

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

September 26, 2023

FROM

THOMAS W. SONE, Public Defender

SUBJECT

Employment Contracts for Public Defender Second Chance Program

RECOMMENDATION(S)

1. Approve Employment Contracts for the following individuals, for the period of October 7, 2023 through March 1, 2025:
 - a. Tyler Reed as Office Assistant III, for the estimated annual cost of \$66,841 (\$46,100 Salary, \$20,741 Benefits). **Agreement No. 23-1019**
 - b. Cecilia Smith as Office Assistant III, for the estimated annual cost of \$66,841 (\$46,100 Salary, \$20,741 Benefits). **Agreement No. 23-1020**
2. Terminate Employment Contract No. 22-734 and approve a new **Employment Contract No. 23-1021** with Francisco J. Robles as Paralegal, for the estimated annual cost of \$79,251 (\$69,719 Salary, \$9,532 Benefits), for the period of October 7, 2023 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 contracts is \$212,933, 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 San Bernardino 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

Each 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 positions will perform various duties, including researching and presenting evidence of relevant mitigation at resentencing hearings; preparing and submitting comprehensive mitigation packets for resentencing requests; identifying clients entitled to resentencing and pursue the resentencing process for each eligible client; and preparing clients for youthful offender parole hearings.

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The two Office Assistant III positions will perform clerical functions for the Program including: completing conflict checks and client and involved party research; filing legal documents; managing client files; preparing court calendars; completing case-related data entry, posting annotations and compiling statistical data; transcribing video and audio recordings; and other miscellaneous clerical duties.

The Paralegal position will provide assistance to 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; provide bilingual translation involving the use of English and Spanish; 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.

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.

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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.

The Department continuously recruits for open contract positions, and interviews qualified candidates to assess their work experience and skills set. The recommended contractors were interviewed and selected to fill the vacant positions 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 August 31, 2023; County Counsel (Cynthia O'Neill, Principal Assistant County Counsel, 387-5455) on August 31, 2023; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412) on September 11, 2023; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on September 11, 2023.

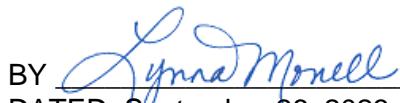
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: September 26, 2023



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

JLL 09/26/2023