



Board Agenda Item 43

DATE: September 10, 2019

TO: Board of Supervisors

SUBMITTED BY: Elizabeth Diaz, Public Defender

SUBJECT: Retroactive Special Services Agreement for Clean Slate Program with Fresno Regional Workforce Development Board

RECOMMENDED ACTION(S):

1. **Approve and authorize the Chairman to execute a Retroactive Special Services Agreement with the Fresno Regional Workforce Development Board, effective July 1, 2019 to June 30, 2020, total not to exceed \$149,413, including the following required forms: (1) Workforce Innovation and Opportunities Act Assurances and Certifications Standard of Conduct; (2) Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower-Tier Covered Transactions; and (3) Signatory Authorization form; and**
2. **Adopt Budget Resolution increasing the FY 2019-20 appropriations and estimated revenues in the Public Defender Org 2880 in the amount of \$149,413 (4/5 vote).**

There is no additional Net County Cost associated with the recommended actions. The recommended agreement will allow the Fresno Regional Workforce Development Board (FRWDB) to continue to compensate the Fresno County Public Defender for post-conviction relief services rendered to their clients, retroactively effective from July 1, 2019 to June 30, 2020. Services for clients include post-conviction relief in such areas as family law issues related to child support, and driver license suspensions, in order to remove barriers to employment. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may choose not to authorize the agreement, which will result in the Public Defender not receiving funding from the Fresno Regional Workforce Development Board for the Clean Slate Program to advance the health and well-being of low-income individuals in Fresno County. This is the only funding source for this Program; therefore, if this is not approved, the Department will not be able to provide these services for their clients.

RETROACTIVE AGREEMENT:

The recommended agreement is retroactive, as the Department received the signed agreement from the FRWDB on August 1, 2019, and is bringing this before your Board within normal agenda item processing timelines.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions, as funding is provided by the FRWDB. The Budget Resolution in the second recommended action will increase appropriations and estimated revenues in the Public Defender Org 2880 for FY 2019-20 in the amount of \$149,413. The

Department will utilize Extra-Help staff to run the program. Indirect costs are included as reviewed and approved by the Auditor-Controller/Treasurer-Tax Collector.

DISCUSSION:

The Department has run the Clean Slate Program, which provides post-conviction relief to Public Defender clients to remove barriers to healthcare, employment, and housing services since 2017. The Program was initiated by funding from the California Endowment. The Program was subsequently expanded with additional funding from the FRWDB, and Centro La Familia Advocacy Services, Inc. The expansions provided additional days to meet with clients, services to youth under the age of 18, and extended the term of the original agreement. The Department will continue to utilize Extra-Help staff consisting of a Defense Attorney and Paralegal to manage the program, provide weekly personal consultations with clients, file petitions with the Court, and assist with tracking data.

It should be noted, the recommended agreement includes the following forms: (1) Workforce Innovation and Opportunities Act Assurances and Certifications Standard of Conduct; (2) Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower-Tier Covered Transactions; and (3) a Signatory Authorization form, which certifies that the Chairman has the ability to submit proposals and bind the County to agreements. This agreement differs from the County's model contract in that it contains a mutual hold harmless clause. This has the effect of making each party responsible for losses arising from their own negligent or wrongful performance, or failure to perform. The mutual hold harmless clause has been reviewed by Risk Management, and deemed to be acceptable for this agreement between public entities.

REFERENCE MATERIAL:

BAI #34, March 12, 2019

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with FRWDB
On file with Clerk - Resolution (Org. 2880)

CAO ANALYST:

Samantha Buck