



**District Attorney
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: January 8, 2019 - **REVISED**

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
CONTACT PERSON: Robert Dempsie PHONE: 636-5494		

SUBJECT: Approve an amendment to Agreement No. 28897 with the Insurance Commissioner of the State of California

REQUEST(S):

That the Board of Supervisors:

1. Approve an amendment to Agreement No. 28897 with the Insurance Commissioner of the State of California to increase the total project cost of the Workers' Compensation Insurance Fraud Program from \$540,309 to \$547,637, retroactive to July 1, 2018 through June 30, 2019. This grant is retroactive due to having received the Grant Award Amendment in late November 2018.
2. Find that the Board had authority to enter into the proposed agreement as of July 1, 2018 and that it was in the County's best interest to enter into the agreement on that date.
3. Authorize the District Attorney to sign the Grant Award Amendment for the Workers' Compensation Insurance Fraud Program.
4. Direct the Board Clerk to prepare a certified copy of the resolution for the District Attorney's Office.
5. Agree that any liability arising out of the performance of the Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency, and acknowledge that the State of California and the California Department of Insurance disclaim responsibility for any such liability.

SUBJECT: Approve an amendment to Agreement No. 28897 with the Insurance Commissioner of the State of California

DATE: January 8, 2019

SUMMARY:

On October 23, 2018, your Board approved Agreement No. 28897 (Resolution No. 2018-0856) with the Insurance Commissioner of the State of California in the amount of \$540,309, for the Workers' Compensation Insurance Fraud Program for the project period of July 1, 2018 through June 30, 2019. On November 30, 2018, the department was notified that we would be receiving an additional \$7,328 through a grant award amendment. The extra funding will cover operational expenses, including training and travel for program staff.

The purpose of the Workers' Compensation Insurance Fraud Prosecution Program (WC Program) is to increase the investigation and prosecution of fraudulent workers' compensation cases. The WC Program targets those individuals who are actively involved in defrauding Tulare County businesses, governmental entities, and insurance companies of millions of dollars through false claims and premium fraud. The Office of the District Attorney has been awarded this grant for over a decade.

The grant period remains July 1, 2018 through June 30, 2019. However, the Grant Award Amendment, which the District Attorney of each County is specifically required to sign, was not received from the California Department of Insurance until November 30, 2018. Therefore, the District Attorney's Office requests that this agreement is approved retroactive to July 1, 2018.

A prior agreement, identical except for the dollar value, was approved as to form by County Counsel on November 27, 2017, and was approved by the Board of Supervisors on October 23, 2018. The substantive deviations from the standard County boilerplate identified in the original agenda item were:

1. The agreement requires the County to agree to release the State from any liability arising out of the performance under the agreement.

The proposed grant award amendment does not include any additional deviations from the standard County boilerplate. The only changes from the prior agreement are to the dollar amount of the agreement, from \$540,309 to \$547,637. The price for services has not changed.

FISCAL IMPACT/FINANCING:

The Workers' Compensation Insurance Fraud Prosecution Program grant (Budget Unit 3182) for \$547,637 covers the period of July 1, 2018 through June 30, 2019. The District Attorney's Office is not requesting additional Net County Cost for this program beyond the already adopted FY 18/19 Net County Cost.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

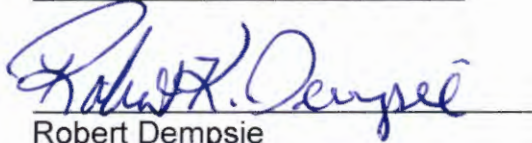
The County's five-year Strategic Business Plan and Management System include Safety and Security initiatives to provide for the safety and security of the public. The authorization to accept continued grant funding from the California Department

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of Insurance helps to fulfill this initiative by continuing to provide dedicated staff to investigate and prosecute workers' compensation insurance fraud cases throughout Tulare County, protecting businesses and individuals from being victims of this kind of fraud.

ADMINISTRATIVE SIGN-OFF:

A handwritten signature in blue ink, appearing to read "Robert Dempsie", is written over a horizontal line.

Robert Dempsie
Assistant District Attorney

Cc: County Administrative Office

Attachment(s) Grant Award Amendment

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE AN)
AMENDMENT TO AGREEMENT NO.) Resolution No. _____
28897 WITH THE INSURANCE) Agreement No. _____
COMMISSIONER OF THE STATE OF)
CALIFORNIA)
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

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2. Found that the Board had authority to enter into the proposed agreement as of July 1, 2018 and that it was in the County's best interest to enter into the agreement on that date.
3. Authorized the District Attorney to sign the Grant Award Amendment for the Workers' Compensation Insurance Fraud Program.
4. Directed the Board Clerk to prepare a certified copy of the resolution for the District Attorney's Office.
5. Agreed that any liability arising out of the performance of the Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency, and acknowledge that the State of California and the California Department of Insurance disclaim responsibility for any such liability.