



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 7/11/2023

To: Sonoma County Board of Supervisors
Department or Agency Name(s): District Attorney
Staff Name and Phone Number: Shane Lewis 565-3150
Vote Requirement: 4/5th
Supervisorial District(s): Countywide

Title:

FY2023-24 District Attorney Environmental and Consumer Law Division Budget and Position Allocation Adjustments

Recommended Action:

- A) Adopt a resolution amending the department allocation lists of the District Attorney's Office by adding 1.0 full-time equivalent (FTE) Deputy District Attorney IV, 1.0 FTE District Attorney Investigator II, and 1.0 FTE Legal Assistant utilizing revenue from penalties, from consumer and environmental protection cases (primarily Business and Professional Code Section 17206 civil penalties) including settlement funds from the District Attorney's prosecution of PG&E for the Kincade Fire.
- B) Adopt a resolution adjusting the Fiscal Year 2023-24 Adopted Budget for the District Attorney's Office to add expenditure appropriations for the new position allocations. (4/5 Vote)

Executive Summary:

This item requests authorization to add 1.0 FTE Deputy District Attorney IV, 1.0 FTE District Attorney Investigator II, and 1.0 FTE Legal Assistant to handle the increased workload and complex environmental and consumer protection caseload including wage theft and fraud cases, Brown Act complaints, and responding to Public Records Act requests, including those specific to the Office of the District Attorney, as well as those requests that all departments are expected to respond. These positions will be funded by utilizing fund balance of \$798,607 in FY 23-24 as the Department's FY 23-24 Adopted Budget already includes all estimated revenue from penalties including this year's annual installment of \$1.5 Million of settlement funds from the District Attorney's prosecution of PG&E for the Kincade Fire.

The positions requested were not included in the recently adopted budget because the Department was working internally to review workload, work with Human Resources as to the appropriate positions to address the increased workload, and the County Administrator's Office to discuss the funding of the positions which includes the estimated fund balance of \$9.3 Million, annual PG&E Settlement Funds of \$1.5 Million per year that started in 2022 and go through 2026, and the continued effectiveness of the ECLD Team developing, participating and collaborating with the Attorney General and other District Attorney Offices throughout the State holding violators accountable resulting in increased revenue from penalties.

Discussion:

The District Attorney's Office requests the addition of 1.0 FTE Deputy District Attorney IV, 1.0 FTE District Attorney Investigator II, and 1.0 FTE Legal Assistant to handle the increased workload and complex environmental and consumer protection caseload including wage theft and fraud cases, Brown Act complaints, and responding to Public Records Act requests. The Environmental and Consumer Law Division (ECLD) handles a wide variety of complex and protracted criminal and civil cases, investigating, and prosecuting environmental crimes, consumer fraud, white-collar crimes, price-gouging, embezzlement, insurance fraud, worker's compensation fraud, OSHA and worker safety cases, unfair business practices, political campaign violations, and Brown Act violations. The unit also responds to public records requests including those specific to the Office of the District Attorney as well as those requests that all departments are expected to respond.

The PG&E settlement and Judgment requires regular meetings and consultation with a third-party monitor of PG&E for the period of the Judgment, increasing ECLD's workload. Similarly, a newly created Wage Theft Unit will be part of ECLD and will be assisting victims of crime from a wide variety of racial and socio-economic backgrounds, who are routinely taken advantage of due to their immigration status. Also, ECLD has recently taken over responsibility for handling PRA requests for the DA Office, increasing workload.

The specialized prosecutors, investigators, and support staff in the Environmental and Consumer Law Division must be trained and competent in both criminal and civil litigation. Many of the larger cases are multi-jurisdictional, demanding that the staff assigned have the expertise to proactively network with the Attorney General and with other counties to start new cases and/or be invited to join existing cases as a core team county.

These positions will ensure that the work performed and subsequent fines, forfeitures, and penalties, which fund the Environmental and Consumer Law Division, will be used to promote proper community safety and enforcement coupled with sustainable growth through networking and collaborating with other prosecuting offices, law enforcement agencies, and referring agencies to maintain the expected level of enforcement.

Deputy District Attorney:

- Prosecute criminal and civil environmental and consumer protections cases.
- Prosecute white collar crime, including fraud, embezzlement, theft and hi-tech crime.
- Prepare responses to PRA's.
- Prosecute violations of election laws and the Brown Act.
- Prosecute Wage Theft violations.
- Interprets and applies laws, court decisions and other legal authorities for use in the preparation of complex cases, opinions and briefs.
- Prepares pleadings and other legal documents in connection with trials, hearings and other complex legal proceedings.
- Conducts extensive legal research using considerable independent judgment, discretion and initiative.
- Prepares complex written legal reports, opinions, briefs and appeals.

