



## Legislation Text

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**File #:** 2021-0558, **Version:** 1

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**To:** Board of Supervisors

**Department or Agency Name(s):** County Counsel

**Staff Name and Phone Number:** Robert Pittman, County Counsel and Luke Bowman, Deputy County Counsel - 707-565-2421

**Vote Requirement:** 4/5th

**Supervisory District(s):** Countywide

**Title:**

Legal Services Agreement with Richards, Watson & Gershon for Sonoma County Energy Independence Program

**Recommended Action:**

Approve and authorize County Counsel to execute a three-year legal services agreement with Richards, Watson & Gershon not to exceed \$45,000 per year for legal services in support of the Sonoma County Energy Independence Program. (4/5<sup>th</sup> Vote Required)

**Executive Summary:**

Richards, Watson & Gershon (RWG) has provided legal support for the Sonoma County Energy Independence Program (SCEIP) since its inception in 2009. RWG specializes in public agency and municipal law and has significant experience and recognized expertise in Property Assessed Clean Energy (PACE) programs and municipal financing procedures. RWG's services are integral to SCEIP's semi-annual bond issuance.

RWG's existing three-year legal services agreement for SCEIP expires on June 30, 2021. County Counsel requests approval and authorization to execute a new three-year legal services agreement, commencing on July 1, 2021 and expiring on June 30, 2024 for legal services in connection with SCEIP. The agreement is capped at \$45,000 per year, for a total amount not-to-exceed \$135,000. The SCEIP Program Administrator supports this request.

**Discussion:**

In 2009, the Board created the Sonoma County Energy Independence Program (SCEIP). SCEIP works at the request and with the consent of property owners to provide financing for eligible improvements. Property owners repay SCEIP financing through an assessment levied against their property, which is payable in semi-annual installments on property tax bills. SCEIP financing is currently available for water conservation improvements, energy efficiency and renewable energy generation improvements, as well as wildfire hardening and seismic strengthening improvements.

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RWG's existing three-year legal services agreement for SCEIP expires on June 30, 2021. Staff requested and RWG agreed to a rate reduction of approximately 30% for the new agreement. County Counsel and the SCEIP Program Administrator recommend approval of the legal services agreement with RWG because RWG has historical knowledge of the program and its bonding procedures that cannot be replicated and can perform the services efficiently and with competitive rates. The proposed agreement is capped at \$45,000 per year, for a total not-to-exceed amount of \$135,000.

**Prior Board Actions:**

2/23/10 - Bond Counsel Contract Amendment;

3/01/11 - Bond Counsel Legal Services Agreement;

6/19/12 - Bond Counsel Amendment and TSS contract amendment;

6/16/15 - Renewal of Professional Support Services;

6/11/18 - Amendments of Professional Support Services for the Sonoma County Energy Independence Program

**FISCAL SUMMARY**

| <b>Expenditures</b>                | <b>FY 20-21<br/>Adopted</b> | <b>FY21-22<br/>Projected</b> | <b>FY 22-23<br/>Projected</b> |
|------------------------------------|-----------------------------|------------------------------|-------------------------------|
| Budgeted Expenses                  | 45,000                      | 45,000                       | 45,000                        |
| Additional Appropriation Requested |                             |                              |                               |
| <b>Total Expenditures</b>          | <b>45,000</b>               | <b>45,000</b>                | <b>45,000</b>                 |
| <b>Funding Sources</b>             |                             |                              |                               |
| General Fund/WA GF                 |                             |                              |                               |
| State/Federal                      |                             |                              |                               |
| Fees/Other                         | 45,000                      | 45,000                       | 45,000                        |
| Use of Fund Balance                |                             |                              |                               |
| Contingencies                      |                             |                              |                               |
| <b>Total Sources</b>               | <b>45,000</b>               | <b>45,000</b>                | <b>45,000</b>                 |

**Narrative Explanation of Fiscal Impacts:**

Previous Bond Counsel contracted amount for fiscal years 2018-2021 were not to exceed \$135,000, or \$45,000 annually. Contract amount for Bond Counsel for fiscal years 2022-2024 are not to exceed \$135,000 or \$45,000 annually. Budgeted expenses for Richards Watson & Gershon are paid via the Sonoma County Energy Independence Program Enterprise fund.

| <b>Staffing Impacts:</b>                       |  |                               |                               |
|--|--|-------------------------------|-------------------------------|
| <b>Position Title (Payroll Classification)</b> | <b>Monthly Salary Range<br/>(A-I Step)</b> | <b>Additions<br/>(Number)</b> | <b>Deletions<br/>(Number)</b> |
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**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

Legal Services Agreement

**Related Items “On File” with the Clerk of the Board:**

N/A