

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

June 25, 2024

FROM

JASON ANDERSON, District Attorney

DON DAY, Director, Project and Facilities Management Department

SUBJECT

Budget Adjustments for Victorville Capital Improvement Projects and Consumer Environmental Protection Unit

RECOMMENDATION(S)

1. Approve a budget increase to Capital Improvement Program Project No. 21-158 in the amount of \$6,639,577, from \$7,855,000 to \$14,494,577, for the renovation of the District Attorney Victorville Building Acquisition Project (WBSE 10.10.1150), located at 14440 Civic Drive in Victorville.
2. Approve a budget adjustment increasing Proposition 172 revenue by \$4,896,761 from the District Attorney's Reserves and transfer \$1,742,816 in Services and Supplies Savings, both to Operating Transfers Out, for an increase of \$6,639,577 to fully fund Capital Improvement Program Project No. 21-158 for the District Attorney Victorville Building Acquisition (WBSE 10.10.1150).
3. Approve a budget adjustment in the amount of \$1,538,160 from Salary savings to Operating Transfers Out to fully fund the Capital Improvement Program Project No. 23-206 budget of \$4,573,583 for the District Attorney Victorville Courthouse Office Remodel (WBSE 10.10.1551).
4. Approve a budget adjustment in the amount of \$2,497,526 from the Specialized Prosecution Special Revenue Fund (4500002676) to the General Fund to reimburse unit expenses from 2019-20 through 2022-23.
5. Authorize the Auditor-Controller/Treasurer/Tax Collector to post the budget adjustments identified in the Financial Impact section for the above Recommendations (Four votes required).

(Presenter: Michael Fermin, Chief Assistant District Attorney, 382-3662)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The District Attorney's Office (Department) requests to transfer funds to two Capital Improvement Program (CIP) projects occurring in Victorville.

Recommendation Nos.1 and 2 will allow the Department to increase the 14440 Civic Drive Acquisition (WBSE 10.10.1150) project's budget by \$6,639,577, from \$7,855,000 to \$14,494,577. The increase will be partially funded in the amount of \$1,742,816 through the

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reallocation of savings from 2023-24 Services and Supplies and \$4,896,761 from the Department's Proposition 172 Reserves.

Recommendation No. 3 will allow the Department to reallocate savings from 2023-24 Salary and Benefits and contribute \$1,538,160 towards the Victorville Courthouse Remodel (WBSE 10.10.1551) CIP project's budget of \$4,573,583, fully funding the project.

Recommendation No. 4 requests approval for the Specialized Prosecution Special Revenue Fund, Consumer Environmental Protection Unit (CEP), to reimburse the Department's General Fund for sustaining its operational costs during the COVID-19 pandemic (pandemic). CEP normally receives court-ordered fines when cases are prosecuted and settled. However, during the pandemic, not enough revenue was received, and the Department's General Fund allocation covered the operational costs. CEP has now received sufficient court fines from settled cases to reimburse \$2,497,526 to the Department's General Fund for salary, benefits and operational costs.

The table below shows the requested budget adjustments.

Fund Center	WBSE	Commitment Item	Description	Action	Amount
1164501038	-	56006000	Appropriation Contingencies	Decrease	\$4,896,761
1164501038	-	40008296	1/2% Sales Tax-Public Safety	Decrease	\$4,896,761
4500001000	-	40008296	1/2% Sales Tax-Public Safety	Increase	\$4,896,761
4500001000	-	52002445	Other Professional and Special Services	Decrease	\$1,742,816
4500001000	-	51001010	Regular Salaries	Decrease	\$1,538,160
4500001000	-	55305030	Operating Transfers Out	Increase	\$6,639,577
4500001000	-	55305030	Operating Transfers Out	Increase	\$1,538,160
7700003100	10.10.1150	40909975	Operating Transfers In	Increase	\$6,639,577
7700003100	10.10.1150	54304030	Structures & Improvement to Structures	Increase	\$6,639,577
7700003100	10.10.1551	40909975	Operating Transfers In	Increase	\$1,538,160
7700003100	10.10.1551	54304030	Structures & Improvement to Structures	Increase	\$1,538,160
4500002676	-	55405012	Services and Supplies Transfers Out	Increase	\$2,497,526
4500001000	-	55415013	Services and Supplies Transfers In	Increase	\$2,497,526

BACKGROUND INFORMATION

The Department is the public prosecutor and has the mandated responsibility to prosecute crimes committed within the county pursuant to Government Code 26500. Over the last several years, the Department has grown by adding staff to address the illegal commercial cannabis cultivation, creating a Homicide Division, and requesting a new Law and Motion Unit in the upcoming 2024-25 budget. The Department has also added temporary positions to address the

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extra workload resulting from vacant positions due to the labor shortage after the pandemic. This growth has resulted in the need for additional office space.

Recommendation Nos. 1 and 2 refer to the renovation of a purchased building located at 14440 Civic Drive for office space for Department staff (CIP No. 21-158, WBSE 10.10.1150). The renovation budget will be finalized when the County has bid and contracted for renovations. On November 15, 2022 (Item No. 78), the Board of Supervisors approved the acquisition of 14440 Civic Drive, comprised of two separate structures, across the street from the Victorville Courthouse. The building is undergoing in-depth inspections and assessments to determine the extent of renovations that are required before the building can be occupied. Renovations are expected to begin in early 2025.

Recommendation No. 3 refers to the remodel of the Department office space inside of the Victorville Courthouse. The current layout of the space does not have room for growth, adequate filing space, room for information technology (IT) infrastructure, a conference room; the layout also has a small breakroom without water. The remodel will include American With Disabilities Act compliant gender-neutral restroom accommodations, an adequate file storage room, breakroom with kitchenette, a dedicated IT room/closet, and an adequate conference room.

Recommendation No. 4 relates to CEP, which is a special revenue fund that receives Court-ordered fines when cases are prosecuted and settled. The fines pay for salaries, benefits, and operational costs for the unit that are budgeted and reimbursed in the Department's General Fund. However, from 2019-20 through 2022-23 and during the pandemic, the investigation and prosecution of environmental crimes was delayed. Some of these cases included joint investigations between counties for crimes that occurred across those counties. Further delays were encountered as these other agencies also had staffing shortages. These delays resulted in delayed Court judgments of fines or fees, resulting in the unit not receiving many settlements during the pandemic.

Therefore, the CEP unit relied on the Department's General Fund to cover its operational costs. When the COVID-19 pandemic restrictions were lifted, investigation and prosecution of cases resumed and significant settlements were received as a result of Court judgments. Therefore, CEP is reimbursing the Department's General Fund for staff and operational costs during the pandemic.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Richard Luczak, Deputy County Counsel, 387-5455) on May 8, 2024; Project and Facilities Management (Robert Gilliam, Chief of Project Management, 387-5000) on June 10, 2024; Auditor-Controller/Treasurer/Tax Collector (Charlene Huang, Auditor-Controller Manager, 382-7022) on June 7, 2024; Finance (Kathleen Gonzalez, Finance Analyst, 387-5412) on June 11, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, and Valerie Clay, Deputy Executive Officer, 387-5423) on June 12, 2024.

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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Curt Hagman Seconded: Joe Baca, Jr.
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 25, 2024



cc: File - District Attorney
JM 07/9/2024