



Board Agenda Item 37

DATE: January 6, 2026

TO: Board of Supervisors

SUBMITTED BY: Kirk Haynes, Chief Probation Officer

SUBJECT: Retroactive First Amendment to Agreement A-24-515 with Superior Court of California

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a retroactive First Amendment to Agreement A-24-515 with the Superior Court of California, County of Fresno (Court) for the provision of pretrial services, resulting in a decrease of \$500,260 effective July 1, 2025, with no change to the term of July 1, 2024, through June 30, 2029, for a maximum agreement amount of \$8,435,665.

There is no Net County Cost associated with the recommended action. The retroactive amendment continues the Memorandum of Understanding (MOU), which is County Agreement No. A-24-515, with the Court. This amendment removes the requirement for Probation to maintain financial information for ability-to-pay determinations, transferring the responsibility back to the Courts, discontinues public safety assessments for specified non-violent misdemeanors, and adjusts the Probation budget allocation to align with the Court's revised state funding allocation. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. The recommended amendment is required to align Probation's budget with the Court's revised funding allocation from the state.

RETROACTIVE AGREEMENT:

The recommended amendment is retroactive to July 1, 2025 due to the timing of the Court's allocation from the state, and the length of time required to negotiate, prepare and receive approval from the Court for the recommended amendment. This item is being brought to your Board in accordance with agenda item processing timelines.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Funding for the Pretrial Release Program continues to be provided through the Court with state allocations from the Judicial Council of California.

For Fiscal Year 2025-26, the Court's total allocation is \$1,662,120, of which approximately \$1,246,590 (75%) is designated for the Probation Department and \$415,320 (25%) is retained by the Court. Based on prior year actual allocations and future funding estimates, the base amount of the amendment decreased from \$6,433,868 to \$6,166,790 with the total maximum compensation decreasing from \$8,935,925 to \$8,435,665.

The statewide reduction from the Budget Act of 2025 (Assembly Bill 102) resulted in a proportional decrease to the Court's allocation. The recommended amendment adjusts the County's program budget to match the available funding. Sufficient appropriations and estimated revenues are included in Probation's FY 2025-26 Adopted Budget for Org 3430.

DISCUSSION:

On September 24, 2024, the County and the Court entered into a MOU for the provision of pretrial services, for pre-arraignment and pretrial risk assessments for individuals booked into the Fresno County Jail and for the supervision of individuals released on Pre-Arraignment and Pretrial services.

For Fiscal Year 2025-26, the Budget Act of 2025 reduced statewide funding for the Pretrial Release Program from \$70 million to \$63.95 million, requiring corresponding reductions to each trial court's allocation. The Judicial Council distributes these funds based on each county's proportion of the state's population between the ages of 18 to 25. As a result of this reduction, the Court's allocation was reduced from \$1,787,185 to \$1,662,120, requiring a revision to the budget under the existing MOU.

The recommended amendment updates the budget exhibits and scope of work to (1) reflect the reduced state allocation, (2) remove the Public Safety Assessment requirements for individuals in-custody for non-violent misdemeanor charges where no other violent, domestic violence or Criminal Protective Order-related charges are attached such as suspended California Driver's License, drug paraphernalia, ID theft, public intoxication, trespassing, vandalism and obstruction, (3) remove the Probation Department's maintenance of a vendor contract to verify financial information for ability to pay determinations, which has reverted to the Court for continued administration.

Approval of the recommended action will ensure the County's Pretrial Services Program remains fiscally aligned with the Court's revised allocation and continues to deliver safe, efficient and equitable pretrial release practices within Fresno County.

REFERENCE MATERIAL:

BAI #35, September 24, 2024

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Retroactive First Amendment to Agreement with Superior Court of California

CAO ANALYST:

Fine Nai