- Interviews and advises complainants and witnesses in regard to prospective criminal complaints on difficult felony cases, trial or hearing testimony, case settlement, disposition and sentencing.
- Before the Superior Court of the County of Sonoma, represents and advocates on behalf of the People of the State of California in all phases of misdemeanor and felony criminal trials, including arraignments, bail hearings, settlement conferences, preliminary hearings, criminal grand juries, bench trials, jury trials, sentencings, restitution hearings, and probation violation hearings, and is expected to do so on the most complex, high profile and serious matters the office handles.

District Attorney Investigator:

- Investigates complex and sensitive cases referred to the District Attorney's Office pertaining to civil and criminal complaints.
- Initiates investigations related to consumer fraud and environmental crimes.
- Investigate violations of election law and the Brown Act.
- Investigate Wage Theft violations.
- Investigative tasks include locating and interviewing witnesses, examining crime scenes, analyzing documents, and searching for and seizing statements, business records and medical records.
- Collection and preservation of evidence.
- Authors complex search warrants.
- Prepares comprehensive investigative reports.
- Testifies in court.
- Makes arrests as necessary, presents findings and evaluations to the Deputy District Attorney.
- Develops and maintains professional relationships with personnel assigned to various local, state and federal agencies as well as private firms who frequently collaborate with the District Attorney's office in conducting consumer fraud and environmental crime investigations.
- Hosts and/or participates in scheduled briefings/meetings/workshops with stakeholders.

Legal Assistant:

- Perform legal research into issues relevant to:
 - the investigation and prosecution of fraud, white collar crime, and consumer and environmental protection matters.
 - Brown Act complaints.
 - Public records requests.
 - Election law and FPPC matters.
- Review, organize and analyze documents and other case evidence.
- Under attorney supervision, prepare pleadings, legal memoranda, and other legal documents.
- Under attorney supervision, prepare responses to PRA requests.
- Assist in locating and reviewing documents related to PRA requests.
- Prepare criminal discovery.
- Assist with civil discovery.
 - Prepare civil discovery requests, and review responses to discovery requests.
 - Assist in responding to civil discovery requests.

- Summarize depositions, interrogatories, and testimony.
- Assist attorneys in preparing for hearings and trials, including preparing exhibits and demonstratives.
- Respond to inquiries and complaints from the public.
- Other administrative tasks as needed.

Strategic Plan:

N/A

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

October 19, 2021 - Board of Supervisors approved a resolution to add 1.0 full-time equivalent Chief Deputy District Attorney to lead the Environmental and Consumer Law Division, providing day-to-day leadership and support to staff performing this specialized work.

FISCAL SUMMARY

Expenditures	FY 23-24 Adopted	FY 24-25 Projected	FY 25-26 Projected
Budgeted Expenses		\$788,107	\$788,107
Additional Appropriation Requested	\$798,607		
Total Expenditures	\$798,607	\$788,107	\$788,107
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other		\$788,107	\$788,107
Use of Fund Balance	\$798,607		
Contingencies			
Total Sources	\$798,607	\$788,107	\$788,107

Narrative Explanation of Fiscal Impacts:

Additional appropriations requested reflect additional salary and benefits for three positions: One full-time Deputy District Attorney IV, one full-time District Attorney Investigator II, and one full-time Legal Assistant. ECLD is funded by Fines/Forfeitures/Penalties. Also included are one-time costs for computer equipment and annual services charges per employee.

Staffing Impacts:

Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)
Deputy District Attorney IV (45-4020)	\$14,698.54 - \$17,867.49	1	
District Attorney Investigator II (40-4212)	\$9,505.09 - \$11,552.21	1	
Legal Assistant (01-0019)	\$5,600.44 - \$6,805.75	1	

Narrative Explanation of Staffing Impacts (If Required):

The addition of 1.0 FTE Deputy District Attorney IV (45-4020), 1.0 FTE District Attorney Investigator II (40-4212), and 1.0 FTE Legal Assistant (01-0019) will ensure that our community is protected as well as address the complex and protracted criminal and civil cases handled by ECLD. The funding for the positions includes the estimated fund balance of \$9.3 Million, annual PG&E Settlement Funds of \$1.5 Million per year that started in 2022 and go through 2026 and the continued effectiveness of the ECLD Team developing, participating, and collaborating with the Attorney General and other District Attorney Offices throughout the State holding violators accountable resulting in increased revenue from fines/forfeitures/penalties. The funding for FY 23/24 will use fund balance as the adopted budget includes estimated PG&E Settlement revenue of \$1.5 Million.

Attachments:

1. Position Allocation Resolution
2. Budget Adjustment Resolution

Related Items "On File" with the Clerk of the Board:

N/A