



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: 19-1275, **Version:** 1

- a. Approve a recommendation from the Legislative Committee to adopt Amendment No. 2 to the Professional Services Agreement with Nossaman LLP to remove the provision of Federal Legislative Advocacy Services from the Agreement effective January 29, 2019 and reduce the not to exceed payment for this portion of the Agreement from \$70,000 for FY 2018-19 to a prorated amount of \$40,456.92 and authorize the Contracts Purchasing Officer to execute Amendment No. 2;
- b. Approve a recommendation from the Legislative Committee to enter into a Professional Services Agreement for Federal Legislative Advocacy Services with Ballard Spahr LLP in an amount not to exceed \$29,731.19 (a prorated amount of \$70,000 for FY 2018-19) for the period of January 29, 2019 to June 30, 2019;
- c. Authorize the Contracts/Purchasing Officer to sign the County's standard Professional Service Agreement with Ballard Spahr LLP with an exemption to the workers' compensation insurance requirements;
- d. Authorize the Contracts/Purchasing Officer to extend the Agreement with Ballard Spahr LLP for up to two (2) additional one (1) year periods under the same scope of work and non-prorated payment provisions included in the Agreement subject to budget approval.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Approve a recommendation from the Legislative Committee to adopt Amendment No. 2 to the Professional Services Agreement with Nossaman LLP to remove the provision of Federal Legislative Advocacy Services from the Agreement effective January 29, 2019 and reduce the not to exceed payment for this portion of the Agreement from \$70,000 for FY 2018-19 to a prorated amount of \$40,456.92 and authorize the Contracts Purchasing Officer to execute Amendment No. 2;
- b. Approve a recommendation from the Legislative Committee to enter into a Professional Services Agreement for Federal Legislative Advocacy Services with Ballard Spahr LLP in an amount not to exceed \$29,731.19 (a prorated amount of \$70,000 for FY 2018-19) for the period of January 29, 2019 to June 30, 2019;
- c. Authorize the Contracts/Purchasing Officer to sign the County's standard Professional Service Agreement with Ballard Spahr LLP with an exemption to the workers' compensation insurance requirements;
- d. Authorize the Contracts/Purchasing Officer to extend the Agreement with Ballard Spahr LLP for up to two (2) additional one (1) year periods under the same scope of work and non-prorated payment provisions included in the Agreement subject to budget approval.

SUMMARY

In late December 2018, the County received notification that Brent Heberlee of Nossaman LLP, the County's federal legislative advocate, left Nossaman LLP to join the firm Ballard Spahr LLP. At a special meeting of the Board's Legislative Committee on January 8, 2019, options for the provision of federal legislative advocacy services were discussed, and the Committee directed staff to schedule phone interviews with both Nossaman LLP and Ballard Spahr LLP to discuss their qualifications. At a special meeting of the Legislative Committee on January 14, 2019, the Committee conducted phone interviews with both firms and made a recommendation to the Board of Supervisors to amend the Nossaman LLP Agreement to remove the provision of federal legislative advocacy services (retaining the state legislative advocacy and grant and funding advocacy services); and to enter into a new Agreement with Ballard Spahr LLP to provide federal legislative advocacy

services effective January 29, 2019, upon approval by the Board of Supervisors.

DISCUSSION:

As an attorney/partner with Nossaman LLP's Washington D.C. office, Mr. Brent Heberlee has served as the County's Federal Legislative Advocate since January 2010. Nossaman's current federal legislative advocacy Agreement, which became effective on August 1, 2017, was awarded after the County underwent an RFP process. The Agreement was effective from August 1, 2017 to June 30, 2018 and allowed for an extension of the Agreement for three additional one-year periods under the same scope of work and payment provisions subject to budget approval. During the FY 2018-19 Board Budget Hearings, the Agreement was reduced by \$20,000 annually to meet the County Administrative Office - Intergovernmental and Legislative Affairs (IGLA) Division's budget constraints and the term was extended to June 30, 2019.

In late December 2018, Mr. Heberlee notified the County that he and four of his Washington, D.C. colleagues in Nossaman's Public Policy/Federal Lobbying Group were moving to the Washington D.C. law firm, Ballard Spahr LLP. The attorneys and policy advisers moving to Ballard Spahr comprise the core federal lobbying team for Nossaman. Ballard Spahr LLP has more than 650 attorneys in 15 offices across the country, including 80 attorneys in Washington, D.C., and 29 attorneys/professionals in their Government Relations, Regulatory Affairs and Contracting group. The Nossaman group that has moved to Ballard Spahr will lead its Federal Government Relations practice and join an experienced team of state and local lobbyists scattered across the country. Ballard Spahr has two former partners who currently serve in the U.S. House of Representatives, and it counts former Pennsylvania Governor Ed Rendell as a Special Counsel in its Government Relations group.

OTHER AGENCY INVOLVEMENT:

The County Administrative Office - Intergovernmental and Legislative Affairs Division staffs and coordinates the activities of the Board of Supervisors' Legislative Committee and executes the Board's Legislative Program. At a special meeting on January 14, 2019, the Legislative Committee recommended entering into a new Agreement for Federal Legislative Advocacy services with Ballard Spahr LLP.

FINANCING:

Monterey County's Legislative Program is funded in County Administrative Office-Department 1050, Intergovernmental & Legislative Affairs Division-Unit 8054. Funding for the Agreement for federal legislative advocacy services in the amount of \$70,000 is included in the FY 2018-19 Approved Budget.

The Legislative Committee recommends that:

- The Nossaman LLP Agreement be amended to remove the provision of federal legislative advocacy services effective January 29, 2019, and to reduce the not to exceed payment for this portion of the Agreement from \$70,000 annually for FY 2018-19 to a prorated amount of \$40,456.92 (July 1, 2018 to January 29, 2019); and
- A new Agreement be entered with Ballard Spahr LLP for the provision of federal legislative advocacy services effective January 29, 2019 in an amount not to exceed \$29,731.19 (a prorated amount of \$70,000 for FY 2018-19) for the period of January 29, 2019 to June 30, 2019.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The actions recommended in this report support the work of the Board of Supervisors Legislative Committee, and Legislative Program - which encompass all the Board's Strategic Initiatives.

Mark a check to the related Board of Supervisors Strategic Initiatives

- Economic Development

- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Annette D'Adamo, Management Analyst III

Approved by: Nicholas E. Chiulos, Assistant CAO

Nicholas E. Chiulos, Assistant County Administrative Officer

Date

Attachments are on file with the Clerk of the Board

Date: January 16, 2019

Attachments:

- Exhibit A - Nossaman LLP - Amendment No. 2
- Exhibit B - Ballard Spahr LLP - Agreement