

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

February 6, 2024

FROM

THOMAS W. SONE, Public Defender

SUBJECT

Employment Contract for the Second Chance Program

RECOMMENDATION(S)

Approve Employment **Contract No. 24-122** with Melissa Hogan as a Paralegal, to support the Second Chance Program, for the estimated annual cost of \$93,518 (\$64,037 Salary, \$29,481 Benefits), for the period of February 10, 2024 through March 1, 2025.
(Presenter: Thomas W. Sone, Public Defender, 382-3950)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Create, Maintain and Grow Jobs and Economic Value in the County.

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

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

This item will not result in the additional use of Discretionary General Funding (Net County Cost). The estimated annual cost of the employment contract is \$93,518, which will be funded by the Public Defense Pilot Program Grant (Grant). The Grant, established by the State of California Budget Act of 2021, allocated \$2,633,006 to the County for indigent defense services related to legislative criminal resentencing and parole reform initiatives. Adequate appropriation and revenue have been included in the Public Defender (Department) 2023-24 budget (491-2753) and will be included in future recommended budgets.

BACKGROUND INFORMATION

The contract position will support the Department's Second Chance Program (Program), developed to pursue criminal sentencing and parole reforms, as well as conviction relief. The position will assist attorneys with case research, hearing preparation, and witness coordination; review, summarize and organize case files, legal documents, depositions and exhibits; analyze facts, issues, elements, statutes, court decisions, legal documents and pleadings; prepare and file various legal documents; and may lead a clerical team to advance client resentencing efforts.

Either party may terminate the contract at any time without cause with 14 days' prior written notice to the other party. The County may terminate the contract immediately for just cause. In the event the Grant funding is not extended or ends, the Department will terminate the contracts.

**Employment Contract for the Second Chance Program
February 6, 2024**

On January 11, 2022 (Item No. 24), the Board of Supervisors (Board) approved and authorized the submission of a grant application to the California Board of State and Community Corrections (BSCC) in the amount of \$2,633,006 for the Program in support of State Legislature initiatives related to resentencing and parole reform for indigent clients.

On February 11, 2022, the Department received notice of the award from BSCC in the amount of \$2,633,006. On April 12, 2022 (Item No. 27), the Board approved Grant Agreement No. 22-260 with BSCC in the amount of \$2,633,006 to fund the Program, for the period of March 1, 2022 through March 1, 2025.

On August 9, 2022 (Item No. 31), the Board approved four employment contracts (one Mitigation Specialist and three Office Assistant III positions), including Employment Contract No. 22-734 with Mr. Robles for the position of Office Assistant III, to support the Program.

On September 27, 2022 (Item No. 39), the Board approved two employment contracts (one Paralegal position and one Deputy Public Defender IV) to support the Program.

On October 25, 2022 (Item No. 54), the Board approved two employment contracts (two Paralegal positions) to support the Program.

On December 5, 2022, following approval by the Chief Executive Officer on December 2, 2022, the Department submitted Grant Application – Year Two to BSCC in the amount of \$2,603,224, augmenting the Year One award of \$2,633,006, for a total grant award of \$5,236,230, for the Program.

On January 17, 2023, the Department received notice that while the 2023-24 Proposed State Budget eliminated funding for Year Three of the grant, funds allocated for Year One and Year Two could be used through the original grant period ending March 1, 2025. Due to ongoing challenges with recruiting qualified staff, the Department expects to utilize Year One and Year Two grant funds for the full grant period.

On March 14, 2023 (Item No. 33), the Board approved Amendment No. 1 to Grant Agreement No. 22-260 with BSCC, increasing the amount by \$2,603,224, from \$2,633,006 to \$5,236,230, for Year Two of the Grant, as well as additional employment contracts (one Deputy Public Defender position, and one Paralegal position), including bilingual compensation to support the program.

On April 11, 2023, (Item No. 37), the Board approved one employment contract (Contract Paralegal) to support the Program.

On September 26, 2023, (Item No. 47), the Board approved three employment contracts (two Office Assistant III positions and one Paralegal position) to support the Program. In addition, the Board terminated Employment Contract No. 22-734 with Mr. Robles.

The 2023-24 State Budget included funding for Year Three and On November 17, 2023, BSCC released the Year Three Grant Request for Applications. On January 5, 2024, following approval by the Chief Executive Officer on December 28, 2023, the Department submitted Grant Application – Year Three to BSCC in the amount of \$2,142,592, augmenting the Year One award of \$2,633,006 and Year Two award of \$2,603,224, for a total grant award of

**Employment Contract for the Second Chance Program
February 6, 2024**

\$7,378,822, for the Program. The Department will return to the Board for approval to receive Year Three Grant funds, if awarded by BSCC.

The Department continuously recruits for open contract positions, and interviews qualified candidates to assess their work experience and skills set. The recommended contractor, a current Department regular employee, applied for the position, was interviewed, and was selected to fill the vacant position due to documented work experience and verified qualifications.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by Human Resources (Gina King, Assistant Director, 387-5571) on January 11, 2024; County Counsel (Cynthia O'Neill, Principal Assistant County Counsel, 387-5455) on January 11, 2024; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412) on January 17, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on January 19, 2024.

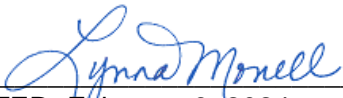
**Employment Contract for the Second Chance Program
February 6, 2024**

Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: February 6, 2024



cc: Public Defender - Lovelace w/agrees
Contractor c/o Public Defender w/agree
File - w/agree

MA 02/8/2024