



## Folsom City Council Staff Report

<b>MEETING DATE:</b>	6/28/2022
<b>AGENDA SECTION:</b>	Consent Calendar
<b>SUBJECT:</b>	Resolution No. 10874 - A Resolution Authorizing the City Manager to Execute Amendment No. 5 to the Memorandum of Agreement (Contract No. 174-21 18-087) Regarding Sharing of Costs for Legislative Advocacy Services Between San Juan Water District and the City of Folsom
<b>FROM:</b>	Environmental and Water Resources Department

### **RECOMMENDATION / CITY COUNCIL ACTION**

The Environmental and Water Resources Department recommends the City Council pass and adopt Resolution No. 10874 - A Resolution Authorizing the City Manager to Execute Amendment No. 5 to the Memorandum of Agreement (Contract No. 174-21 18-087) Regarding Sharing of Costs for Legislative Advocacy Services Between San Juan Water District and the City of Folsom.

### **BACKGROUND / ISSUE**

The City has been working with San Juan Water District (SJWD) pertaining to federal water-related advocacy services. Our agencies continue to work together as direct diverters from Folsom Dam and Reservoir on federal legislative advocacy related to funding and water supply. As direct diverters from Folsom Dam and Reservoir, our agencies share many common federal legislative advocacy interests that can impact federal funding and local water supplies.

In November 2018, the City of Folsom entered into a memorandum of agreement (MOA) with San Juan Water District to engage The Ferguson Group (TFG) to continue lobbying efforts on behalf of the two partner agencies for a not to exceed fee of \$30,000. In August 2020, the City executed Amendment No. 3 to the MOA, bringing the total contract amount to \$36,000. The terms of the MOA have expired; however legislative advocacy is still necessary to address unforeseen Federal issues related to the Delta Plan, proposed Central Valley Project (CVP) re-

operational plans, and policy renewal processes with the U.S. Bureau of Reclamation Municipal and Industrial allocations. All these issues may impact the operations and water system allocations at Folsom Dam and Reservoir.

In May 2016, the partner agencies began a Request for Proposal (RFP) process for federal lobbying services for Fiscal Year 2017 through 2019. Three proposals were received and reviewed. Through the RFP process, the Water Purveyors selected The Ferguson Group, LLC as the most qualified and experienced federal lobbying group to perform these services. Amendment No. 5 to the MOA will allow the partner agencies to continue to share financial and staff resources in Fiscal Year 2022-23 for federal advocacy water issues important to Folsom and San Juan Water District.

### **POLICY / RULE**

In accordance with Chapter 2.36 of the Folsom Municipal Code, supplies, equipment, services, and construction with a value of \$66,141 or greater shall be awarded by City Council.

### **ANALYSIS**

During the past decade, City Council and staff have been continually involved in working with Federal elected officials and agencies on a number of issues of significant importance to the cities of Folsom and Roseville and the region. The Ferguson Group (TFG) has been under contract since 2002 with SJWD and the City of Folsom to represent issues related to water reliability projects at the Folsom Reservoir. This effort has been very successful in having our concerns heard at the Federal level. This amendment to the Memorandum of Agreement will provide water-related federal advocacy services through Fiscal Year 2022-23.

In January 2016, the City of Folsom and San Juan Water District began a Request for Proposal (RFP) process for federal lobbying services for Fiscal Year 2017. The RFP allowed the agencies to continue to share financial and staff resources for federal advocacy issues important to Folsom and its partners. As agencies who share a common interest in water supply from Folsom Reservoir, federal advocacy remains a critical component to having the City's issues related to water supply reliability heard at the federal level. Through the RFP process, the partner agencies selected The Ferguson Group, LLC as the most qualified and experienced federal lobbying group to perform these services.

The Ferguson Group interacts regularly with the U.S. Bureau of Reclamation, the U.S. Army Corps of Engineers, and a myriad of other federal departments, bureaus, and agencies on behalf of the City — both in Washington, D.C. and locally. The Ferguson Group's strong relationships with key officials and staff members in these agencies are critical to the success of the City's federal lobbying program.

The Environmental and Water Resources Department recommends that the City Council authorize the City Manager to execute Amendment No. 5 to the Memorandum of Agreement

(Contract No. 174-21 18-087) Regarding Sharing of Costs for Legislative Advocacy Services Between San Juan Water District and the City of Folsom.

**FINANCIAL IMPACT**

The City's cost share for continuing support of the lobbying effort is for an amount not to exceed \$36,000 for Fiscal Year 2022-23. Funding for this work is budgeted and available in the FY 2022-23 Water Operating Fund (Fund 520). Amendment No. 5 to the MOA will cover the City's share of services through June 30, 2023.

**ENVIRONMENTAL REVIEW**

The California Environmental Quality Act (CEQA) does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines §15061(b)(3)). The Ferguson Group's contract work scope does not include the potential for a significant environmental effect, and therefore is not subject to CEQA.

