,076,000 across legislative and regulatory policy, power procurement, general counsel services, finance, and other areas; and

**WHEREAS**, EBCE is pleased with the prior services provided by these law firms; and

**WHEREAS**, EBCE intends to enter into enabling agreements with the aforementioned law firms and seeks to direct and authorize the CEO to negotiate and execute such agreements in varying amounts that may exceed \$100,000.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY, DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The CEO is hereby authorized to negotiate and execute Legal Service Agreements for one-year terms with the law firms of Richards Watson & Gershon, Davis Wright Tremaine, Keyes & Fox, Hall Energy Law, Wilson Sonsini Goodrich & Rosati, Liebert Cassidy & Whitmore, and Nixon Peabody. The Legal Services Agreements may be for varying amounts that exceed \$100,000, but the total compensation under the Agreements shall be consistent with the legal budget of \$1,076,000 for the 2019-2020 Fiscal Year as approved by the Board on June 19, 2019.

**ADOPTED AND APPROVED this 17<sup>th</sup> day of July, 2019.**

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Dan Kalb, Chair

**ATTEST:**

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Stephanie Cabrera, Clerk of the Board