



# County of Fresno

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## Legislation Details (With Text)

**File #:** 20-0194  
**Name:** Retroactive Acceptance of Non-Monetary Donation and Agreement with Uptrust, Inc.  
**In control:** Public Defender  
**On agenda:** 4/14/2020  
**Final action:** 4/14/2020  
**Enactment date:**  
**Enactment #:** Resolution No. 20-118, Agreement No. 20-140

**Title:** Adopt Resolution retroactively accepting and expressing gratitude for a non-monetary donation, with a value of \$22,600, from the Heising-Simons Foundation and Uptrust, Inc., to initiate a text messaging system for the Public Defender's Office; and approve and authorize the Chairman to execute a retroactive Agreement with Uptrust, Inc. for text messaging services, effective October 1, 2019, not to exceed 30 months, which includes an 18-month base contract and one optional one-year extension, total not to exceed \$8,400

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Item, 2. Resolution No. 20-118, 3. Agreement A-20-140 with Uptrust, Inc.

Date	Ver.	Action By	Action	Result
4/14/2020	1	Board of Supervisors	Approved as Recommended	Pass

**DATE:** April 14, 2020

**TO:** Board of Supervisors

**SUBMITTED BY:** Elizabeth Diaz, Public Defender

**SUBJECT:** Retroactive Acceptance of Non-Monetary Donation and Agreement with Uptrust, Inc.

### RECOMMENDED ACTION(S):

- 1. Adopt Resolution retroactively accepting and expressing gratitude for a non-monetary donation, with a value of \$22,600, from the Heising-Simons Foundation and Uptrust, Inc., to initiate a text messaging system for the Public Defender's Office; and**
- 2. Approve and Authorize the Chairman to execute a retroactive Agreement with Uptrust, Inc. for text messaging services, effective October 1, 2019, not to exceed 30 months, which includes an 18-month base contract and one optional one-year extension, total not to exceed \$8,400.**

There is no additional Net County Cost associated with the recommended actions. Approval of the recommended actions will authorize the County to retroactively accept a non-monetary donation of services of a text messaging system with a monetary value of \$22,600 for designated clients of the Public Defender's Office. The donation is from the Heising-Simons Foundation, with funds going to directly to Uptrust, Inc. Uptrust provides a text messaging system to facilitate court appearances through client engagement and text message reminders. The recommended actions will also approve a retroactive agreement with Uptrust for text messaging services to the Public Defender's clients, notifying them of their court dates. This item is Countywide.

### ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the Public Defender will not have a text messaging system to remind clients of upcoming hearings.

#### RETROACTIVE AGREEMENT:

The Public Defender began working with Uptrust in October 2019, but no Agreement was signed due to administrative oversight. The recommended actions will correct this issue, and Department staff is reviewing internal processes to ensure timely processing of agreements in the future. The recommended agreement was received from Uptrust on February 13, 2020, and is being brought to the Board within agenda item processing timelines.

#### FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Costs associated with the recommended agreement are \$0 for the initial term, and would not to exceed \$8,400 for the optional twelve-month renewal of the recommended agreement. The one-time integration and customization fees of \$10,000, and the discounted fee of \$700 per month have been waived by Uptrust for the initial 18 months, as Uptrust received \$22,600 of grant funding from the Heising-Simons Foundation. If the initial term is deemed successful, the Department will confer with the County Administrative Office, and ongoing costs of \$8,400, \$700 per month for the optional twelve-month renewal period, will be included in future budget requests for the Public Defender's Org 2880 if the project is found to be cost-effective.

#### DISCUSSION:

Uptrust offers a text message-based communication and engagement tool that helps remind low-income clients to make it to court and reminds these clients of mandatory appointments. It is utilized by 37 public defender offices across the United States. If the recommended agreement is approved by the Board, the County of Fresno will be the eighth public defender office in California to utilize this system.

The recommended agreement will allow the Office to send text message reminders to clients to notify them of upcoming court dates, and potentially as another general avenue of communication with clients. By improving communication between the criminal justice system and people accused of crimes, indigent clients stay out of jail from bench warrants and technical violations, effectively reducing the impact on taxpayer funds, and freeing up valuable County resources.

The Heising-Simons Foundation is funding agreements between Uptrust and several counties in California, including Solano, Yolo, Santa Barbara, and Riverside, to initiate similar text messaging systems to facilitate communication between Public Defenders and their clients. Heising-Simons is funding the initial 18-month term for a total of \$22,600, with funds given directly to Uptrust. Additional funds for the optional 12-month term would be included in future budget requests if the Public Defender finds the project to be efficient and cost-saving.

The Heising-Simons Foundation is a family foundation based in Los Altos and San Francisco, California. This Foundation works with its many partners to advance sustainable solutions in climate and clean energy, enable groundbreaking research in science, enhance the education of the youngest learners, and support human rights for all people.

#### DONATION DISCLOSURES

To ensure there is no appearance that a donor to the County has an advantage or preferential treatment, in accordance with Administrative Policy Number 30 - Donations, when the County accepts a gift or bequest in excess of \$7,500, all matters brought before the Board of Supervisors must disclose the following information:

- Neither Uptrust nor the Heising-Simons Foundation is a contractor or principal in a business, agency or

organization providing contracted services within the County of Fresno.

- Neither Uptrust nor the Heising-Simons Foundation has bid on a County contract in the last 12 months.
- The Public Defender has no knowledge that either Uptrust or the Heising-Simons Foundation will bid on a County contract within the next 12 months.
- The donation includes a non-monetary donation of a text messaging system valued at \$22,600, to initiate a text messaging program for the Public Defender to remind clients of upcoming hearings, and fund this program for 18 months. Uptrust is a direct recipient of these funds from the Heising-Simons Foundation.

**ATTACHMENTS INCLUDED AND/OR ON FILE:**

On file with Clerk - Agreement with Uptrust, Inc.

On file with Clerk - Resolution (Donation)

**CAO ANALYST:**

Samantha Buck