

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

September 13, 2022

**FROM**

**JASON ANDERSON, District Attorney**

**SUBJECT**

Grant Agreement with the California Office of Traffic Safety for the San Bernardino County Alcohol and Drug Impaired Driver Vertical Prosecution Program

**RECOMMENDATION(S)**

1. Approve Grant **Agreement 22-799** (No. DI23019) with the State of California, Office of Traffic Safety to receive \$891,577 for the San Bernardino County Alcohol and Drug Impaired Driver Vertical Prosecution Program for the period of October 1, 2022 through September 30, 2023.
2. Adopt a **Resolution No. 2022-182** approving the Grant Agreement and authorizing the District Attorney's Office, as required by the California Office of Traffic Safety, to electronically sign and submit the Grant Agreement on behalf of the Board of Supervisors, and any subsequent non-substantive amendments, subject to review by County Counsel.
3. Authorize the addition of one new position classified as District Attorney Senior Investigator, Safety Employees' Salary Plan, Grade 20, (\$96,283.20 - \$146,224.00).
4. Approve appropriation and revenue adjustments of \$338,577 and authorize the Auditor-Controller/Treasurer/Tax Collector to post the necessary budget adjustments, as detailed in the Financial Impact Section (Four votes required).
5. Direct the District Attorney to submit all Grant Agreement documents, including any non-substantive amendments, to the Clerk of the Board of Supervisors within 30 days of execution.

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

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

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

**Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The \$891,577 grant award will fund the cost of two Deputy District Attorneys and one District Attorney Senior Investigator assigned to the San Bernardino County Alcohol and Drug Impaired Driver Vertical Prosecution Program (Program), along with Driving Under the Influence (DUI) testing costs, for the period of October 1, 2022 through September 30, 2023. There is no local match associated with this grant. The District Attorney (Department) included grant revenue of \$553,000 in the 2022-23 budget for the Program and recommends the following adjustments to the Department's 2022-23 budget to recognize the additional funds:

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<b>Fund Center</b>	<b>Commitment Item</b>	<b>Description</b>	<b>Increase (Decrease)</b>
4500001000	51001010	Regular Salary	\$288,577
4500001000	52002445	Other Professional & Spec Services	\$50,000
4500001000	40509155	Federal – Pass Through	\$338,577

If future grant funding is reduced, staff will be transitioned to vacancies within the Department and the grant position will be deleted.

**BACKGROUND INFORMATION**

The California Office of Traffic Safety (OTS) grant will provide funding for the Program. This Program allows a Deputy District Attorney to file and prosecute alcohol and drug impaired driving cases throughout each step of the criminal process. These cases range from misdemeanor DUI through felony DUI. Actions for each case include working with law enforcement agencies to provide guidance during investigation, initial case review, case filing, prosecution and eventual sentencing. The addition of a District Attorney Senior Investigator will be used to consult and offer assistance on all Driving Under the Influence of Drugs (DUID) related issues, including, but not limited to reviewing police reports; responding to the scene of a traffic fatality; offering strategies in prosecutions and case presentations; and being able to testify as an expert in court.

The Department’s participation in this Program will continue the sharing of information, through roundtable discussions, with law enforcement personnel throughout San Bernardino County as a means to prevent impaired driving, with the goal to reduce alcohol/drug-involved traffic fatalities and injuries throughout the County. In the roundtable discussions, law enforcement personnel are able to discuss challenges they encounter and seek guidance on various laws regarding impaired driving. The Department has been receiving grant funds from OTS annually for this purpose since 2012.

On January 25, 2022 (Item No. 25), the Board of Supervisors (Board) approved the Department’s grant application to OTS requesting grant funding for the period of October 1, 2022 through September 30, 2023. Historically, the grant has been used to fund two Deputy District Attorneys, along with related training costs and \$50,000 for DUI Drug Testing. One additional District Attorney Senior Investigator is added in this funding cycle, along with an additional \$50,000 for DUI Drug Testing, for a total of \$100,000. If future grant funding is reduced, staff will be transitioned to vacancies within the Department and the position will be deleted.

In addition to the acceptance of the grant award, the Department is requesting approval to execute any subsequent non-substantive amendments to the grant award agreement, subject to review by County Counsel.

**PROCUREMENT**

N/A

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**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Katherine Hardy, Deputy County Counsel, 387-5455) on August 19, 2022; Human Resources (Diane Rundles, Director, 387-5570) on August 22, 2022; Auditor-Controller/Treasurer/Tax Collector (Charlene Huang, General Accounting Manager, 382-3196) on August 22, 2022; Finance (Kathleen Gonzalez, Finance Analyst, 387-5412) On August 25, 2022; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on August 29, 2022.

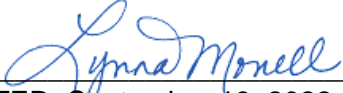
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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

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

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: September 13, 2022



cc: W/RESOLUTION  
DA- walker w/agree for sign  
Contractor- C/O DA w/agree  
File- w/agree  
LA 09/16/2022