

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Sheriff's Department

BOARD AGENDA # \*B-7

Urgent

Routine

AGENDA DATE October 6, 2009

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval to Amend the Agreement with the Stanislaus County Superior Court for Court Security Services

STAFF RECOMMENDATIONS:

1. Authorize the Sheriff to amend the Agreement with the Stanislaus County Superior Court for the Sheriff to provide Court Security Services for the Court.
2. Authorize the Chief Executive Officer and Sheriff to sign the Amendment and any and all additional documents to implement this Agreement.
3. Amend the Salary and Position Allocation Resolution to reflect the recommended changes as outlined in the Staffing Impacts section, to be effective the start of the first pay period after Board approval.

FISCAL IMPACT:

Pursuant to Government Code §68106 the Administrative Office of the Courts has ordered all courts closed on the third Wednesday of every month from September of 2009 through June of 2010. This is known as the statewide courts furlough. Section 68106(b)(6) requires that during those months effected by the statewide closure, the County shall reduce by 4.62 percent the "total expense charged to and reimbursed by Superior Court" for security services, and the Superior Court will pay that reduced amount to the County. (continued on page 2)

BOARD ACTION AS FOLLOWS:

No. 2009-675

On motion of Supervisor Monteith, Seconded by Supervisor Grover  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None


1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

## Approval to Amend the Agreement with the Stanislaus County Superior Court for Court Security Services

### **FISCAL IMPACT (CONTINUED):**

In the 2009-2010 Final Budget the Court Security Budget was adjusted to include a decrease in appropriations of \$145,163 to reflect the decrease in revenue from the Superior Court. The total amount of anticipated expenditures for Fiscal Year 2009-2010 in Court Security is \$3,745,273 balanced with \$3,625,301 of estimated revenue received from charges to the Court and Child Support Services and a \$119,972 General Fund contribution. The Superior Court, pursuant to this agreement, will be billed on a monthly basis and pay to the County this revised amount. There is no impact to the General Fund as a result of the decrease in revenue from the Superior Court.

### **DISCUSSION:**

Government Code section §77212.5 provides that the Superior Court must enter into an agreement with the Sheriff regarding the provision of security services that are provided after July 1, 1999. On December 4, 2007 this Board approved a new agreement between the County and the Superior Court for the period of July 1, 2007 through June 30, 2010. This agreement is reflective of the Trial Court Funding Act of 1997 as governed by Rule 810 of the California Rules of Court as in effect on July 1, 1996.

In July of 2009, the Legislature enacted Government Code §68106 to address the closure of all California courts as a budget savings measure. This poorly drafted legislation gave all of the leverage to the Courts and put the Counties in the untenable position of having to cut costs, yet maintain service levels.

Pursuant to Government Code §68106 the Administrative Office of the Courts has ordered all courts closed on the third Wednesday of every month from September of 2009 through June of 2010. This is known as the statewide courts furlough. Section 68106(b)(6) requires that during those months effected by the statewide closure, the County shall reduce by 4.62 percent the "total expense charged to and reimbursed by Superior Court" for security services, and the Superior Court will pay that reduced amount to the County.

In order to meet this 4.62 percent reduction, the Sheriff's Department met with Superior Court staff to discuss an amendment to the Agreement. The parties reached an agreement that staffing levels be modified. Specifically, during furlough months, the Sheriff's Department will reduce the number of dedicated Deputy Sheriff and Deputy Sheriff - Custodial positions from 13 and 14 to 12 and 13, respectively; and increase staffing of the Sheriff's Lieutenant position from 1/2 time to 2/3 time. This increase does not result in additional cost as the Lieutenant classification is management and the position is filled by a full time employee. As a result of the reduction in the number of Sheriff Deputies assigned to Court Security, the Department is requesting to unfund one of the vacant positions. The other position was previously unfunded in the Final Budget. The Superior Court has agreed to this staffing reduction on the condition that the level of services provided to the Superior Court when the Superior Court is open will not be negatively impacted by this adjustment in security personnel.

Approval to Amend the Agreement with the Stanislaus County Superior Court for Court Security Services

If the Superior Court determines that the level of security services provided when the Superior Court is open have been negatively impacted by the staffing changes, the Sheriff's Department will propose alternatives for correction, such as adjusting staffing levels.

