



Consent Item 6

TO: East Bay Community Energy Board of Directors

FROM: Melissa Brandt, Senior Director of Public Policy and Deputy General Counsel

SUBJECT: Extension of Agreement with the Weideman Group for Legislative Advocacy and Advisory Services

DATE: December 16, 2020

Recommendation

Adopt a Resolution authorizing the CEO to negotiate and execute a second amendment to an agreement with Weideman Group to provide government relations representation services for the term of January 1, 2021 to December 31, 2021, with an additional amount not to exceed \$125,000.

Background and Discussion

On January 17, 2018, the Board approved selection of Weideman Group to provide legislative advocacy and advisory services to East Bay Community Energy (EBCE) throughout 2018. On January 16, 2019, the Board approved extending Weideman Group's services by entering into a new one-year agreement with Weideman Group. On January 22, 2020, the Board approved extending Weideman Group's services by one year by entering into an amendment to the agreement with Weideman Group. Weideman Group has represented EBCE with legislators and their staff in Sacramento, in close coordination with the Public Policy Department and in accordance with the Board's adopted positions on legislative bills.

Weideman Group has over 30 years of experience representing entities seeking to navigate California's complex policymaking landscape. Mark Weideman, Principal and Founder will continue to serve as EBCE's chief lobbyist and strategist. Weideman Group professionals have represented both public and private entities in energy and utility matters before the California Legislature, the Governor's Office, the California Energy Commission, the California Public Utilities Commission, the California Environmental Protection Agency, and the California Air Resources Board, among others. Weideman Group also has strong relationships with elected officials, especially the Bay Area delegation.

In 2020, Weideman Group facilitated countless meetings in Sacramento, in-district, and remotely, and supported EBCE in developing relationships with legislators and their staffs, as well as administration officials and other key strategic partners. Weideman Group lobbied on

behalf of EBCE on key bills such as AB 56 (E.Garcia), AB 1839 (Bonta), AB 3014 (Muratsuchi), SB 350 (Hertzberg), SB 774 (Stern), and SB 1240 (Skinner), among others.

EBCE seeks continued assistance from Weideman Group for legislative advocacy and advisory services in 2021, both to represent EBCE's views on bills in the new legislative cycle as well as to provide legislative advocacy and advice around any bills that EBCE may choose to sponsor.

As EBCE entered into a new Consulting Services Agreement with Weideman Group in 2019 as extended in 2020, staff recommends authorizing the CEO to further extend the previous agreement with Weideman Group with an additional \$125,000 for the duration of 2021.

Fiscal Impact

This contract will result in an additional not to exceed \$125,000 spend in calendar year 2021. Legislative Advocacy and Advisory Services are included in the current fiscal year budget at this level.

Attachments

- A. Resolution Authorizing the CEO to execute a consulting services agreement extension with Weideman Group
- B. Second Amendment to the Consulting Services Agreement

RESOLUTION NO. R-2020-X

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CEO TO EXECUTE A SECOND AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH WEIDEMAN GROUP, INC.

THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:

WHEREAS, The East Bay Community Energy Authority (“EBCE”) was formed 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, Castro Valley, Dublin, Emeryville, Fremont, Hayward, Livermore, Oakland, San Leandro, and Union City, to study, promote, develop, conduct, operate, and manage energy and energy-related climate change programs in all 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.

WHEREAS, On January 17, 2018, the Board approved the selection of Weideman Group to provide legislative advocacy and advisory services to East Bay Community Energy through December 31, 2018.

WHEREAS, On January 16, 2019, the Board approved extending Weideman Group’s services by entering into a new one-year Consulting Services Agreement with Weideman Group. On January 22, 2020 the Board approved extending Weideman Group’s services through December 31, 2020.

WHEREAS, Legislative Advocacy and Advisory Services are included in the current fiscal year budget at \$125,000.

WHEREAS, In 2019 and 2020, Weideman Group facilitated countless meetings in Sacramento and in-district, and supported EBCE in developing relationships with legislators and their staffs, as well as administration officials and other key strategic partners. In 2021, EBCE would benefit from continued assistance from Weideman Group for legislative advocacy and advisory services, both to represent EBCE’s views on bills in the new legislative cycle as well as to provide legislative advocacy and advice around any bills that EBCE may choose to sponsor.

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

Section 1. The Board of Directors hereby authorizes the CEO to negotiate and execute a Second Amendment to the Consulting Services Agreement with Weideman Group to increase the not-to-exceed amount by \$125,000 for a total amount not to exceed \$375,000 and to extend the term through December 31, 2021.

ADOPTED AND APPROVED this 16th day of December, 2020.

Dan Kalb, Chair

ATTEST:

Stephanie Cabrera, Clerk of the Board

**Second Amendment to the Consulting Services Agreement
for Services by and Between East Bay Community Energy Authority and
Weideman Group, Inc.**

This Second Amendment to the Agreement with Weideman Group, Inc. for Consulting Services (“Second Amendment”) is made this 1st day of January, 2021, by and between the East Bay Community Energy Authority, a Joint Powers Agency formed under the laws of the State of California (“EBCE”) and Weideman Group, Inc., a California corporation (“Weideman Group”), for the purposes of adding additional compensation and extending the termination date.

Recitals

- A. EBCE and Weideman Group entered into that certain Consulting Services Agreement dated January 1, 2019 (“Agreement”), wherein Weideman Group agreed to provide government relations representation services to EBCE, with compensation not to exceed \$125,000 through December 31, 2019.
- B. EBCE and Weideman Group entered into that certain First Amendment to the Agreement dated January 1, 2020 to extend the term through December 31, 2020 and to increase the not-to-exceed amount by \$125,000 for a total maximum compensation of \$250,000.
- C. EBCE and Weideman Group now desire to further amend the Agreement to add additional compensation and to extend the term.

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

- 1. Section 2 of the Agreement (“Term”) is amended to extend the term of the Agreement through December 31, 2021.
- 2. Section 6.1 of the Agreement is amended in part to increase the total compensation of the Agreement by \$125,000 for a total amount not to exceed three hundred seventy five thousand dollars (\$375,000).
- 3. All other terms and conditions in the Agreement not otherwise modified by this Amendment will remain in full force and effect.

In witness whereof, the Parties have entered into this Second Amendment on the date written above.

East Bay Community Energy Authority,
A Joint Powers Authority

Weideman Group, Inc.,
A California corporation

Nick Chaset
Chief Executive Officer

Mark Weideman
Chief Executive Officer and Secretary

Date: _____

Date: _____

Approved as to form:

EBCE General Counsel