

COUNTY COUNSEL
LOUIS B. GREEN

CHIEF ASS'T. COUNTY COUNSEL
EDWARD L. KNAPP

PRINCIPAL ASS'T COUNTY COUNSEL
PATRICIA E. BECK

DEPUTY COUNTY COUNSEL
JUDITH M. KERR
REBECCA C. SUTTELL
PAULA F. FRANTZ
MICHAEL J. CICOZZI

**EL DORADO COUNTY
OFFICE OF
THE COUNTY COUNSEL**



COUNTY GOVERNMENT
CENTER
330 FAIR LANE
PLACERVILLE, CA
95667
(530) 621-5770
FAX# (530) 621-2937

DEPUTY COUNTY COUNSEL
BETH A. MCCOURT
DAVID A. LIVINGSTON
SCOTT C. STARR
TERI M. MONTEROSSO
LESLEY B. GOMES

September 5, 2008

Board of Supervisors
County of El Dorado
330 Fair Lane
Placerville, CA 95667

Re: Amendment of Sidley Austin Contract for Legal Services to Increase Compensation by \$60,000.00 for Filing of Validation Action Related to MC&FP Bonds and Ancillary Activities

Honorable Supervisors:

Recommendation:

County Counsel recommends that the Board of Supervisors approve an amendment to the Legal Services Agreement with Sidley Austin relating to the filing of a validation action in connection with the issuance of MC&FP bonds to increase total compensation by \$60,000.00 to a total not to exceed amount of \$150,000.00.

Reasons for Recommendation:

Sidley Austin was engaged by the County to bring a validation action in connection with the issuance of MC&FP bonds, and to perform ancillary work necessary to the filing of such an action. Sidley Austin has completed much of the research and drafting necessary for the filing of the action. That drafting and research has consumed more time than was anticipated in the original budget due to the complexity of the matter. It is estimated that an additional \$60,000.00 will be needed to complete the validation action, assuming no intervention by a third party. This would result in an increase in the not to exceed amount of the contract from \$90,000.00 to \$150,000.00.

The contract is being funded out of the account which holds the incremental tax revenues which are being held for debt service on the bonds to be issued to fund the Missouri Flat project and other project related purposes. The fund currently has a balance of approximately \$3.7 million where \$1.5 million of this amount is committed to establishing a supplemental reserve fund for the bond issuance. The contract is being funded out of the remaining \$2.2 million. Adequate funds are available to fund the increase in contract amount.

Fiscal Impact:

There is an increased cost of \$60,000.00 associated with this action. Because the cost is being funded out of the MC&FP fund, there is no increase in net county cost.

Actions to Be Taken Following Approval:

Staff will continue to work with Sidley Austin to prepare the filing of the validation action.

We would be pleased to answer any questions the Board may have.

Respectfully submitted,



LOUIS B. GREEN
County Counsel

LBG/stl

Att.

cc: Chief Administrative Officer
Dir. of Transportation
Dep. Dir. of Transportation, Diana Buckley
County Auditor

s:/Bd of Supervisors/Correspondence/Sidley Austin Contract Amend trans