



**COUNTY OF SAN MATEO**  
**Inter-Departmental Correspondence**  
County Manager



**DATE:** June 18, 2013  
**BOARD MEETING DATE:** July 9, 2013  
**SPECIAL NOTICE/HEARING:** None  
**VOTE REQUIRED:** Majority

**TO:** Honorable Board of Supervisors

**FROM:** John L. Malbtie, County Manager

**SUBJECT:** Agreement with Sidley Austin LLP for Disclosure Counsel Services related to the proposed 2013 Lease Revenue Bonds

**RECOMMENDATION:**

Adopt a Resolution waiving the Request for Proposals process and authorizing an agreement with Sidley Austin LLP for Disclosure Counsel Services in connection with the 2013 Lease Revenue Bonds that are proposed to be issued by the County.

**BACKGROUND:**

The County and the Community Development Commission are the members of the San Mateo County Joint Powers Financing Authority (the "Authority"). The Authority is preparing to issue Lease Revenue Bonds (LRBs) for the refunding of the outstanding portion of the Authority's 1997, 1999 and 2001 Lease Revenue Bonds and a new money financing of the Skyonda Fire Station. The County also plans on financing the Replacement Jail Project and refunding callable Colma Creek Flood Control Certificates of Participation (COPs) over the next 18 months. The issuance of bonds presents unique legal and financial issues for both the Authority and the County requiring specific expertise in bond financing and tax law.

**DISCUSSION:**

Eric Tashman of the law firm of Sidley Austin LLP ("Sidley Austin"), is particularly well qualified in the areas of bond law and disclosure requirements and has done considerable work as disclosure counsel in financings by the County other public entities. Mr. Tashman has provided services to the County in the past, with excellent results. Due to his familiarity with the County and his prior experience assisting the County in the issuance of lease revenue bonds and COPs, we are requesting a waiver of the Request for Proposal process.

Under the proposed contract, amounts will be reimbursed at an hourly rate upon presentation of an invoice, payable solely upon the delivery and receipt of payment for the Bonds upon their sale. Fees will be based upon a "blended rate" of \$595 for attorneys and \$295 for paralegals. It is estimated that the total fee, including out-of-

pocket expenses, will be approximately \$65,000.

County Ordinance Code Section 2.14.040 provides that the Board of Supervisors has the sole authority to retain outside counsel.

The Agreement and Resolution have been reviewed and approved by County Counsel.

Authorizing this Agreement will contribute to the Shared Vision 2025 outcome of a collaborative community by supporting fiscal accountability.

**FISCAL IMPACT:**

The anticipated amount to be paid out under the Sidley Austin contract is \$65,000. Any amounts paid will be paid out of the Bond proceeds. There is no additional Net County Cost.