



Legislation Details (With Text)

File #: 18-1189 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 7/25/2018 **In control:** Board of Supervisors

On agenda: 10/16/2018 **Final action:** 10/16/2018

Title: District Attorney recommending the Board consider the following:

- 1) Adopt and authorize the Chair to sign Resolution 223-2018 authorizing the District Attorney to execute a Grant Award Agreement with the California Department of Insurance for the Automobile Insurance Fraud Program for Fiscal Year 2018-19 in the amount of \$231,870 including any extensions or amendments thereof which would not increase net county costs;
- 2) Adopt and authorize the Chair to sign Resolution 224-2018 authorizing the District Attorney to execute a Grant Award Agreement with the California Department of Insurance for the Workers' Compensation Insurance Fraud Program for Fiscal Year 2018-19 in the amount of \$353,173 including any extensions or amendments thereof which would not increase net county costs;
- 3) Approve and authorize the Chair to sign a budget transfer increasing revenue and expense appropriations for the Automobile Insurance Fraud Program by \$110,103 for salary and benefits;
- 4) Adopt and authorize the Chair to sign Personnel Allocation Resolution 225-2018 thereby amending the current authorized personnel allocation to increase the Deputy District Attorney allocation by 1.0 Limited-Term full time equivalent for the Automobile Insurance Fraud Program for the period of October 16, 2018 - October 15, 2019, or as long as the additional funding lasts;
- 5) Approve and authorize the Chair to sign a budget transfer increasing revenue appropriations for the Workers' Compensation Insurance Fraud Program by \$49,763 for salary and benefits, expert witness services and a replacement vehicle equipped with law enforcement equipment; and
- 6) Approve the addition of a vehicle to the District Attorney's Fiscal Year 2018-19 Fixed Asset List.

FUNDING: California Department of Insurance.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Auto Fraud Blue Route - Approved 18-1189, 2. B - Auto Fraud Grant Award Agreement 10.16.18, 3. C - Auto Fraud Resolution (not-executed) 10.16.18, 4. D - Workers' Comp Blue Route Approved 18-1189, 5. E - Workers' Comp Grant Award Agreement 10.16.18, 6. F - Workers' Comp Resolution (not-executed) 10.16.18, 7. G - Budget Transfer 18-1189 10.16.18, 8. H - Reso adding 1 LT DDA - Approved, 9. I - Personnel Resolution Blue Sheet adding 1 LT DDA - Approved 18-1189, 10. Executed Resolution 223-2018, 11. Executed Resolution 224-2018, 12. Executed Resolution 225-2018, 13. Executed Budget Transfer Auto Fraud, 14. Executed Budget Transfer Workers' Compensation Insurance Fraud

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------|----------|--------|
| 10/16/2018 | 1 | Board of Supervisors | Approved | Pass |

District Attorney recommending the Board consider the following:

- 1) Adopt and authorize the Chair to sign Resolution **223-2018** authorizing the District Attorney to execute a Grant Award Agreement with the California Department of Insurance for the Automobile Insurance Fraud Program for Fiscal Year 2018-19 in the amount of \$231,870 including any extensions or amendments thereof which would not increase net county costs;
- 2) Adopt and authorize the Chair to sign Resolution **224-2018** authorizing the District Attorney to execute a Grant Award Agreement with the California Department of Insurance for the Workers' Compensation Insurance Fraud Program for Fiscal Year 2018-19 in the amount of \$353,173 including

- any extensions or amendments thereof which would not increase net county costs;
- 3) Approve and authorize the Chair to sign a budget transfer increasing revenue and expense appropriations for the Automobile Insurance Fraud Program by \$110,103 for salary and benefits;
 - 4) Adopt and authorize the Chair to sign Personnel Allocation Resolution **225-2018** thereby amending the current authorized personnel allocation to increase the Deputy District Attorney allocation by 1.0 Limited-Term full time equivalent for the Automobile Insurance Fraud Program for the period of October 16, 2018 - October 15, 2019, or as long as the additional funding lasts;
 - 5) Approve and authorize the Chair to sign a budget transfer increasing revenue appropriations for the Workers' Compensation Insurance Fraud Program by \$49,763 for salary and benefits, expert witness services and a replacement vehicle equipped with law enforcement equipment; and
 - 6) Approve the addition of a vehicle to the District Attorney's Fiscal Year 2018-19 Fixed Asset List.

