

NOTICE FOR HIRING BOND COUNSEL

The City of Port Lavaca (“City”) will be considering the approval of a contingent fee contract for legal services (“Legal Services Contract”) at the regular meeting of the City Council to be held on November 13, 2024, at 5:30 p.m., at the City Council Chambers, 202 N. Virginia St., Port Lavaca, Texas. The approval of the Legal Services Contract will be considered in connection with the City’s sale and issuance of public securities, including the proposed issuance of certificates of obligation in connection with certain Texas Water Development Board financing for the expansion of the City’s Lynn’s Bayou Treatment Plant, (the “Obligations”). The City intends to select the law firm of Bickerstaff Heath Delgado Acosta LLP (“BHDA”) to serve as the City’s bond counsel in connection with the sale and issuance of such Obligations (the “Issuance”).

BHDA has demonstrated that it has the competence, qualifications, and experience required to serve as the City’s bond counsel in connection with the sale and issuance of public securities. BHDA has successfully represented Texas local governments as bond counsel in connection with Issuance, for over 30 years. BHDA has served as bond counsel to the City since 2003.

Attorneys that represent local governments in transactions such as the Issuance typically are bond counsel recognized for their work in the specialized area of public finance. The City’s successful sale and issuance of public securities, such as those anticipated to be issued in connection with the Issuance, will require the preparation of numerous transactional documents, the compilation of those documents into a transcript, and obtaining the approval of the Attorney General of the State of Texas for the sale of any public securities, as well as other procedural steps. The City does not have any attorneys on staff that have the specialized experience required for a successful sale of public securities related to the Issuance.

Each sale of public securities by a local government presents a unique set of legal issues, and bond counsel traditionally bills for services on a contingent fee basis. Because bond counsel services are based on a fixed contingency rate, the City can know with certainty the precise amount of the fees before the sale of the public securities, and therefore, can more easily budget and plan for the use of the proceeds.

For the preceding reasons, entering into a contingent fee contract for bond counsel services with BHDA is in the best interest of the residents of the City.