



**Health & Human Services
Agency
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: December 15, 2015

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 checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
CONTACT PERSON: Cheryl L. Duerksen PHONE: 624-8000				

SUBJECT: Approve a Memorandum of Understanding with the Superior Court of California, County of Tulare

REQUEST(S):

That the Board of Supervisors:

1. Approve a Memorandum of Understanding with the Superior Court of California, County of Tulare for the provision of two (2) Courtroom Clerk positions for Mental Health Court and Drug Court in the amount of \$110,355 retroactive from July 1, 2015 through June 30, 2016. This Memorandum of Understanding is retroactive due to inadvertent delays in receiving required documents. It was impracticable for the Board to take action before July 1, 2015, due to the time needed to process, prepare, and submit the agenda item;
2. Find that the Board had authority to approve this Memorandum of Understanding as of July 1, 2015, and that it was in the County's best interest to approve the Memorandum of Understanding on that date; and
3. Authorize the Tulare County Health & Human Services Agency Director to sign three (3) copies of the Memorandum of Understanding.

SUMMARY:

The Superior Court of California, County of Tulare operates both the Mental Health Court and the Drug Court for the County of Tulare. The Mental Health Court is a problem-solving court that combines judicial supervision with community mental health treatment and other support services in order to reduce criminal activity and improve the quality of life of the participants. The Mental Health Court was

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established to make effective use of limited criminal justice and mental health resources. It is utilized to connect individuals with treatment and social services in the community to improve outcomes for offenders with mental illness in the criminal justice system. The Mental Health Court also responds to public safety concerns, addresses jail overcrowding, and addresses the disproportionate number of people in the criminal justice system who have a mental illness.

The Drug Court provides access to treatment for substance-abusing offenders in criminal, dependency and family courts while minimizing the use of incarceration through a pre-guilty plea. A pre-plea diversion program allows criminal proceedings to be suspended while the defendant participates in a program involving counseling, drug testing, education or other requirements. If the defendant successfully completes the program, the criminal charges may be dismissed.

Approximately 80 consumers are anticipated to be served by the Mental Health Court and approximately 774 consumers are anticipated to be served by the Drug Court.

Critical to the administration of these programs, in their respective courts, are Courtroom Clerks. These essential positions prepare the necessary legal papers, case files, documents, and records for court sessions. They attend court sessions and take minutes of actions and proceedings, request clarification of instructions and order of actions to properly note the official record of the court. In addition, these positions advise public agencies, attorneys, and the public on the status of cases and provide procedural information. Key to these programs is that courtroom clerks prepare court calendars, and/or calendar cases for hearing, confer with the appropriate agencies and/or individuals according to established procedures and subsequently distribute calendars and related case files for review.

Funding for these positions is vital for sustaining the Mental Health Court and Drug Court programs within Tulare County. Public safety is the highest priority of the program. Sufficient funding for courtroom clerks will establish a collaborative effort by both the County of Tulare and the Superior Court of California, County of Tulare in preserving this commitment to our community.

During the fiscal year 2015/2016, Tulare County Health & Human Services Agency, Mental Health Branch, will reimburse the Superior Court of California, County of Tulare for the salary and benefits for two (2) Courtroom Clerk positions. This Memorandum of Understanding (MOU) establishes these services and contains details regarding reimbursement for the 2015/2016 fiscal year.

We would like to bring to the Board's attention the following items, which deviate from County Contract protocol: (1) The MOU includes mutual indemnification language; and (2) County will sign first.

FISCAL IMPACT/FINANCING:

The reimbursement to the Superior Court of California, County of Tulare for 2

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Courtroom Clerk positions will be paid from the Fiscal Year 2015/2016 Mental Health Services Act and Alcohol and Drug budgets. There is no net cost to the County General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five year strategic plan includes the Organizational Performance Initiative to continuously improve organizational effectiveness and fiscal stability. The MOU helps fulfill this initiative by having departments analyze what services can be delivered, and the costs associated with those services. The MOU also facilitates efficiency within the court system by supporting Mental Health Court and Drug Court activities.

ADMINISTRATIVE SIGN-OFF:



Cheryl L. Duerksen, Ph.D.
Agency Director

- Cc: Auditor-Controller
- County Counsel
- County Administrative Office (2)

Attachment(s) Memorandum of Understanding

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

IN THE MATTER OF APPROVE A)
MEMORANDUM OF UNDERSTANDING) Resolution No. _____
WITH THE SUPERIOR COURT OF) Agreement No. _____
CALIFORNIA, COUNTY OF TULARE)

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: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

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