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MEMORANDUM

TO: MAYOR GAVIN NEWSOM
MEMBERS, San Francisco Board of Supervisors
ANGELA CALVILLO, Clerk of the Board of Supervisors

FROM: Jesse Capin Smith
Chief Assistant City Attorney 

DATE: September 7, 2010

RE: Retention of Outside Counsel for Mayoral Succession Issues

Consistent with City Attorney Dennis Herrera's August 27, 2010 memorandum to you regarding legal advice on matters concerning the Mayor's race while he is taking steps as a possible candidate for Mayor, I recommend that you retain outside counsel to advise the City, in place of this Office, on legal issues relating to Mayoral succession if Mayor Newsom is elected as California Lieutenant Governor.

As mentioned in section IV of the August 27 memorandum, we have a reciprocal relationship with three public law offices with expertise in municipal law. I recommend that you hire the Office of Santa Clara County Counsel Miguel Marquez, who is prepared to provide this legal representation without charge to the City. I understand that Mr. Marquez will himself handle these questions for you, or will directly oversee a senior deputy on his staff who will do so, or a combination of the two, depending in part on time demands.

The contact information for the Santa Clara County Counsel is as follows: Miguel Marquez, Santa Clara County Counsel, 70 W. Hedding Street, 9th Floor, San Jose, CA 95110, Phone: (408) 299-5901.

cc: Miguel Marquez, County Counsel, Santa Clara County