



## Legislation Text

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**File #:** 21-1913, **Version:** 1

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Resolution to Approve an Amendment to the Professional Services Agreement with Rivenoak Law Group, P.C. for Legal Services Relative to Sustainability Initiatives (\$85,000 annually)  
Attached for your review and approval is a resolution to approve an amended Professional Services Agreement with Rivenoak Law Group, P.C. for legal services related to A<sup>2</sup>ZERO related initiatives through June 30, 2022. The Agreement replaces the current agreement in place with Rivenoak (as amended), and shall renew annually, subject to budget appropriation.

On June 1, 2020, City Council unanimously adopted the A<sup>2</sup>ZERO carbon neutrality plan ([www.a2zero.org](http://www.a2zero.org) <<http://www.a2zero.org>>). Achieving a just transition to community-wide carbon neutrality, as outlined in the plan, raises many unique legal issues and opportunities. Given this, the City Attorney selected Rivenoak Law Group, P.C. as the law firm to provide legal services because of the firm's familiarity with the specialized legal issues and the firm's experience and expertise.

The proposed amended agreement is to support A<sup>2</sup>ZERO related efforts in Fiscal Year 2022 (July 1, 2021 - June 30, 2022), and thereafter subject to budget appropriation, to address additional specialized work on energy-choice regulations and opportunities, green rental housing, streetlighting reliability rules, building and home energy performance options, and other energy-related actions, and the corresponding compensation for this work. This initial scope of work was approved by Council via resolution R-21-235 in the amount of \$50,000. Staff are requesting an adjustment to this contract to raise the contract to \$85,000 to secure additional specialized legal support, specifically related to: representation of the City of Ann Arbor in the DTE rate case expected to be filed before the Michigan Public Service Commission in the fourth quarter of 2021 or first quarter of 2022; and legal counsel related to the landfill solar project, including but not limited to negotiations of the special contract with DTE and drafting of all ancillary agreements, and representing the City in any process necessary to secure regulatory approvals of the project.

The City Attorney requests approval of this Professional Services agreement with Rivenoak Law Group, P.C. in the amount of \$85,000.00 per fiscal year for additional legal services to support the City's sustainability initiatives.

Rivenoak Law Group, P.C. complies with the City of Ann Arbor's Non-Discrimination and Living Wage Ordinances.

Budget/Fiscal Impact: \$85,000.00 is available in the approved FY2022 Sustainability and Innovations budget and plans to budget necessary amounts in future fiscal years.

Prepared by: Stephen K. Postema, City Attorney

Reviewed by: Missy Stults, Office of Sustainability and Innovation Manager

Approved by: Milton Dohoney, Jr., City Administrator

Whereas, There are many unique legal issues related to the core strategies with the A<sup>2</sup>ZERO carbon neutrality plan;

Whereas, Rivenoak Law Group, P.C. is well qualified to provide legal services on the legal issues relating to the City's sustainability initiatives and has provided legal services to the City previously;

Whereas, The City has continued need for legal support related sustainability projects through the upcoming fiscal year and thereafter;

Whereas, Rivenoak Law Group, P.C. complies with the City of Ann Arbor's Non-Discrimination and Living Wage Ordinances;

Whereas, The City has been working with Rivenoak Law Group, P.C. on numerous legal issues over the last several months and is satisfied with the quality and responsiveness of products and deliverables;

Whereas, The funding is within the approved FY22 budget of the Sustainability and Innovations Office and will be budgeted in future years;

RESOLVED, That City Council approve the attached amended Professional Services Agreement with Rivenoak Law Group P.C., in the amount of \$85,000.00 (per fiscal year) to provide continuing legal services to the City to be funded from the Sustainability and Innovations Office budget for the applicable fiscal year subject to available funds;

RESOLVED, That the City Council approve a ten percent (10%) contingency to be expendable from the Sustainability and Innovations Office budget for the applicable fiscal year, subject to City Administrator approval, for such services;

RESOLVED, That the Mayor and City Clerk be authorized to execute the Agreement after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take any necessary administrative actions to implement this resolution including execution of any amendments that do not exceed the amounts authorized herein.