



Board Agenda Item 35

DATE: April 28, 2020
TO: Board of Supervisors
SUBMITTED BY: Elizabeth Diaz, Public Defender
SUBJECT: Revenue Agreement with Fresno Economic Opportunities Commission

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a Revenue Agreement with the Fresno Economic Opportunities Commission, effective upon execution through September 30, 2021 (\$60,000); and**
- 2. Adopt Budget Resolution increasing the FY 2019-20 appropriations and estimated revenues in the Public Defender Org 2880 in the amount of \$3,000 (4/5 vote).**

There is no additional Net County Cost associated with the recommended actions. The recommended agreement will allow the Fresno Economic Opportunities Commission (EOC) to compensate the Fresno County Public Defender for post-conviction relief services rendered to their clients, effective upon execution, through September 30, 2021. Services for clients include post-conviction relief regarding The Adult Use of Marijuana Act (Prop 64) in order to remove barriers to employment, housing, and education. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may choose not to authorize the recommended agreement, which will result in the Public Defender not receiving funding from EOC for the Clean Slate Program to advance the health and well-being of low-income individuals in Fresno County.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Costs for services provided under this agreement are 100% recoverable and funded by EOC, including Salaries and Benefits, Services and Supplies, and all allowable indirect costs. 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 \$3,000. The Department will utilize Extra-Help staff to implement the program. Indirect costs are included as reviewed and approved by the Auditor-Controller/Treasurer-Tax Collector. The remaining appropriations and estimated revenues of \$57,000 associated with the recommended agreement will be included in future budget requests.

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 Fresno Regional Workforce Development Board, 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. The recommended actions will provide additional hours to meet with clients referred by EOC regarding post-conviction relief under Prop 64, to address barriers to reentry for communities disproportionately affected by past federal and state drug policies.

The recommended agreement deviates from the County model contract because it contains a mutual hold harmless clause. Risk Management has reviewed the agreement, and although this provision is common in agreements between public agencies, Risk Management does not agree to include this provision. However, staff believes any risks associated with the recommended agreement are outweighed by the benefits, and recommends approval of the recommended agreement as a prudent business decision.

REFERENCE MATERIAL:

BAI #43, September 10, 2019
BAI #58, June 5, 2018
BAI #44, November 14, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with EOC
On file with Clerk - Resolution (Org 2880)

CAO ANALYST:

Samantha Buck