



**Contra  
Costa  
County**

To: Board of Supervisors  
From: David O. Livingston, Sheriff-Coroner  
Date: November 29, 2022

Subject: Office of the Sheriff Former Employee Pay for Court Subpoena Appearance

---

**RECOMMENDATION(S):**

ADOPT Resolution No. 2022/416 approving and authorizing the Auditor-Controller, on behalf of the Sheriff-Coroner, to make payments to former sworn Office of the Sheriff employees for reimbursement of their time and travel expenditures related to subpoenaed Court appearances for cases worked while employed at the Contra Costa County Office of the Sheriff.

**FISCAL IMPACT:**

Estimated annual cost should not exceed \$10,000. (100% Sheriff's Budget Funded)

**BACKGROUND:**

The legal system is a lengthy process and there are some instances when a sworn Office of the Sheriff employee, who was originally involved in the criminal case, no longer works for the department when the criminal case is scheduled for the court trial. To assist with the successful prosecution of the case, the Office of the Sheriff is requesting the ability to pay a former sworn employee for a court appearance by establishing an internal policy wherein a procedure is created to compensate former employees for their

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

---

Action of Board On: **11/29/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor

Candace Andersen, District II  
Supervisor

Diane Burgis, District III  
Supervisor

Karen Mitchoff, District IV  
Supervisor

Federal D. Glover, District V  
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 29, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Antonia Welty, Deputy

Contact: 9256550005

cc:



## BACKGROUND: (CONT'D)

time and travel expenditures related to their appearance in court.

The Office of the Sheriff's parameters for authorizing and approving the reimbursement would include:

- \*Former employee has proof of Subpoena;
- \*Employee left by resignation, retirement or other means;
- \*Former employee would receive hourly compensation at the former pay rate step prior to separation;
- \*Former employee would be compensated for a minimum of three (3) hours of straight time;

Expense reimbursement for travel, lodging, and daily per diem rates will be in compliance with the Contra Costa County Administrative Bulletin No.111.9 "Travel." Number of lodging days and per diem reimbursement approval will be in conjunction with the length of court testimony time required by the Presiding Judge of the court trail. All estimated travel and per diem expenses subject to reimbursement must be approved by the Office of the Sheriff prior to incurring expenditures. The Office of the Sheriff has final authority for approving actual expenditure reimbursements and will submit payment demand to the Auditor-Controller's Office for payment processing. Maximum reimbursement shall not exceed \$5,000 per individual per hearing appearance.

## CONSEQUENCE OF NEGATIVE ACTION:

Former employees of the Office of the Sheriff will not be compensated for their time and reimbursed for travel and per diem expenditures incurred due to a subpoena to appear in court.

## CHILDREN'S IMPACT STATEMENT:

Subpoena may be related to a case involving a minor within Contra Costa County.

## ATTACHMENTS

Resolution 2022/416