<b>Positions</b>	<b>Original</b>	<b>Furlough</b>
Lieutenant	1/2	2/3
Sergeant	2	2
Deputy Sheriff	13	12
Deputy Sheriff Custodial	14	13
Security Officers	5	5
Per Diem Hours (Full Time Equivalents)	3	3

**POLICY ISSUES:**

Approval of this agreement supports the Board of Supervisors' priorities of A safe community, Effective partnerships and Efficient delivery of public services.

**STAFFING IMPACT:**

It is recommended that the Salary and Position Allocation Resolution be amended to unfund one vacant Deputy Sheriff position #2502 effective the first full pay period after Board approval.

**EXHIBIT C**

**STANISLAUS COUNTY SHERIFF'S DEPARTMENT  
STAFFING LEVELS AND CONTRACT RATES FOR SUPERIOR COURT  
2009/2010  
September 3, 2009**

COUNTY will provide the following minimum staffing for the Court Security Detail in order to provide the Basic Services per Board Order No. 2007-934:

Positions	Original	Furlough <sup>1</sup>
Sheriff's Lieutenant	1/2	2/3
Sheriff's Sergeant	2	2
Sheriff's Deputies (includes AB1058 Deputy)	13	12
Custodial Deputies	14	13
Sheriff's Security Officers	5	5
Sheriff's Per Diem Hours (Full Time Equivalents)	3	3

	Original	Original per Month	Revised	Revised per Month <sup>2</sup>
Total Salaries, Overtime & Benefits	\$3,754,464		\$3,609,301	
Services/Supplies	\$16,000		\$16,000	
<b>Total expense charged to and reimbursed by Superior Court:</b>	<b>\$3,770,464</b>	<b>\$314,205</b>	<b>\$3,625,301</b>	<b>\$302,108</b>
County CAP Charges (not charged to Courts)	\$119,972		\$119,972	
<b>Total Superior Court &amp; County Expenses</b>	<b>\$3,890,436</b>		<b>\$3,745,273</b>	

**Notes:**

When additional judgeships are created and/or funded, Superior Court and the Sheriff's Department will meet to discuss amending this Agreement.

<sup>1</sup> In July of 2009, the Legislature enacted Government Code § 68106 which addresses the closure of courts on the third Wednesday of every month from September of 2009 through June of 2010 (hereafter "furlough"). Section 68106(b)(6) requires that during those months effected by the statewide furlough, the County / Sheriff's Department shall reduce by 4.62 percent the "total expense charged to and reimbursed by Superior Court" for security services, and the Superior Court will pay that reduced amount to the County / Sheriff's Department. In order to meet this 4.62% reduction, the Sheriff's Department has proposed that staffing levels be modified. Specifically, during furlough months, the Sheriff's Department will reduce the number of dedicated Sheriff's Deputy and Custodial Deputy positions to 12 and 13, respectively; and increase staffing of the Sheriff's Lieutenant position from 1/2 time to 2/3 time, as reflected in this table. The Superior Court's agreement to this staffing reduction is subject to the condition that the level of services provided to the Superior Court when the Superior Court is open will not be negatively impacted by this adjustment in security personnel. If the Superior Court determines that the level of security services provided when the Superior Court is open has been negatively impacted by the staffing changes, the Sheriff's Department shall propose alternatives for correction, such as adjusting staffing levels. The Sheriff's Department shall implement alternatives approved by the Superior Court.

<sup>2</sup> As noted above, Government Code § 68106(b)(6) requires that during those months in which the statewide furlough is in effect, the County / Sheriff's Department shall reduce by 4.62 percent the "total expense charged to and reimbursed by Superior Court" for security services, and the Superior Court will pay that reduced amount to the County / Sheriff's Department. This table reflects the impact of that 4.62% reduction on the Superior Court expenses.

This AMENDMENT to EXHIBIT C is executed and delivered within the State of California and the rights and obligations of the parties hereto shall be construed and enforced in accordance with, and governed by the laws of the State of California.


IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of 6<sup>th</sup> day of October 2009.

THE SUPERIOR COURT OF  
STANISLAUS COUNTY



Michael Tozzi  
Executive Officer

COUNTY OF STANISLAUS



Richard W. Robinson  
Chief Executive Officer



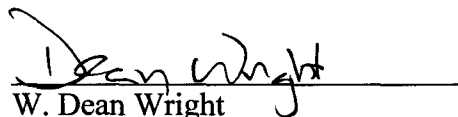
Adam Christianson  
Sheriff-Coroner

Approved as to Form and Legality:



Jared D. Beeson  
Court Counsel

John P. Doering  
County Counsel



W. Dean Wright  
Deputy County Counsel