

CITY OF SANTA ROSA  
BOARD OF PUBLIC UTILITIES

TO: BOARD OF PUBLIC UTILITIES

FROM: MOLLY MACLEAN, ASSISTANT CITY ATTORNEY

SUBJECT: APPROVAL OF PROFESSIONAL SERVICES AGREEMENT FOR  
LEGAL SERVICES WITH JONES HALL LLP

AGENDA ACTION: MOTION

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RECOMMENDATION

It is recommended by the City Attorney's Office and the Water Department that the Board of Public Utilities, by motion, approve a professional services agreement with the law firm of Jones Hall LLP for legal services as bond counsel and disclosure counsel for the issuance of the wastewater 2020A bonds in an amount not to exceed one hundred twenty thousand dollars (\$120,000).

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EXECUTIVE SUMMARY

The City has utilized the specialized legal services of the law firm of Jones Hall LLP in connection with several past water and wastewater bond issuances and other financing for the City. The Water Department is pursuing wastewater revenue bond financing to fund the design, procurement and construction of the Ultraviolet Disinfection project at the Laguna Treatment Plant. The City Attorney's Office has negotiated a professional services agreement (PSA) with the firm based on the City's standard PSA with a not to exceed amount of one hundred twenty thousand dollars (\$120,000), which amount is based on the bond amount and which will be paid from the bond proceeds.

BACKGROUND

The Ultraviolet Disinfection System ("UV System") at the City's Laguna Treatment Plant ("LTP") is over twenty years old and has exceeded its effective lifespan. The Water and Transportation and Public Works Departments have plans for the design, procurement and construction of a new UV System to be completed in the next few years. In order to

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fund the UV System project, the City will issue tax-exempt municipal revenue bonds. Bond financing is highly regulated and will require the assistance of outside bond and disclosure counsel.

PRIOR BOARD OF PUBLIC UTILITIES REVIEW

On January 7, 2016, the Board approved a Project Work Order under the Master Professional Services Agreement with Carollo Engineers, Inc., to provide Professional Engineering Services for the LTP Disinfection Improvements project.

On November 17, 2016, the Board approved the original Memorandum of Understanding with Calgon Carbon, guaranteeing an equipment purchase price of \$4,656,500.00 for a period of 18 months.

On August 16, 2018, staff conducted a staff briefing with the Board to provide an update on the Laguna Treatment Plant Disinfection Improvements project. The staff briefing covered the status of the project, associated activities, and anticipated schedules.

On November 15, 2018, staff conducted a staff briefing with the Board to provide an update on the LTP Disinfection Improvements Project. The staff briefing covered the status of the project, associated activities, and anticipated schedules.

On July 18, 2019, the Board conducted a study session for an update to the LTP Disinfection Improvements project. Staff reviewed the history of the project, the current status of the project, and the anticipated future activities and schedules.

On August 15, 2019, the Board approved Project Work Order Amendment No. 1 under the Master Professional Services Agreement with Carollo Engineers, Inc., to provide professional engineering services for the LTP Disinfection Improvements project.

On August 6, 2020, the Board approved an Amended and Restated Memorandum of Understanding with Calgon Carbon, of Coraopolis, PA (Supplier), guaranteeing an equipment purchase price of \$5,634,700.00 for a period of 22 months and authorizing the Director of Water to negotiate and execute an extension to the MOU if feasible, and approving a Professional Services Agreement with the Supplier for design support services in the amount not to exceed \$86,000.00.

ANALYSIS

The City has used the services of Jones Hall LLP for past bond issuances and other financing projects and their expertise has proven to be of value for the City. Additionally,

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staff is seeking to take final approval of the bond issuance to the City Council at the end of October in order to maintain an aggressive timeframe for project completion and therefore staff finds it to be in the best interest of the City to avoid a more time-consuming Request for Proposal process, and to use the services of Jones Hall, which has extensive knowledge of the City's water and wastewater treatment facilities and operations. The City Attorney's Office has negotiated a PSA for legal services with the law firm of Jones Hall LLP that is consistent with the City's standard PSA. The proposed contract amount is one hundred twenty thousand dollars (\$120,000), which amount is based on the bond amount and which will be paid from the bond proceeds. It is recommended by the City Attorney's Office and the Water Department that a contract amount of not to exceed one hundred twenty thousand dollars (\$120,000) be awarded at this time.

FISCAL IMPACT

The contract will be paid from the bond proceeds at the closing of the bond financing.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable

ATTACHMENTS

Attachment 1 - Professional Services Agreement with Jones Hall LLP

CONTACT

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