



## County Executive Office

### Memorandum

January 17, 2024

**To:** Clerk of the Board of Supervisors  
**From:** Frank Kim, County Executive Officer  
**Subject:** Exception to Rule 21

*Frank Kim*  
Dir: Itally signed by Frank Kim  
DN: cn=Frank Kim, o=County of Orange, ou=CEO, email=frank.kim@ocgov.com, c=US  
Date: 2024.01.17 13:25:19 -0800

CLERK OF THE BOARD  
COUNTY OF ORANGE  
BOARD OF SUPERVISORS

2024 JAN 19 PM 12:20

RECEIVED

*S34D*

The Probation Department is requesting a Supplemental Agenda Staff Report for the January 23, 2024, Board Hearing.

**Agency:** Probation Department  
**Subject:** Approval of ViaPath Technologies invoices for service period of Jan. 1, through Nov. 30, 2023  
**Districts:** All Districts

**Reason Item is Supplemental:** The Agenda Staff Report (ASR) is being requested to be submitted as a supplemental due to additional time needed to finalize details. The ASR and attachments were finalized after the filing deadline to the Clerk of the Board.

**Justification:** This item cannot be moved to another Board date as it would further delay payment for services rendered.

Concur:   
Donald P. Wagner, Chairman of the Board of Supervisors

cc: Board of Supervisors  
County Executive Office  
County Counsel




**SUPPLEMENTAL AGENDA ITEM  
 AGENDA STAFF REPORT**

RECEIVED  
 COUNTY OF ORANGE  
 CLERK OF THE BOARD  
 JAN 13 11:12 AM '24

**MEETING DATE:** 01/23/24  
**LEGAL ENTITY TAKING ACTION:** Board of Supervisors  
**BOARD OF SUPERVISORS DISTRICT(S):** All Districts  
**SUBMITTING AGENCY/DEPARTMENT:** Probation  
**DEPARTMENT HEAD REVIEW:** Daniel Hernandez  
*Department Head Signature*  
**DEPARTMENT CONTACT PERSON(S):** Daniel Hernandez  
 Jessica Johnson

**SUBJECT:** Approval of ViaPath Invoices for service period Jan. 1, through Nov. 30, 2023

<b>CEO CONCUR</b>	<b>COUNTY COUNSEL REVIEW</b>	<b>CLERK OF THE BOARD</b>
 <small>Digitally signed by Frank Kim                  DN: cn=Frank Kim, o=County of Orange, ou=CEO,                  email=frank.kim@ocgov.com,                  c=US                  Date: 2024.01.17 13:25:00 -0800</small>	No Legal Object <i>Action</i> Annie Loo <small>Digitally signed by Annie Loo                  DN: cn=Annie Loo, o=County of Orange, ou=County Counsel, email=annie.loo@ocgov.com, c=US                  Date: 2024.01.17 13:25:00 -0800</small>	Discussion  3 Votes Board Majority
<i>CEO Signature</i>	<i>County Counsel Signature</i>	

**Budgeted:** Yes                      **Current Year Cost:** \$88,252                      **Annual Cost:** N/A  
**Staffing Impact:** No                      **# of Positions:** N/A                      **Sole Source:** No  
**Current Fiscal Year Revenue:** No  
**Funding Source:** GF: 100%                      **County Audit in last 3 years:** No  
**Levine Act Review Completed:** Yes  
**Prior Board Action:** N/A

**RECOMMENDED ACTION(S)**

Authorize the Probation Department to remit payment to Global Tel\*Link Corporation dba ViaPath Technologies for the provision of Voice Communication Services at Youth Facilities, for service period of January 1, 2023, through November 30, 2023, in the amount of \$88,252.

**SUMMARY:**

Authorizing the Probation Department to remit payment to Global Tel\*Link Corporation dba ViaPath Technologies will pay for Voice Communication Services rendered at Youth Facilities.

**BACKGROUND INFORMATION:**

The Probation Department (Probation) provides housing of youth offenders at its juvenile facilities. Youth offenders are legally entitled by Title 15, Section 1376 to receive communication services.

The Sheriff-Coroner Department (Sheriff) through its Inmate Services Division has historically contracted out for these services which included Probation facilities. On May 24, 2022, Sheriff obtained Board approval of a new revenue-generating contract with ViaPath for the provision of Inmate Communication Services which included Probation facilities for a three-year term, effective May 24, 2022, through and including May 23, 2025, renewable for seven additional one-year terms.

Welfare and Institution Code 208.1 became effective January 1, 2023, and requires wards receiving calls and the persons making calls to the wards be free of charge and prohibits counties from receiving revenue from the provision of communications services. As a result of the new legislation, Probation began negotiations with ViaPath in January to create a cost contract to pay for phone services as the current revenue contract scope did not allow for payment of services. ViaPath did not agree to the initial terms proposed, so Probation continued to negotiate with ViaPath while exploring an internal solution to provide phone services. Once an internal solution was developed and confirmed to be in compliance with Title 15, Section 1376, Probation notified ViaPath and requested phone services be terminated. Probation continued to use ViaPath services through November 30, 2023, to ensure communication services were provided to youth in its custody; however, the services were provided free of charge to the wards and call recipients as required by the new legislation.

As a result of no longer being able to recover its costs through the Sheriff's revenue-generating contract, Probation is seeking Board approval to remit payment to ViaPath for services rendered from January 1, 2023, through November 30, 2023, in an amount of \$88,252, which represents the full amount due to ViaPath for these services.

Probation is currently using an internal interim solution for the provision of communication services but is developing a Request for Proposals (RFP) to be released by the end of the fiscal year which will include enhanced features such as tablets and enhanced security features.

**FINANCIAL IMPACT:**

Appropriations for this Contract are included in Budget Control 057, Probation FY 2023-24 Budget.

**STAFFING IMPACT:**

N/A

**ATTACHMENT(S):**

Attachment A - Invoices 1-11

Attachment B - Title 15, Section 1376

Attachment C - Welfare Institutions Code 208.1