

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

DEPT: Sheriff's Department

BOARD AGENDA # *B-19

Urgent

Routine

AGENDA DATE June 29, 2010

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:

The 2009-2010 Legal Budget included appropriations of \$3,745,273 for the Sheriff's Court Security budget and was 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 2010-2011 Proposed Budget, adopted June 8, 2010, includes total appropriations of \$3,986,604 for the Sheriff's Court Security budget. This budget is balanced with \$3,882,689 of estimated revenue from charges to the Court and Child Support Services and a \$103,915 General Fund contribution. The Superior Court, pursuant to this agreement, (continued on page 2)

BOARD ACTION AS FOLLOWS:

No. 2010-426

On motion of Supervisor Chiesa, Seconded by Supervisor O'Brien and approved by the following vote,

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

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):

will be billed on a monthly basis and pay to the County the pre-furlough contracted monthly rate of \$314,205. There is no additional cost to the General Fund as a result of this amendment.

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, the Board of Supervisors approved agenda item 2007-934, 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 legislation gave all of the leverage to the Courts and put the Counties in the position of having to cut costs, yet maintain service levels.

Pursuant to Government Code §68106 the Administrative Office of the Courts 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, on October 6, 2009 the Board approved agenda item 2009-675. Specifically, during furlough months, the Sheriff's Department reduced the number of dedicated Deputy Sheriff and Deputy Sheriff-Custodial positions from 13 and 14 to 12 and 13, respectively; and increased staffing of the Sheriff's Lieutenant position from 1/2 time to 2/3 time.

This amendment will allow the Sheriff to continue to provide the level of service deemed necessary by the Court and the Sheriff to ensure court services in Stanislaus County are provided in a manner that protects the public and staff that enter the various courtrooms each day until the State of California approves a budget.

The Sheriff and the Court are currently meeting to negotiate a new contract but are unable to finalize an agreement until the State of California approves a budget and security funding is allocated to the Administrative Office of the Courts (AOC). This amendment will return the Sheriff's Department to the staffing level prior to the reductions due to the mandatory statewide Court closures.

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

Positions	Furlough	No Furlough
Lieutenant	2/3	1/2
Sergeant	2	2
Deputy Sheriff	12	13
Deputy Sheriff-Custodial	13	14
Security Officers	5	5
Per Diem Hours (Full Time Equivalents)	3	3
Total Positions	35.67	37.5

POLICY ISSUES:

Approval of this item 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 fund a vacant Deputy Sheriff position #2502 and a Deputy Sheriff-Custodial position #2537 currently on the Vacant/Unfunded Position Report effective the first full pay period after Board approval.

CONTACT:

Adam Christianson, Sheriff-Coroner, Telephone: (209) 525-7015

**AMENDMENT TO THE AGREEMENT
BETWEEN THE SUPERIOR COURT OF CALIFORNIA,
COUNTY OF STANISLAUS; THE COUNTY OF STANISLAUS;
AND THE STANISLAUS COUNTY SHERIFF**

Exhibit E

This is an amendment to the Agreement between the Superior Court of Stanislaus County and the County of Stanislaus for Court Security Services which commenced at midnight July 1, 2007, and shall continue in effect through and terminate at midnight on June 30, 2010.

(1.) Section III(A) (TERM OF AGREEMENT) is hereby amended to read as follows:

A. Initial Term: Option to Extend.

The term of this Agreement shall commence at midnight July 1, 2007, and shall continue in effect through and terminate at midnight on June 30, 2010; subject to the termination provisions in Section III. If no new Agreement between the parties has been reached before this Agreement expires, this Agreement shall remain in full force and effect until a new Agreement is reached.

(2.) EXHIBIT C as previously amended on October 6, 2009 by Board Order No. 2009-675, shall be amended to reflect the expiration of the State-wide furlough imposed pursuant to Government Code § 68106. The furlough required all courts to close on the third Wednesday of every month from September 2009 through and including June of 2010. The furlough also permitted courts to reduce the amount of payment rendered to their local sheriff's department for security services by 4.62 percent. In order to meet the 4.62 percent reduction, the Court and Sheriff's Department agreed to reduce the number of Deputy Sheriff and Deputy Sheriff-Custodial positions by one while the furlough was in effect. The Lieutenant position was increased from a ½ position to a 2/3 position.

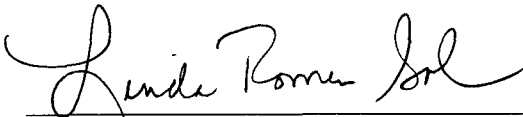
Because the Government Code § 68106 furlough will expire in July of 2010 and the Legislature has not indicated that the furlough will be extended, the number of positions for each classification shall be returned to the pre-furlough levels. The monthly payments made by the Court to the Sheriff's Department for Court Security Services shall also return to pre-furlough levels.

Positions	Furlough	Pre-Furlough
Lieutenant	2/3	1/2
Sergeant	2	2
Deputy Sheriff	12	13
Deputy Sheriff-Custodial	13	14
Security Officers	5	5
Per Diem Hours (Full Time Equivalents)	3	3
Total Positions	35.67	37.5
Monthly Reimbursement:	\$302,108	\$314,205

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of ___ day of _____ 2010.

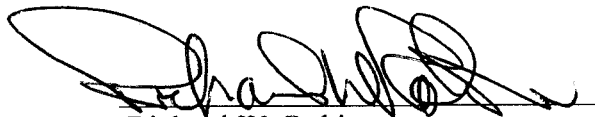
THE SUPERIOR COURT OF
STANISLAUS COUNTY

COUNTY OF STANISLAUS

for


Michael Tozzi
Executive Officer

Date: 6/22/10



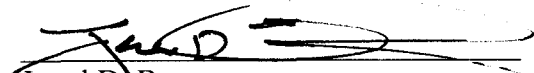
Richard W. Robinson
Chief Executive Officer

Date: 6/29/10

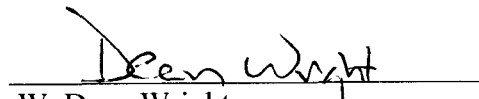
Adam Christianson
Sheriff-Coroner

Date: _____

Approved as to Form and Legality:


Jared D. Beeson
Court Counsel

Date: 6/22/2010


W. Dean Wright
Deputy County Counsel

Date: 6.21.2010