

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

August 8, 2023

FROM

JASON ANDERSON, District Attorney

SUBJECT

Agreement with the California Victim Compensation Board for the Criminal Restitution Program

RECOMMENDATION(S)

1. Rescind San Bernardino County Board of Supervisors approval of Agreement No. 23-506 with the California Victim Compensation Board, approved by the Board of Supervisors on June 13, 2023 (Item No. 36), due to subsequent changes to the agreement by the California Victim Compensation Board.
2. Approve **Agreement No. 23-837** with the California Victim Compensation Board, including a non-standard term, to received funding for the Criminal Restitution Program in the amount of \$449,859 effective July 1, 2023, or upon final approval from the California Victim Compensation Board – Department of General Services, through June 20, 2026.
3. Adopt **Resolution No. 2023-150** amending Resolution No. 2023-89, adopted by the Board of Supervisors on June 13, 2023 (Item No. 36), as required by the California Victim Compensation Board, authorizing the District Attorney to sign and submit the agreement referenced in Recommendation No. 2, including the confidentiality statement and certification, and any subsequent non-substantive amendments, on behalf of the County, subject to review by County Counsel.
4. Direct the District Attorney to transmit the agreement referenced in Recommendation No. 2, and 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 total funding of \$449,859 from the California Victim Compensation Board (CalVCB) will be distributed to the District Attorney's Office (Department) in the amount of \$149,953 annually for three years beginning in 2023-24, with no local match required. This revenue will be used to help fund staff assigned to the Department's Criminal Restitution Program (Program), including one Restitution Specialist (Paralegal) and one Office Assistant III. Sufficient appropriation and revenue related to this item has been included in the Department's 2023-24 budget and will be included in future recommended budgets.

**Agreement with the California Victim Compensation Board for the
Criminal Restitution Program
August 8, 2023**

BACKGROUND INFORMATION

In 1997, CalVCB implemented the Program to increase imposition of statutorily mandated restitution fines and restitution orders in criminal cases. This Program was established to ensure there would be funding available state-wide to assist victims of crime. San Bernardino County (County) has been receiving funding under this Program for the last 26 years.

On June 13, 2023 (Item No. 36), the Board of Supervisors (Board) approved Agreement No. 23-506 with CalVCB and adopt Resolution No. 2023-89, as required by the CalVCB. On June 30, 2023, the Department received notice from CalVCB advising of changes to the approved agreement. The agreement was revised to specify that the agreement shall be effective beginning July 1, 2023, or upon final approval from the CalVCB – Department of General Services. Also, Exhibit A, Section 8(B) and (B) of the agreement was revised to specify the level of District Attorney personnel required for the program. Revisions to the agreement are administrative and cause no financial or operational impact to the Department or the Program. The Department is requesting to rescind the Board's approval of Agreement No. 23-506 and replace with the agreement received on June 30, 2023.

The proposed Resolution will amend Resolution No. 2023-89, adopted by Board on June 13, 2023 (Item No. 36). The Resolution is being amended to add language to specifically authorize the San Bernardino County District Attorney to sign and submit the agreement referenced in Recommendation No. 2, including the confidentiality statement and certification, and any subsequent non-substantive amendments, subject to review by County Counsel.

The agreement with CalVCB will allow the Department to receive an allocation of funding for the County's Program for the next three years. Specifically, these funds will be used by the Department to offset the projected cost of staff assigned to educate criminal justice personnel regarding restitution requirements of the California Constitution and California Penal Code. The Program staff coordinates with Deputy District Attorneys, Probation Officers, law enforcement agencies, court personnel, etc., and provides information necessary to ensure proper restitution fines/orders are imposed in accordance with applicable statutes.

The agreement contains the following non-standard provision, which requires Board approval:

1. The agreement requires any disputes, which cannot be resolved by mutual agreement, to be decided by CalVCB's Administration Division Chief or designee. The decision of the Administration Division Chief, issued in writing, shall be final.
 - Standard County policy requires a non-binding form of dispute resolution.
 - Potential Impact: All disputes, which cannot be resolved by mutual agreement, will be settled by a final and binding decision by CalVCB's Administration Division Chief. The County's right to challenge the decision will be limited.

The Department recommends approval of the revised agreement, including non-standard terms, for receipt of funding in the amount of \$449,859 for the Program.

PROCUREMENT

N/A

**Agreement with the California Victim Compensation Board for the
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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Katherine Hardy, Deputy County Counsel, 387-5455) on July 20, 2023; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412) on July 24, 2023; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on July 24, 2023.

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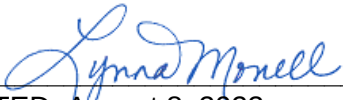
Record of Action of the Board of Supervisors
San Bernardino County

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: August 8, 2023



cc: w/Resolution
DA - Walker w/agree
Contractor - c/o DA w/agree
File - w/agree
CCM 08/9/2023