



Consent Item 7

TO: East Bay Community Energy Board of Directors

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

SUBJECT: Third Amendment to the Weideman Group CSA for Legislative Advocacy and Advisory Services

DATE: December 15, 2021

Recommendation

Adopt a Resolution authorizing East Bay Community Energy's (EBCE's) CEO to negotiate and execute a Third Amendment to the Consulting Services Agreement with Weideman Group, Inc. to extend the term through December 31, 2022, and add additional compensation in the amount of \$125,000, for a total not-to-exceed amount of \$500,000.

Background and Discussion

On January 17, 2018, EBCE's Board approved the selection of Weideman Group to provide legislative advocacy and advisory services to EBCE throughout 2018. On January 16, 2019, EBCE entered into a new one-year Consulting Services Agreement (CSA) with Weideman Group. On January 22, 2020, EBCE executed a First Amendment to the January 16, 2019 CSA with Weideman Group. The First Amendment added \$125,000 to the not-to-exceed amount for a total amount not to exceed \$250,000 and extended the term for one year through December 31, 2020. On January 1, 2021, EBCE executed a Second Amendment which added another \$125,000 to the not-to-exceed amount for a total amount not to exceed \$375,000 and extended the term for one additional year through December 31, 2021. For the past four years, Weideman Group has represented EBCE with legislators and their staff in Sacramento, in close coordination with the Public Policy Department and in accordance with EBCE's 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.

Before making its recommendation for 2022, EBCE staff reached out to legislators on Weideman Group's provision of service for EBCE and received very positive feedback.

In 2021, Weideman Group facilitated countless remote meetings with legislators, as well as in-person meetings when possible. Weideman Group supported EBCE in developing relationships with legislators and their staff, as well as with administration officials and other key strategic partners. Weideman Group lobbied on behalf of EBCE on key bills such as AB 33 (Ting), AB 427 (Bauer-Kahan), AB 525 (Chiu), AB 843 (Aguiar-Curry), AB 1139 (Gonzalez), SB 68 (Becker), SB 99 (Dodd), SB 551 (Stern), SB 589 (Hueso), and SB 612 (Portantino), among others.

EBCE seeks continued assistance from Weideman Group for legislative advocacy and advisory services in 2022, both to represent EBCE's views on bills in the new legislative cycle and to provide legislative advocacy and advice around any bills that EBCE may choose to sponsor.

Staff recommends authorizing EBCE's CEO to further amend the CSA with Weideman Group to extend the term for one year for the duration of 2022 with an additional \$125,000 in compensation.

Fiscal Impact

This Third Amendment will result in an additional not-to-exceed \$125,000 spend in calendar year 2022. Legislative Advocacy and Advisory Services are included in the current fiscal year budget at this level.

Attachments

- A. Resolution Authorizing the CEO to Negotiate and Execute a Third Amendment to the Consulting Services Agreement with Weideman Group, Inc.

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE EAST BAY COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CEO TO NEGOTIATE AND EXECUTE A THIRD 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, EBCE’s Board approved the selection of Weideman Group to provide legislative advocacy and advisory services to EBCE 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 (“CSA”) with Weideman Group. On January 22, 2020 EBCE’s Board approved the First Amendment extending Weideman Group’s services through December 31, 2020 and increasing the not-to-exceed amount by \$125,000 resulting in a total not-to-exceed amount of \$250,000,

WHEREAS, On December 16, 2020, EBCE’s Board approved the Second Amendment extending Weideman Group’s services through December 31, 2021 and increasing the not-to-exceed amount by \$125,000 resulting in a total not-to exceed amount of \$375,000,

WHEREAS, Legislative advocacy and advisory services are included in the current fiscal year budget at \$125,000,

WHEREAS, In 2019, 2020, and 2021, Weideman Group facilitated countless meetings in Sacramento, in district and remotely, and supported EBCE in developing relationships with legislators and their staff, as well as with administration officials and other key strategic partners. In 2022, 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. EBCE's Board of Directors hereby authorizes EBCE's CEO to negotiate and execute a Third Amendment to the CSA with Weideman Group to increase the not-to-exceed amount by \$125,000 for a total amount not-to-exceed \$500,000 and to extend the term through December 31, 2022.

ADOPTED AND APPROVED this 15th day of December, 2021.

Dianne Martinez, Chair

ATTEST:

Clerk of the Board