

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: SUE GALLAGHER, CITY ATTORNEY
SUBJECT: SECOND AMENDMENT TO PROFESSIONAL SERVICES
AGREEMENT NUMBER F002008 WITH GOODIN, MACBRIDE,
SQUERI & DAY, LLP FOR LEGAL REPRESENTATION IN
PROCEEDINGS BEFORE THE CALIFORNIA PUBLIC UTILITIES
COMMISSION

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the City Attorney that the Council, by resolution, approve the Second Amendment to Professional Services Agreement Number F002008 with Goodin, MacBride, Squeri & Day, LLP in the amount of \$75,000 for a total amount not to exceed \$175,000 for continued legal services in connection with regulatory requirements relating to various wildfire and de-energization proceedings before the California Public Utilities Commission.

EXECUTIVE SUMMARY

On June 11, 2019, the City entered into a Professional Services Agreement (PSA) with Goodin, MacBride, Squeri & Day, LLP (Goodin) in the amount of \$40,000 to provide legal services in connection with regulatory requirements relating to various wildfire and de-energization proceedings before the California Public Utilities Commission (CPUC) stemming from the 2017 Wildfires and litigation against Pacific Gas & Electric (PG&E).

On January 16, 2020, the City entered into a First Amendment to the PSA increasing compensation by \$60,000 for a total amount not to exceed \$100,000 and amended the scope of services to include the 2019 Kincade Fire, PG&E's Public Safety Power Shutoff (PSPS) program and related matters.

Proceedings are continuing before the CPUC relating to ongoing PSPS matters, wildfire mitigation and response, PG&E's tree removal, and related matters. Extension of the Goodin contract is required if the City is to continue its participation in these proceedings.

BACKGROUND

Following the 2017 Tubbs Fire and subsequent litigation filed against PG&E, the City joined with other local impacted public agencies and entered into a PSA with Goodin for legal services in pursuit of CPUC regulatory reforms to address PG&E's responsibilities related to wildfire prevention, mitigation and recovery.

Goodin are experts in the practice of regulatory law and have extensive experience representing clients before the CPUC related to gas and electric utility services.

Fees for legal services rendered jointly to the participating public agencies are allocated between the participating agencies, in equal percentages or, if not equal, according to an agreed-upon allocation. Fees for legal services rendered solely on behalf of the City of Santa Rosa are allocated 100% to the City.

In 2019, PSA was amended in order to add compensation and modify the scope of services to include the 2019 Kincade Fire and PSPS related matters. The amendment added \$60,000 in services for a total not to exceed \$100,000.

PRIOR CITY COUNCIL REVIEW

None.

ANALYSIS

The City of Santa Rosa has a need for specialized legal services related to on-going proceedings before the CPUC regarding PG&E's responsibilities in wildfire prevention, mitigation, and recovery. Goodin's services have been helpful in ensuring that appropriate wildfire mitigation plans are in place, that PSPS procedures and protocols are improved to better address local community needs, and to hold PG&E to its responsibilities following utility-caused wildfires. The contract has been cost effective as the City shares much of the cost with other local governments for this legal representation and advice.

FISCAL IMPACT

The continuation of the agreement with Goodin will be funded with budgeted funds within Risk Management's FY 2021-22 budget.

ENVIRONMENTAL IMPACT

The proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) and 15378 in that

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there is no possibility that the implementation of this action may have significant effects on the environment, and that no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Resolution/Exhibit A (Second Amendment to PSA)

CONTACT

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