



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 3/11/2025

To: Board of Supervisors of the County of Sonoma, Board of Directors of the Sonoma County Water Agency, Board of Commissioners of the Community Development Commission, and the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District

Department or Agency Name(s): Human Resources Department, County Counsel's Office

Staff Name and Phone Number: Janell Crane and Reesha Ruel, 707-565-3563; Robert Pittman and Joshua Myers, 707-565-3737

Vote Requirement: Majority

Supervisory District(s): Countywide

Title:

Amendments to Outside Liability Counsel Legal Services Agreements

Recommended Action:

Authorize County Counsel to execute amendments to two outside liability counsel legal services agreements to increase the contract maximum amounts to (1) \$150,000, and (2) \$450,000 with law firms (1) Angelo, Kilday and Kilduff, and (2) Porter Scott.

Executive Summary:

This requested Board action authorizes County Counsel and Human Resources-Risk Management to execute amendments to existing legal services agreements for outside liability counsel with two law firms who were previously selected through Request for Qualifications (RFQ) processes due to the specialized nature of their work.

Discussion:

The County of Sonoma has been self-insured for general liability since 1986. County Counsel is statutorily mandated to defend civil lawsuits brought against the County and its officers and employees. From time to time, the County has retained various outside defense firms to represent the County in tort claims (legal actions that seek financial compensation for the harm) and civil litigation (a legal process to resolve non-

criminal disputes) filed in state and federal courts.

Outside law firms are retained only when County Counsel either does not have the capacity, lacks the expertise to handle these lawsuits in-house, or has an ethical conflict. These law firms are assigned cases based upon their ability and specific experience with public entity defense. Board Resolution Number 85-2577 delegates responsibility for the oversight and management of civil litigation to County Counsel in consultation with the Risk Manager, and both departments are responsible for the coordination and oversight of the work performed by outside counsel. Human Resources-Risk Management is responsible for the administration of all tort claims and litigation, and County Counsel provides legal oversight and advice.

Both firms were originally selected through Request for Qualifications (RFQ) processes due to the specialized nature of their work and need at the County. County Counsel and Human Services-Risk Management solicited proposals from several law firms located in the greater Bay Area and the Sacramento area. At the time, the County had two primary needs: (1) an experienced firm to act as “conflict counsel” when the County and other County related entities or employees had potential conflicts in the context of the specific litigation; and (2) increased capacity for litigation involving the law enforcement. Angleo, Kilday and Kilduff was selected in June of 2023 with a contract term through December 2025 as conflict counsel based on their deep experience representing public entities and the fact that it had never represented the County of Sonoma previously. Porter Scott was selected in January 2024 with a contract term through December 2025 based on their expertise in law enforcement litigation.

This item seeks to amend the initial agreements with the law firms, to provide legal services, as needed, to represent the County in tort claims and civil litigation. The initial agreements were executed under County Counsel’s delegated purchasing authority of \$50,000 per contract.

The agreements proposed in this report are all fee for service contracts with no minimum or maximum amount of work guaranteed to the firms. The agreements also contain a termination clause that allows the County to terminate the agreements at any time. Actual costs will depend on future litigation or specific projects assigned to each firm.

All assignments are reviewed by County Counsel and Human Resources-Risk Management, the law firm’s proposed legal strategy is reviewed by County Counsel and Human Resources-Risk Management, and all legal

Agenda Date: 3/11/2025

services invoices are approved by the Liability Manager, with support from County Counsel, who tracks all work and expenses of each firm. The amended contract term will expire on December 31, 2025, with contract maximum limits not to exceed \$150,000 for Angelo, Kilday and Kilduff and \$450,000 for Porter Scott. Depending upon the number of case assignments to each firm and the size and scope of each case assigned, this limit may never be reached, or may require a contract amendment, which would be presented to your Board for authorization.

The County Counsel’s Office and the Human Resources Department intend to conduct a Request For Proposal (RFP) process for outside counsel tort defense legal services prior to the expiration of the amended agreements in 2025.

Strategic Plan:

N/A

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

None

FISCAL SUMMARY

Expenditures	FY24-25 Adopted	FY25-26 Projected	FY26-27 Projected
Budgeted Expenses	\$1,171,149	\$1,171,149	
Additional Appropriation Requested			
Total Expenditures	\$1,171,149	\$1,171,149	
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
Total Sources	\$1,171,149	\$1,171,149	

Narrative Explanation of Fiscal Impacts:

Agenda Date: 3/11/2025

Legal services are budgeted in the Self-Insurance Liability budget - Fund number 51230, Department ID number 23022500, Account number 51254 (mostly funded through contributions from all county departments/agencies). There are sufficient appropriations budgeted for Fiscal Year (FY) 2024-2025.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)
N/A			

Narrative Explanation of Staffing Impacts (If Required):

N/A

Attachments:

1. Draft First Amendment to the Legal Services Agreement with Angelo, Kilday and Kilduff
2. Draft First Amendment to the Legal Services Agreement with Porter Scott

Related Items "On File" with the Clerk of the Board:

1. Original Legal Services Agreement with Angelo, Kilday and Kilduff
2. Original Legal Services Agreement with Porter Scott