



**SOLANO
COUNTY**

COUNTY ADMINISTRATOR'S OFFICE

To: Board of Supervisors
From: Bill Emlen, County Administrator
Date: September 6, 2023
Subject: Significant Issues Update

(1) California Medical Facility (CMF) Cases Update

The County accounts for expenditures and revenues related the adjudicating crimes committed on the grounds of the California Medical Facility and Solano State Prison in Vacaville in the County Medical Facility (CMF) in Budget Unit 6800 - Fund 901.

The California Department of Corrections and Rehabilitation operates two institutions within Solano County, the California Medical Facility and Solano State Prison, which together house more than 5,000 inmates. The District Attorney is required by law to prosecute crimes committed on the grounds of the facilities, while the County is also responsible for ensuring the accused's defense.

The Superior Court, serving as lead agency in this matter, has entered into agreements with private attorneys to provide defense services to inmates at the County's cost. The agreements also include the provision of investigative, psychological and transcription services in connection with the assigned case when required. Pursuant to California Penal Code (PC) §4750, these costs are, in turn, eligible for almost full reimbursement by the State. Countywide Administrative Overhead costs, interest expense, and certain treatment costs covered under PC §2970 are not reimbursed by the State.

PC §987.2 authorizes the court to establish a rate of reimbursement to private appointed counsel but requires the court to consult with the Board of Supervisors and to ensure the sums are within the amount of funds allocated in the budget. An analysis of rates was conducted during FY2022/23, including a comparison of rates in neighboring counties as well as actual hourly rates for county attorneys. While reimbursement rates to attorneys in prison matters are not necessarily tied to rates approved for other appointed attorneys, the Court established a reimbursement rate for prison cases of \$112.00/hour for attorneys and \$65/hour for private investigators beginning May 1, 2023.

The primary funding source for this budget unit is State reimbursement, which as mentioned above does not cover Countywide Administrative Overhead costs, interest expense, and certain treatment costs. Due to the timing of State reimbursement, some revenues are accrued into the next fiscal year.

The County Auditor-Controller's Office has filed approximately 353 cases for reimbursement from the State under PC 4750 from July 2022 – May 2023.

Contact: Tami Lukens, Principal Management Analyst, County Administrator's Office
(707) 784-6112 and TDLukens@SolanoCounty.com

(2) American Rescue Plan Act (ARPA), Solano County 2023 Recovery Plan

Solano County received a direct federal funding allocation under the American Rescue Plan Act (ARPA) State and Local Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program of \$86,949,405. These funds are intended to provide support to the County in responding to the economic and public

health impacts of COVID-19 and impacts on our communities, residents, and businesses. The Board of Supervisors has had multiple discussions on ARPA guidelines, received significant public input, and in March 2023, near the 2-year anniversary of the passing of the American Rescue Plan Act, the Board of Supervisors completed its initial allocation of funding for the full amount to a variety of projects, including, and not limited to public health, behavioral health, workforce and small business support, emergency food, water infrastructure, broadband infrastructure, nonprofit support, affordable housing, homeless services.

ARPA SLFRF requires submission of an annual Recovery Plan to the Treasury detailing the use of funds. Solano County submitted its 2023 Recovery Plan by the deadline of July 31, 2023 which provides details on the 58 approved projects (plus administration) within the 7 Treasury Expenditure Categories. The full report can be found on the Solano County ARPA website at: https://www.solanocounty.com/depts/county_admin/arpa/default.asp.

In addition, the FY2022/23 Quarter 4 Progress and Expenditure (P&E) Report was submitted to the Treasury which reflects all 58 Board approved projects, \$86 million in budgeted allocation, and an expenditure to date of \$17.6 million. Expenditures are anticipated to increase significantly throughout the fiscal year as Board approved projects progress.

On August 10, 2023, the Treasury released an Interim Final Rule for the bipartisan State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act (Cornyn/Padilla Amendment), which allows counties to utilize ARPA SLFRF funding for additional uses including surface transportation infrastructure, disaster relief, and community development. Based on the Board's current allocation of ARPA SLFRF funding, funds are not available for additional projects at this time. Should ARPA funding become available later, these categories will be brought forward for future consideration.

Contact: Megan Richards, Senior Management Analyst, County Administrator's Office
(707) 784-6122 and MERichards@SolanoCounty.com