



Board Agenda Item 32

DATE: June 30, 2026
TO: Board of Supervisors
SUBMITTED BY: Douglas T. Sloan, County Counsel
SUBJECT: Legal Services Agreement for Bond Counsel and Disclosure Counsel

RECOMMENDED ACTION(S):

- 1. Under Administrative Policy No. 34, for competitive bids or requests for proposals (AP 34), determine that an exception to the competitive bidding requirement under AP 34 is satisfied and a suspension of competition is warranted to obtain the services of special legal counsel to assist the County, and that the best interests of the County would be served by entering into an agreement with Hawkins Delafield & Wood LLP; and**
- 2. Approve and authorize the Chairman to execute an Agreement with Hawkins Delafield & Wood LLP to act as bond counsel and disclosure counsel to the County, effective July 1, 2026, through June 30, 2031, total not to exceed \$250,000.**

Approval of the recommended action would allow the County Counsel to utilize legal services provided by Hawkins Delafield & Wood LLP (Hawkins) pertaining to public finance matters. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative to retaining bond counsel and disclosure counsel because such services must be provided by attorneys who have specialized expertise in federal income tax and federal securities laws. The County Counsel's office does not provide those specialized services.

SUSPENSION OF COMPETITION/SOLE SOURCE CONTRACT:

Under AP 34, competitive bidding is not required to engage specialized legal counsel. That is because the policy deems a contract to obtain the services of special legal counsel to assist the County a circumstance that constitutes a suspension of competition.

FISCAL IMPACT:

There is no additional Net County Cost associated with the recommended action. Sufficient appropriations and estimated revenues will be included in Interest and Miscellaneous Expenditures Org 2540 FY 2026-27 Recommended Budget request and subsequent Recommended Budget requests for the duration of the Agreement term.

DISCUSSION:

Earlier this year, the County Counsel requested proposals from law firms to provide a variety of specialized legal services to the County. Hawkins proposed to provide public finance services, including bond counsel

and disclosure counsel, and the County Counsel selected Hawkins for the recommended Agreement.

On April 22, 2025, your Board approved the current agreement with Hawkins for bond counsel and disclosure counsel, effective July 1, 2025 through June 30, 2026, total not to exceed \$75,000. Hawkins has consistently provided responsive and effective services to the County on a variety of projects, including the continuing administration and use of tobacco securitization bond proceeds, arbitrage rebate compliance services, the County's annual continuing disclosure filing in the bond market to satisfy Securities and Exchange Commission reporting requirements, other disclosure obligations as they arise, and various other matters related to the County's outstanding financings.

Under the recommended Agreement, services would be provided primarily by partners Diane K. Quan and Neil Kaplan, with the assistance of other lawyers in their firm, at hourly rates of \$450 for associates and from approximately \$638 to \$788 for partners. The maximum compensation payable to Hawkins under the recommended Agreement is limited to \$250,000 for the five-year term of the Agreement.

Previously, the County has engaged a law firm for bond counsel and disclosure counsel services annually, but the recommended Agreement has a five-year term. Under the recommended Agreement, the County Counsel may authorize work by Hawkins between July 1, 2026, through June 30, 2031. Because some matters might arise toward the end of that period, services may continue past June 30, 2031, for any work authorized through that date.

If the County were to undertake any new bond financings or refinancings, the recommended Agreement provides that the County Counsel may negotiate a flat fee for Hawkins' services on the financing, which would be subject to the maximum compensation provided in the recommended Agreement. Such flat fees connected with bond financings are typically paid from proceeds of the bonds.

REFERENCE MATERIAL:

BAI #26, April 22, 2025

ATTACHMENTS INCLUDED AND/OR ON FILE:

Suspension of Competition
On file with Clerk - Agreement with Hawkins

CAO ANALYST:

Amy Ryals