



## Staff Report Item 18

**TO:** East Bay Community Energy Board of Directors

**FROM:** Howard Chang, Chief Operating Officer

**SUBJECT:** Legal Services Contracts Approval (Action Item)

**DATE:** June 17, 2020

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### Recommendation

Adopt a Resolution authorizing the Chief Executive Officer to negotiate and execute contracts with select legal firms in accordance with the legal budget, totaling \$970,000 for fiscal year 2020-2021.

### Background and Discussion

The EBCE budget presented to the Board tonight includes a total legal budget of \$970,000 across regulatory, policy, power procurement, general counsel services, and other areas. Staff is seeking approval to contract with the following law firms:

- Braun Blasing Smith Wynne - Policy
- Davis Wright Tremaine - Policy
- Hall Energy Law - Power Procurement
- Keyes and Fox - Policy/Compliance/Power Procurement
- Liebert Cassidy Whitmore - Employment/HR
- Richards, Watson and Gershon - General Counsel Services
- Wilson Sonsini Goodrich Rosati - Power Procurement

All firms were utilized in fiscal year 2019-2020, and all except one were utilized in fiscal year 2018-2019. Staff is pleased with the prior services and is interested in maintaining strong working relationships as it seeks new agreements with these vendors for fiscal year 2020-2021.

The anticipated budget breakdown across these functions is:

- Outside General Counsel: \$300,000 - \$350,000
- Regulatory & Policy \$200,000 - \$250,000
- Power Procurement and Local Development: \$350,000 - \$400,000
- Other \$30,000 - \$60,000

### **Fiscal Impact**

Staff anticipates contract amount 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 to negotiate and execute contracts with the identified legal firms consistent with the total budget of \$970,000.

### **Attachments**

- A. Resolution Authorizing the Chief Executive Officer to Negotiate and Execute Legal Service Agreements with Selected Law Firms.

**RESOLUTION NO. \_\_**

**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 as a community choice aggregation agency (“CCA”) on December 1, 2016, under the Joint Exercise of Power Act (California Government Code sections 6500 *et seq.*) among the County of Alameda, and the Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Piedmont, Oakland, San Leandro, and Union City to study, promote, develop, conduct, operate, and manage energy-related climate change programs in all of the member jurisdictions. The Cities of Newark and Pleasanton, located in Alameda County, along with the City of Tracy, located in San Joaquin County, were added as members of EBCE and parties to the JPA in March of 2020; and

**WHEREAS** in June 2018, 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 firms to secure such legal expertise: Braun Blaising Smith Wynne, Davis Wright Tremaine, Hall Energy Law, Keyes and Fox, Liebert Cassidy Whitmore, Richards, Watson and Gershon, and Wilson Sonsini Goodrich Rosati; and

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

**WHEREAS** EBCE intends to enter into Consulting Services 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 Consulting Services Agreements for one-year terms with the law firms of Braun Blaising Smith Wynne, Davis Wright Tremaine, Hall Energy Law, Keyes and Fox, Liebert Cassidy Whitmore, Richards, Watson and Gershon, and Wilson Sonsini Goodrich Rosati.

**Section 2.** The Consulting Services Agreements may be for varying amounts that exceed \$100,000 but the total compensation of all the Agreements shall be consistent with the Board approved legal budget of \$970,000 for fiscal year 2020-2021.

ADOPTED AND APPROVED this 17<sup>th</sup> day of June, 2020.

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Dan Kalb, Chair

ATTEST:

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Stephanie Cabrera, Clerk of the Board