



COUNTY OF SONOMA

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

SUMMARY REPORT

Agenda Date: 3/25/2025

To: Sonoma County Board of Supervisors

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

Staff Name and Phone Number: Josh Myers 707-565-2421, Andrew McLaughlin 707-565-3776

Vote Requirement: 4/5th

Supervisorial District(s): Countywide

Title:

Amendment to the contract between Sonoma County and the Indigent Defense Administration of Sonoma County, LLC

Recommended Action:

Authorize the County Executive or their designee to execute an amendment to the agreement between the County of Sonoma and the Indigent Defense Administration of Sonoma County, LLC, operated by Nathan Poulos, Esq., to provide increased funding to the panel pursuant to the reopener provisions as outlined in the agreement.

Executive Summary:

The County contracts with the Indigent Defense Administration of Sonoma County LLC (Conflict Panel Administrator) to provide mandated legal representation when the Public Defender's Office is unable to represent clients due to a conflict, such as when there are multiple defendants in one case. The existing contract includes language calling for the agreement to be reopened if cases increase beyond a certain level over the term of the agreement. The cases assigned to the Conflict Panel attorneys have increased significantly over the past year, thereby triggering the reopener. The proposed contract amendment contains two separate funding increases. Beginning February 1, 2025, the monthly payment will increase from \$234,808.04 to \$246,793.06 to support the addition of 2 additional attorneys to work felony cases assigned to the conflict panel. Then, in FY 25-26, the monthly payment to the IDASC, LLC, will increase to \$296,608.08 to support the added attorneys for felony cases, increased capacity for compensation to facilitate staff retention, and increased ancillary and emergency retention amounts for extraordinary contingencies.

Discussion:

The County is obligated by law to pay the costs associated with the representation of indigent people facing incarceration in the criminal courts. The Sonoma County Public Defender's Office provides the first level of representation for indigent defense. However, when the Public Defender has a conflict of interest, conflict counsel must be appointed, and the County is responsible for their fees as well as ancillary costs.

Some large counties operate a county department for provision of second-level representation ("Alternate Public Defender"). Other counties contract with an outside administrator who maintains a list or panel of attorneys and those attorneys are appointed by the Court and paid an hourly rate by the County. These attorneys represent defendants at the second and consecutive levels of conflict even in counties with

Alternate Public Defender offices.

Sonoma County utilizes a hybrid method which has ensured consistent, effective representation to indigent defendants who cannot be represented by the Public Defender. The contract administrator ensures that there are sufficient qualified attorneys to address the needs of the criminal justice system including cases involving felonies, misdemeanors, juvenile delinquency, contempt, misdemeanor appeals and witnesses who require representation. The fixed-price agreement is sufficiently flexible to adjust to extraordinary circumstances while ensuring predictability for budgeting purposes as well as cost containment. In contrast, programs that establish a payment rate, but no fixed price, require substantial administration, frequently result in cost overruns and are less consistent in terms of quality. The contract is managed by County Counsel and costs are paid out of the Court Support budget. There is no state or other outside funding allocated to support these costs, which are borne by the County.

Sonoma County has utilized the fixed-price contract structure since 2005. The last request for proposal was issued in April 2023, resulting in the County entering into an agreement with the incumbent administrator's predecessor, Kristine Burk.

Two contract re-opener provisions exist within the current agreement, the first of which states that the contract costs may be subject to negotiated adjustments if the number of case appointments increases by more than 10 percent in two consecutive fiscal quarters as compared with the baseline year of January 1, 2022-December 31, 2022. This provision was met in 2024, with increases in adult and juvenile felony assignments triggering a renegotiation and this item's recommended action. The report prepared by the IDASC demonstrating these figures is attached with this item.

The negotiated adjustment to the contract will use existing appropriations in the adopted 24-25 Court Support budget to provide additional funding to the Conflict Panel Administrator in an amount sufficient to fund 2 additional felony attorneys for the remainder of this fiscal year to provide immediate relief to the attorneys on the panel who are assigned to felony cases. Additional general fund support is requested in 25-26 to retain the added attorneys, adjust monthly compensation for the entire panel to support staff retention, and to increase ancillary and emergency retention amounts as specified in the contract.

These increases should allow the Panel Administrator to manage the conflict panel attorney caseloads such that they are within the best practices guidelines established by the California Office of the State Public Defender.

Strategic Plan:

N/A

Racial Equity:

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

No

Prior Board Actions:

June 6, 2023, the Board of Supervisors approves the agreement with the conflict panel and monthly payment

schedule for FY 23-24.

FISCAL SUMMARY

Expenditures	FY24-25 Adopted	FY25-26 Projected	FY26-27 Projected
Budgeted Expenses	\$3,069,697	\$3,559,304	\$3,666,083
Additional Appropriation Requested			
Total Expenditures		\$3,559,304	\$3,666,083
Funding Sources			
General Fund/WA GF	\$3,069,067	\$3,559,304	\$3,666,083
State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
Total Sources	\$3,069,697	\$3,559,304	\$3,666,083

Narrative Explanation of Fiscal Impacts:

Increased contract expenses in FY 24-25 will be absorbed in the Alternate Defense Counsel’s 24-25 adopted budget. No new appropriations are requested for 24-25. Additional costs will be built into the Court Support budget for FY 25-26 and FY 26-27 and will be paid with discretionary General Fund. The current contract expires June 30, 2027, and will require an extension or a new RFP procedure.

Staffing Impacts: N/A

Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

1. Current contract with the Indigent Defense Panel of Sonoma County LLC
2. December 2024 Quarterly Panel Summary and Contract Re-Opener Request
3. Financial Analysis
4. Proposed Contract Amendment

Related Items “On File” with the Clerk of the Board: