

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

**November 19, 2024**

**FROM**

**THOMAS W. SONE, Public Defender**

**SUBJECT**

Amendment to Grant Agreement with the California Board of State and Community Corrections for the Second Chance Program

**RECOMMENDATION(S)**

1. Approve **Amendment No. 2** to Grant **Agreement No. 22-260** (Grant Agreement No. BSCC 338-21) with the California Board of State and Community Corrections for the Public Defender's Second Chance Program that advances State Legislature initiatives related to criminal justice reform initiatives for indigent defense services, increasing the grant amount by of \$2,385,717 from \$5,236,230 to \$7,621,947, extending the term by 16 months, for the total period of March 1, 2022 through December 31, 2026.
2. Authorize the Public Defender to execute Amendment No. 2, and any subsequent non-substantive amendments to the grant agreement, on behalf of the County, subject to review by County Counsel.
3. Direct the Public Defender to transmit Amendment No. 2 and all subsequent non-substantive amendments to the Clerk of the Board of Supervisors within 30 days of execution.

(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.**

**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 Discretionary General funding (Net County Cost). This grant amendment award, in the amount of \$2,385,717, augments the existing grant award of \$5,236,230 for a total of \$7,621,947 for the grant period of March 1, 2022 through December 31, 2026. The grant award will fund the Public Defender's (Department) Second Chance Program (Program) and is administered by the California Board of State and Community Corrections (BSCC). The grant does not have a local match requirement though it does contain a supplanting prohibition, which requires the grant funds to be allocated to new programs or to augment existing programs.

The Program budget (491-2753) has adequate appropriation and revenue for the 2024-25 program requirements. Adequate appropriations will be included in future recommended budgets.

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**BACKGROUND INFORMATION**

California Senate Bill 129 Budget Act of 2021 appropriated \$49,500,000, per year for three years, for the Public Defense Pilot Program to provide each county supplemental indigent defense funding to effectuate legislative reforms in criminal sentencing and parole, as well as a responsible approach to decarceration. The Department created the Program to pursue claims on behalf of indigent clients serving extreme sentences; resentence on behalf of indigent clients currently sentenced on designated homicide, attempted homicide and manslaughter cases; represent youthful offenders entitled to reconsideration of their currently imposed criminal sentence; and expertly pursue mitigation at the earliest opportunity in currently charged youthful offender cases.

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

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 Year One of the Program for the period of March 1, 2022 through March 1, 2025.

On March 14, 2023 (Item No. 33), the Board approved Amendment No. 1 to Grant Agreement No. 22-260, increasing the grant amount by \$2,603,224, to fund Year Two of the Program, for a total grant award of \$5,236,230, for the period of March 1, 2022 through March 1, 2025.

On January 5, 2024, the Department submitted a grant application for Year Three of the Program to BSCC, in the amount of \$2,142,592 for the Program. Per County Standard Practice 05-13 SP1, the Department requested and received approval to submit the application from the Chief Executive Officer on December 28, 2023.

On October 17, 2024, the Department received notice of the award to fund Year Three of the grant from BSCC, in the amount of \$2,385,717, for the period of March 1, 2022 through December 31, 2026. California Senate Bill 104 Budget Act of 2023 extended the funding available for the Public Defense Pilot Program through December 31, 2026.

Due to ongoing challenges with recruiting qualified staff, the Department expects to utilize the full grant period to fully expend the grant funds.

The requests delegation of authority to the Public Defender to execute Amendment No. 2 as BSCC has named the Public Defender as the authorized signer, and to reduce administrative delays for the timely receipt of grant funds.

**PROCUREMENT**

N/A

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Bonnie Uphold, Supervising Deputy County Counsel, 387-5455) on October 22, 2024; Finance (Kathleen Gonzalez, Administrative Analyst,

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387-5412) on October 31, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on November 4, 2024.

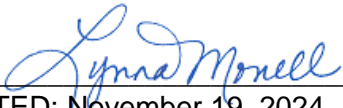
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Record of Action of the Board of Supervisors  
San Bernardino County

**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: November 19, 2024



cc:    Public Defender - Lovelace w/agree for sign  
      Contractor - c/o Public Defender w/agree  
      File - w/agree  
MBA   11/20/2024