



Consent Item 9

To:	Ava Community Energy Authority
From:	John Perkins, Legal Director
Subject:	Legal Services Agreements Approval for Fiscal Year 2026-2027
Date:	July 15, 2026

Summary/Recommendation

Adopt a Resolution authorizing the CEO or designee to negotiate and execute contracts with legal vendors within the legal department budget and Local Development budget, up to \$3,690,000 in accordance with the approved budget for Fiscal Year 2026-2027.

Financial Impact

Staff anticipates contract amounts with legal vendors in varying amounts that may exceed \$250,000. Staff is seeking approval of a Resolution that would authorize staff to negotiate and execute Agreements with legal vendors for a total amount not to exceed \$3,690,000, as budgeted. For reference, the prior year's approval was for \$4,113,000 for Fiscal Year 2025-2026.

It is likely that the spend for all legal vendors will be less than \$3,690,000, but it would be in Ava's best interest to have those funds available to increase the spend of critical contracts for legal services if necessary.

Analysis and Context

Legal services are an essential function that supports all areas of Ava's operational and strategic priorities. The ability to engage legal counsel as needed, whether through existing relationships or new vendor selection, ensures the legal team can address issues efficiently and with appropriate expertise.

Approval of this Resolution will provide the organization with the flexibility needed to manage legal matters responsibly and within the Board-approved budget, while also streamlining the process to avoid unnecessary delays in securing legal support.

The budget presented to the Board of Directors includes a total of \$3,690,000, for legal vendors across the legal and Local Development budgets. Staff is seeking approval to contract with law firms including the following:

- Davis Wright Tremaine, working with Ava since 2017 – Power Procurement; Local Development; Marketing; Legal
- Hall Energy Law, working with Ava since 2019 – Power Procurement
- Keyes and Fox , working with Ava since 2017 – Policy (Compliance); Power Procurement; Local Development
- Meyers Nave, working with Ava since June 2022 – Power Resources; Legal
- Mouser Law Firm, working with Ava since 2025 – Human Resources
- Nixon Peabody, working with Ava since 2017 - Finance; Legal
- Richards, Watson and Gershon, working with Ava since 2017 – General Counsel Services; Legal (Commercial Transactions)
- The Law Offices of Joseph F. Wiedman, working with Ava since 2021 – Policy; Legal
- Wilson Sonsini Goodrich Rosati, working with Ava since 2018 – Power Procurement; Local Development

In addition to the firms listed above staff is seeking approval to contract with any new legal vendors identified and selected through Ava's solicitation process or with an existing relationship with Ava.

Attachments

- A. Resolution Authorizing the Chief Executive Officer to Negotiate and Execute Agreements with Selected Law Firms for Fiscal Year 2026-2027

RESOLUTION NO. R-2026-XX
A RESOLUTION OF THE BOARD OF DIRECTORS
OF AVA COMMUNITY ENERGY AUTHORITY AUTHORIZING THE CHIEF
EXECUTIVE OFFICER TO NEGOTIATE AND EXECUTE AGREEMENTS
WITH LEGAL VENDORS FOR FISCAL YEAR 2026-2027

WHEREAS Ava Community Energy Authority (“Ava”) was formed as a community choice aggregation agency (“CCA”) on December 1, 2016, under the Joint Exercise of Powers 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 Ava and parties to the Joint Powers Agreement (“JPA”) in March of 2020. The city of Stockton was added as a member to Ava in September of 2022. The city of Lathrop was added as a member to Ava in October of 2023. San Joaquin County was added as a member to Ava in July 2024. On October 24, 2023, Ava legally adopted the name Ava Community Energy Authority, where it had previously used the name East Bay Community Energy Authority since its inception.

WHEREAS In June 2018, Ava 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, local development, finance, and other areas; and

WHEREAS Ava has previously contracted with the following firms to secure such legal expertise: Braun Blasing Smith Wynne, Davis Wright Tremaine, Hall Energy Law, Jewell Stewart Pratt Beckerson & Carr, Keyes and Fox, Meyers Nave, Mouser Law Firm, Nixon Peabody, Richards, Watson and Gershon, The Law Office of Joseph F. Weidman, and Wilson Sonsini Goodrich Rosati, and

WHEREAS In April 2025, Ava issued a broad legal services RFP soliciting for legal expertise across various staff functions, including banking facilities matters; lines of credit; interest rate swaps; and bond issuance, bankruptcy (third party), commercial contracting, commercial litigation, employment law, insurance, power procurement, privacy, Public Works, taxation (payroll and retail), trademarks, copyright, and marketing-related matters; and

WHEREAS legal support to Ava for Fiscal Year 2026-2027 will include both ongoing engagements and engagement with new vendors and requires timely vendor selection and authorization; and

WHEREAS the approved budget for Fiscal Year 2026-2027 included \$3,690,000 for legal services across the legal department budget and the Local Development Budget.

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

Section 1. The CEO or a designee is hereby authorized to negotiate and execute Consulting Services Agreements and any necessary Amendments with firms providing legal services, effective as of June 17, 2026.

Section 2. The Consulting Services Agreements and necessary Amendments may be for varying amounts that exceed \$250,000 but the total spend on legal services shall not exceed \$3,690,000 through June 30, 2027.

ADOPTED AND APPROVED this 15th of July, 2026.

Betsy Andersen, Chair

ATTEST:

Adrian Bankhead, Clerk of the Board