FUNDING: California Department of Insurance.

DISCUSSION / BACKGROUND

The District Attorney's Office has received the Automobile Insurance Fraud and Workers' Compensation Insurance Fraud grants since Fiscal Year 2004-05. El Dorado County has been commended by the California Department of Insurance for program operation and compliance. It is through the dedicated commitments of prosecutors and investigators that fraud prevention, investigation, and prosecution has been so successful over the last few years.

Automobile Insurance Fraud Grant

The District Attorney's Office actively investigates and prosecutes both auto theft and insurance fraud and continually seeks to expand their fraud unit to initiate and prosecute additional cases. In addition, the District Attorney's Office seeks new ways to educate the community and law enforcement agencies on automobile insurance fraud and resources available to assist victims. The District Attorney's Office also allows citizens of El Dorado County access to the office for protection of their rights, as well as a forum to report situations of potentially illegal conduct. As a result, the automobile insurance fraud program has become a significant component of the District Attorney's consumer protection effort.

The FY 2018-19 Grant Award Letter for the Automobile Fraud Program states CDI is currently seeking permission from the Department of Finance to proceed with an additional disbursement to the Automobile Fraud Program Grant applicants. When CDI receives the authority to proceed with the disbursement, the District Attorney is requesting to use the additional allocation of \$106,660 to add a Limited-Term Deputy District Attorney to the Program. As auto theft and insurance fraud activities on the Automobile Fraud Grant Program are increasing, the caseload for the Attorney signed to the program is also increasing. As a result, the District Attorney is requesting to add a Limited-Term Deputy District Attorney to the Program for the duration of the fiscal year, or as long as the additional funding lasts, to help address increased caseloads.

The grant performance period is July 1, 2018 - June 30, 2019. Staff does not anticipate being able to fill the Limited-Term allocation prior to November 1, 2019. The total salary and benefits for a Deputy District Attorney II, Step 3 is approximately \$142,101 (Salary - \$98,592, benefits - \$43,509).

Salary and benefits are also being increased by an additional \$1,722 which is funded by the carry-over of FY 2017-18 earned interest.

Workers' Compensation Insurance Fraud Grant

The District Attorney's Office has received this grant for the past seven years and continues to be active in the investigation and prosecution of workers' compensation insurance fraud. In addition, the District Attorney's Office continues to develop and maintain relationships with outside agencies working in this field, as well as engaging in outreach to the public for the purpose of reducing violations by providing education to employers and employees.

In June 2018, the DA was notified the award for FY 2018/19 included the additional funding requested to replace an end-of-life grant funded vehicle. Expense appropriation are being increased by \$29,932 for the vehicle and \$4,429 to outfit the vehicle with the appropriate law enforcement equipment.

Salaries are being increased by \$5,131, which is funded by the carry-over of FY 2017/18 revenue.

The FY 2018-19 Grant Award Letter for the Workers' Compensation Fraud Program states CDI is currently seeking permission from the Department of Finance to proceed with an additional disbursement to the Workers' Compensation Program Grant applicants. When CDI receives the authority to proceed with the disbursement, the District Attorney is requesting to use the additional allocation of \$10,271 for expert witness testimony on an upcoming Workers' Compensation Fraud case.

A signed resolution is required in order for the District Attorney to sign the Grant Award Agreements with the California Department of Insurance (CDI). Approval of these recommendations will allow the District Attorney's Office to continue receiving grant funds that support their consumer protection efforts.

ALTERNATIVES

No viable alternative recommendations are available.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

There is no change to Net County County. The recruitment of the Limited-Term Deputy District Attorney is contingent upon receiving an Amendment to the Automobile Insurance Fraud Program Grant Award Agreement from CDI. There is no matching requirement relative to these grants.

CLERK OF THE BOARD FOLLOW UP ACTIONS

Upon approval, Clerk of the Board to:

- 1) Return one certified copy of each resolution to the CAO Central Fiscal Unit, Attn: Megan Arevalo
- 2) Return one certified copy of the personnel resolution to Human Resources, Attn: Michael Reddin; and
- 3) Forward the executed budget transfer to the Auditor Controller for processing.

STRATEGIC PLAN COMPONENT

Public Safety

CONTACT

Vern Pierson, District Attorney