**ATTACHMENTS**

1. Resolution No. 10874 - A Resolution Authorizing the City Manager to Execute Amendment No. 5 to the Memorandum of Agreement (Contract No. 174-21 18-087) Regarding Sharing of Costs for Legislative Advocacy Services Between San Juan Water District and the City of Folsom
2. Amendment No. 5 to the Memorandum of Agreement Regarding Sharing of Costs for Legislative Advocacy Services Between San Juan Water District and the City of Folsom

Submitted,

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Marcus Yasutake, Director  
ENVIRONMENTAL AND WATER RESOURCES DEPARTMENT

## **ATTACHMENT 1**

**RESOLUTION NO. 10874**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 5 TO THE MEMORANDUM OF AGREEMENT (CONTRACT NO. 174-21 18-087) REGARDING SHARING OF COSTS FOR LEGISLATIVE ADVOCACY SERVICES BETWEEN SAN JUAN WATER DISTRICT AND THE CITY OF FOLSOM**

**WHEREAS**, the City has been working with San Juan Water District pertaining to federal water-related advocacy services; and

**WHEREAS**, San Juan Water District and the City of Folsom selected The Ferguson Group, LLC as the most qualified and experienced federal lobbying group through a competitive selection process; and

**WHEREAS**, Federal legislative advocacy services are still important and needed to address federal water issues; and

**WHEREAS**, the agreement with San Juan Water District will be for a not to exceed fee of \$36,000; and

**WHEREAS**, the funds have been budgeted in Fiscal Year 2022-23 and funds are available in the Water Operating Fund (Fund 520); and

**WHEREAS**, Amendment No. 5 to the Memorandum of Agreement will be in a form acceptable to the City Attorney:

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Folsom Authorizes the City Manager to Execute Amendment No. 5 to the Memorandum of Agreement (Contract No. 174-21 18-087) Regarding Sharing of Costs for Legislative Advocacy Services Between San Juan Water District and the City of Folsom

**PASSED AND ADOPTED** this 28<sup>th</sup> day of June 2022, by the following roll-call vote:

**AYES:** Councilmember(s):  
**NOES:** Councilmember(s):  
**ABSENT:** Councilmember(s):  
**ABSTAIN:** Councilmember(s):

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Kerri M. Howell, MAYOR

ATTEST:

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Christa Freemantle, CITY CLERK

**ATTACHMENT 2**

**AMENDMENT No. 5 TO THE MEMORANDUM OF AGREEMENT  
REGARDING SHARING OF COSTS FOR LEGISLATIVE ADVOCACY SERVICES  
BETWEEN THE SAN JUAN WATER DISTRICT AND THE CITY OF FOLSOM**

This is the fifth Amendment to the Memorandum of Agreement Regarding Sharing of Costs for Legislative Advocacy Services (“MOA”) that is made between the San Juan Water District (“District”) and the City of Folsom (“Party”) as of July 1, 2022. The District and the City of Folsom are hereinafter collectively referred to as the “Parties.”

**RECITALS**

**WHEREAS**, the Parties entered into the MOA dated September 1, 2018, for the cost sharing of federal legislative advocacy services, by The Ferguson Group.

**WHEREAS**, this amendment will extend the amended MOA to and through June 30, 2022, at the not to exceed expenditure of \$72,000 (inclusive of regular business expenses).

**NOW, THEREFORE**, the Parties hereto agree as follows:

**AGREEMENT**

1. Section 3 of the MOA is amended to read that it “shall remain in full force and effect through June 30, 2023,” instead of June 30, 2019, while retaining all other language in the Section.
2. The previously amended Section 4 of the MOA is amended again, retaining all language except the following, to read:
  4. Ceiling Price: In no event shall the total cost of lobbying and support services procured pursuant to this MOA over the fiscal year beginning July 1, 2022 and ending June 30, 2023, exceed seventy-two thousand dollars to be paid by the Parties....”
3. All other terms and conditions in the MOA shall remain in full force and effect to the extent they are not in conflict with this Amendment.
4. The signatures of the Parties to this Amendment may be executed and acknowledged on separate pages or in counterparts which, when attached to this Amendment, shall constitute one complete Amendment.

IN WITNESS WHEREOF, the Parties execute this Amendment, effective as of July 1, 2022.

**SAN JUAN WATER DISTRICT**  
A Community Services District

**CITY OF FOLSOM**  
a Municipal Corporation

BY: \_\_\_\_\_  
Paul Helliker, General Manager

BY: \_\_\_\_\_  
Elaine Andersen, City Manager

Funding Available:

BY: \_\_\_\_\_  
Stacey Tamagni, Finance Director

ORIGINAL APPROVED AS TO CONTENT:

BY: \_\_\_\_\_  
Marcus Yasutake, Environmental &  
Water Resources Director

ORIGINAL APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Steven Wang, City Attorney

ATTEST:

BY: \_\_\_\_\_  
Christa Freemantle, City Clerk