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www.sanbenitocountyca.gov

BOARD MEMBERS:

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**Agenda Item
Regular Meeting of the
Board of Supervisors
Tuesday, April 14, 2026**

COUNTY EXECUTIVE OFFICER:
Esperanza Colio Warren

COUNTY COUNSEL:
Gregory P Priamos

CLERK OF THE BOARD:
Vanessa Delgado

Item Number: 1.12

MEETING DATE: 04/14/2026
DEPARTMENT: COUNTY EXECUTIVE OFFICE
AGENDA ITEM PREPARER: Rebekah Mojica
DEPT HEAD/DIRECTOR: Esperanza Colio Warren

SUBJECT:

COUNTY EXECUTIVE OFFICE - E. COLIO WARREN

1. Approve Amendment #3 with San Benito Defenders, Inc. (Tier 1 Public Defender - Harry Damkar's Office) to extend the term through June 30, 2028 and increase the annual compensation to \$1,045,800.00, for a new not to exceed amount of \$4,083,600; and
2. Approve Amendment #1 with Pamela Brown (Tier 2 Public Defender) to extend the term through June 30, 2028 and increase the annual compensation to \$252,450.00, for a new not to exceed amount of \$960,975.00; and
3. Authorize Chair, County Executive Officer, or designee to sign amendments; and
4. Authorize Issuance of a Request for Proposals (RFP) for Tier 3 Public Defender Conflict Counsel Services.

SBC FILE NUMBER: 149

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

The County maintains professional services agreements with contract Public Defenders to provide legal representation for indigent criminal defendants. These agreements support the County's constitutional obligation to provide effective assistance of counsel and ensure continuity of legal services.

The existing agreements with San Benito Defenders, Inc. (Tier One Public Defender) and Pamela Brown (Tier Two Public Defender) are set to expire on April 30, 2026 and May 1, 2026. The County Executive Office, County Counsel, and the Public Defender Oversight Committee recommend extending these agreements through June 30, 2028 to align contract terms and maintain continuity and consistency of

services. In addition to extending the term, the proposed amendments include adjustments to compensation.

The County currently contracts with two firms to provide indigent criminal defense services. San Benito Defenders is classified as Tier 1 counsel. If a defendant is entitled to the services of the Public Defender, San Benito Defenders is appointed by the court as criminal defense counsel. If San Benito Defenders are either unavailable or unable to defend the matter due to a conflict of interest, Tier 2 counsel (Law Offices of Pamela Brown) is appointed by the court. If Tier 2 counsel is likewise unavailable or has a conflict of interest, then the court makes an appointment of private defense counsel since the County does not have Tier 3 counsel. These private appointments are expensive and result in a significant expenditure of County general funds. Adding Tier 3 counsel will not only enhance the quality of legal representation, but will also allow the County to better control costs. The County Counsel's Office, acting as the Public Defender Administrator, conducted a review of potential criminal defense counsel and recommends that the County proceed with issuance of a Request for Proposals (RFP) to solicit qualified attorneys to serve as Tier 3 Public Defender Conflict Counsel.

For San Benito Defenders, Inc., the proposed amendment increases the annual contract amount by five percent (5%), from \$996,000 to \$1,045,800, reflecting an annual increase of \$49,800. Compensation will continue to be paid in equal monthly installments. The amendment also clarifies prior inconsistencies in compensation language resulting from earlier amendments. Specifically, prior amendments associated with Public Defender Pilot Program (PDPP) and CARE Court funding inadvertently characterized compensation as a total contract amount rather than an annual amount. The proposed amendment corrects this issue by clearly establishing the base compensation as an annual amount, with grant-funded programs remaining separate and subject to applicable reimbursement requirements. The amendment further clarifies that defendant-related support funds, including clothing allowances, are reimbursable upon submission of appropriate documentation. Compensation will be paid in twelve equal monthly installments.

For Pamela Brown, the proposed amendment increases the annual contract amount to \$252,450, reflecting an overall increase of \$45,450 per year. This adjustment includes both a five percent (5%) increase in compensation and additional funding to expand social worker support services from ten (10) hours per month to twenty (20) hours per month. Compensation will be paid in twelve equal monthly installments.

The proposed agreements also include minor administrative updates to clarify invoicing and payment procedures, consistent with County processing practices, to promote timely and efficient payment of services.

The proposed amendments have been reviewed with the contractors, and drafts are attached for the Board's consideration. Approval of the amendments will ensure the continued provision of indigent defense services without interruption, enhance support services to clients, and maintain consistency and clarity in contract administration.

FISCAL IMPACT:

The proposed amendments increase annual contract costs consistent with the amounts described above. The County Executive Officer has reviewed the contracts and supports the amendments. Funding for these agreements will be included in the Public Defender's recommended budget going forward. Payments under the amended agreements will remain subject to annual budget approval by the Board.

STAFF RECOMMENDATION:

1. Approve Amendment #3 with San Benito Defenders, Inc. (Tier 1 Public Defender - Harry Damkar's Office) to extend the term through June 30, 2028 and increase the annual compensation to

- \$1,045,800.00, for a new not to exceed amount of \$4,083,600, plus CARE grant funding; and
2. Approve Amendment #1 with Pamela Brown (Tier 2 Public Defender) to extend the term through June 30, 2028 and increase the annual compensation to \$252,450.00, for a new not to exceed amount of \$960,975.00; and
 3. Authorize Chair, County Executive Officer, or designee to sign amendments; and
 4. Authorize Issuance of a Request for Proposals (RFP) for Tier 3 Public Defender Conflict Counsel Services

ATTACHMENTS:

[Agenda Fact Sheet -Public Defender Amendments](#)

[Amendment - PD Damkar Extension to 2028](#)

[Amendment - PD Brown Extension to 2028](#)