

DANE COUNTY
POLICY AND FISCAL NOTE

Title of Resolution or Ord. Amd.:

Form fields for document tracking: X Original, Update, Sponsor: Supervisor McCarville, Vote Required: Majority X Two-Thirds, Substitute No., Resolution No. 2025 RES-315, Ordinance Amendment No.

AUTHORIZING EXECUTION OF AMENDMENT TO CONTRACT WITH EISENSTEIN MALANCHUK LLP FOR ENVIRONMENTAL INSURANCE COST RECOVERY FOR THE DANE COUNTY REGIONAL AIRPORT

Policy Analysis Statement:

Brief Description of Proposal -

The Office of Corporation Counsel has recently found evidence of old insurance policies that could potentially provide coverage to the Dane County Regional Airport ("Airport") for PFAS contamination resulting from the use of aqueous film forming foam (commonly known as AFFF) as required by the FAA.

Current Policy or Practice -

Under Contract #15848, Eisenstein Malanchuk LLP ("EM") has helped with the Airport's forensic investigation as outside counsel to gather actual insurance policies and further evidence of insurance. They have also prepared and drafted notice letters to relevant insurers to begin the claim

Impact of Adopting Proposal -

Now that this initial phase has been substantially completed, the Airport has determined that it is in its best interest to continue engaging EM for the next phase to handle the Airport's claims against the relevant insurers and negotiate recovery.

Fiscal Estimate:

Fiscal Effect (check all that apply) - Budget Effect (check all that apply) -
No Fiscal Effect
Results in Revenue Increase
X Results in Expenditure Increase
Results in Revenue Decrease
Results in Expenditure Decrease
X No Budget Effect
Increases Rev. Budget
Increases Exp. Budget
Decreases Rev. Budget
Decreases Exp. Budget
Increases Position Authority
Decreases Position Authority
Note: if any budget effect, 2/3 vote is required

Narrative/Assumptions about long range fiscal effect:

This work will include continuing the forensic investigation into old insurance policies, negotiating with insurers and their claim administrators for payment of ongoing defense costs, monitoring claims, and negotiating final settlements. The Airport is initially budgeting \$300,000 for EM to continue this work. Additional funds may be needed to support ongoing consulting costs.

Expenditure/Revenue Changes:

Table with 10 columns: Expenditures (Personal Services, Operating Expenses, Contractual Services, Capital, Total), Current Year (Increase, Decrease), Annualized (Increase, Decrease), Revenues (County Taxes, Federal, State, Other, Total), Current Year (Increase, Decrease), Annualized (Increase, Decrease). Total expenditure is \$300,000, total revenue is \$0.

Personnel Impact/FTE Changes:

None

Prepared By:

Agency: Airport Division: Administration
Prepared by: Frank Vallejos Date: 11/24/25 Phone: 246-3384
Reviewed by Cody Castillo Date: Phone: