

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

June 8, 2021

FROM

JASON ANDERSON, District Attorney

SUBJECT

Agreement with the State of California - Victim Compensation Board for the San Bernardino County Victims of Crime Verification Unit

RECOMMENDATION(S)

1. Approve **Agreement No. 21-395** with the State of California, Victim Compensation Board (Agreement Number VCB-7870) to receive grant funding in the amount of \$1,424,944.23 for costs related to verifying and processing claims submitted by victims of crime for the period of July 1, 2021 through June 30, 2024.
2. Adopt **Resolution No. 2021-072** authorizing the District Attorney, as required by the California Victim Compensation Board, to sign and submit the agreement on behalf of the Board of Supervisors, including the confidentiality statement and certifications, and any subsequent non-substantive amendments, subject to review by County Counsel.
3. Direct the District Attorney to transmit all documents in relation to any non-substantive amendments to this agreement to the Clerk of the Board of Supervisors within 30 days of execution.

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

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The grant in the amount of \$1,424,944.23 from the California Victim Compensation Board (CalVCB) will be distributed to the District Attorney's Office (Department) in the annual amount of \$474,981.41 for three years beginning in 2021-22 and requires no cash match. The grant will be used to help fund the cost of staff assigned to the Department's Victims of Crime Verification Program including 1 Victim Witness Claims Technician II, 3 Victim Witness Claims Technician Is and 2 Office Assistant III positions. Appropriation and revenue related to this item is included in the Department's 2021-22 recommended budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

In 1979, the California Legislature initially authorized the establishment of the California Victim/Witness Assistance Program (Chapter 713 of the Statutes of 1979). This program, which has been amended periodically since that time, provides for counties to establish a Victim/Witness Assistance Program. The CalVCB, in accordance with Government Code

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section 13952.5(c)(3), may delegate authority to the District Attorney's victim services staff to process crime victim claims and grant/disburse emergency awards in accordance with guidelines established by the CalVCB. Delegating this authority to the local level expedites claim processing, verification and awards, as well as provides for victim claims processing services Countywide.

The CalVCB Standard Agreement includes the following non-standard terms. The State has refused to modify any provisions of the Agreement.

1. In Exhibit C General Terms and Conditions, paragraph 5, the County is required to indemnify the State from any all claims and losses accruing or resulting to third parties supplying work, services, materials or supplies in connection with the performance of the Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by County in the performance of the Agreement.

Impact: This is an Agreement with the State pursuant to which the County performs services for the State. It is not unusual for public entities to request indemnity from each other. In this Agreement, however, the indemnity is not mutual. If any third parties file a claim as a result of the County's services under the agreement, the County must indemnify and defend the State from such claims.

2. Any dispute concerning a question of fact arising under this Agreement that is not disposed of by mutual agreement shall be decided by CalVCB's Enterprise Operations and Services Section (EOSS) Chief, who may consider any written or verbal evidence submitted by the Contractor. The decision of the EOSS Chief, issued in writing, shall be CalVCB's final decision regarding the dispute. See Exhibit D Special Terms and Conditions, paragraph 1.

Impact: Standard County policy allows only for nonbinding dispute resolution. Binding dispute resolution must be approved by the Board of Supervisors. Under this agreement, the decision of the Agency Chief is final, and the County has no option to pursue resolution of disputes through the court system.

3. The State may terminate the Agreement (1) immediately for cause or (2) for convenience with 30 days written notice. See Exhibit D Special Conditions paragraph 2. The County has no right of termination.

Impact: Standard County Policy provides that the County shall have a right to terminate for convenience with 30 days' notice. In this Agreement, the County has no such right. The Agreement does provide, however, that the Agreement is only valid and enforceable if sufficient funding is provided for the years covered by the Agreement for the purpose of the program. If sufficient funding is not provided, CalVCB has the right to terminate the Agreement or offer an amended Agreement to the County. See Exhibit B, Budget Detail and Payment Options, paragraph 2 Budget Contingency Clause.

The Department has administered this program since 1980. The Department received notification from CalVCB of the Agreement to be signed and returned by June 4, 2021. The

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Department has received an extension from CalVCB to June 10, 2021 to ensure adequate time to obtain Board approval.

PROCUREMENT

N/A

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Katherine Hardy, Deputy County Counsel, 387-5437) on May 17, 2021; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on May 18, 2021; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on May 18, 2021.

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Record of Action of the Board of Supervisors
County of San Bernardino

APPROVED (CONSENT CALENDAR)

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: June 8, 2021



cc: w/Resolution
DA - Walker w/agree for sign
Contractor - C/O DA w/agree
File - w/agree

CCM 06/9/2021