

ATTACHMENT – A

Memorandum of Understanding FY 2018/19 Superior Court Services Agreement

MEMORANDUM OF UNDERSTANDING
FY 2018/19 SUPERIOR COURT SERVICES AGREEMENT

I. INTRODUCTION

THIS AGREEMENT is entered into as of July 1, 2018 between the COUNTY OF TULARE, referred to as the COUNTY, and the SUPERIOR COURT OF TULARE COUNTY, referred to as the COURT, with reference to the following:

II. RECITALS

A. WHEREAS, the Lockyer-Isenburg Trial Court Funding Act of 1997 (commonly known as the "Trial Court Funding Act"), as set out and incorporated in Government Code section 77001 *et seq.*, provides that services and supplies relating to court operations shall be considered Trial Court Operations;

B. WHEREAS, The Trial Court Funding Act provides that a county may bill trial courts, such as this Superior court, for the costs of its services and supplies provided to the trial courts for Trial Court Operations;

C. WHEREAS, both the COURT and the COUNTY agree to the terms and conditions of this Agreement as set forth below:

ACCORDINGLY, IT IS AGREED:

III. SPECIFIC TERMS

1. **TERM:** This Agreement shall become effective as of July 1, 2018, and shall terminate on June 30, 2019, unless otherwise terminated as provided in this Agreement.
2. **SERVICES TO BE PERFORMED:** See attached EXHIBIT A.
3. **PAYMENT FOR SERVICES:** See attached EXHIBIT B.

4. SPECIAL PROVISIONS: (a) The COUNTY will support, as One-Time Funding only, the Preliminary Hearing Courtroom located at the Court Pre-Trial Facility. The COURT shall provide four (4) critical courtroom clerk positions to be placed in the Preliminary Hearing Courtroom. The positions include two (2) full-time Senior Courtroom Clerks, and two (2) full-time Courtroom Clerks. Specifically, the COUNTY will provide One-Time funding and reimburse the COURT for FY 2018/19 in the amount not to exceed \$178,406.84. This amount will be sufficient to pay 50% of the salary and benefits of the four courtroom clerk positions from July 1, 2018 to June 30, 2019, for Fiscal Year 2018/19.

(b) If the COURT does not expend the entire sum on the affected positions (e.g., the incumbents might take an unpaid leave or the position might become vacant), the COURT shall reimburse the COUNTY for the remainder promptly after June 30, 2019. The requirements of paragraph 6 (Records and Audit) stated below shall be followed by the COURT with respect to this Special Provision.

5. COMPLIANCE WITH LAW: The COUNTY shall provide services in accordance with applicable Federal, State and local laws, regulations and directives. With respect to the County's employees, the COUNTY shall comply with all laws and regulations pertaining to wages and hours, state and federal income tax, unemployment insurance, Social Security, disability insurance, workers' compensation insurance, and discrimination in employment.

6. RECORDS AND AUDIT: The COUNTY shall maintain complete and accurate records with respect to the services rendered and the costs incurred under this Agreement. In addition, the COUNTY shall maintain complete and accurate records with respect to any payments to employees or subcontractors. All such records shall be

prepared in accordance with generally accepted accounting procedures, shall be clearly identified, and shall be kept readily accessible.

7. INDEPENDENT CONTRACTOR STATUS: This Agreement is entered into by both parties with the express understanding that the COUNTY will perform all services required under this Agreement as an independent contractor. Nothing in this Agreement shall be construed to constitute the COUNTY or any of its agents, employees or officers as an agent, employee or officer of the Court.

8. TERMINATION: (a) Subject to Government Code section 77212, the COUNTY may give notice to the COURT at least ninety (90) days prior to the end of the applicable fiscal year that it will no longer provide a specific service, except that the COUNTY shall reasonably cooperate with the COURT to ensure that a vital service for the Court shall be available from the COUNTY or other entities that provide such services. The termination of the specified service(s) shall be effective on the first day of the succeeding fiscal year.

(b) Subject to Government Code section 77212, the COURT may give notice to the COUNTY at least ninety (90) days prior to the end of the applicable fiscal year that it will no longer use a specific service or services.

(c) The right to terminate this Agreement under this provision may be exercised without prejudice to any other right or remedy to which the terminating party may be entitled at law or in equity.

(d) As to Temporary Services requested by the COURT (including telecommunication, mail, courier, copier and custodial services), the COURT may terminate such services by providing to the COUNTY sixty (60) days prior written notice

of such termination. As to termination of such temporary services, the parties specifically waive the notice provisions provided in Government Code section 77212.

9. ENTIRE AGREEMENT REPRESENTED: This Agreement represents the entire agreement between the COUNTY and the COURT as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

10. HEADINGS: Section headings are provided for organizational purposes only and do not in any manner affect the scope, meaning or intent of the provisions under the headings.

11. NOTICES: (a) Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY: Board of Supervisors
County Administration Building
2800 West Burrel
Visalia, CA 93291

Copy To: Tulare County
Auditor/Controller
221 South Mooney Blvd.
County Civic Center, 101E
Visalia, CA 93291

Fax No.: (559) 733-6898 / **Confirming No.:** (559) 636-5000

COURT: Tulare County Superior Court
221 South Mooney Blvd.
County Civic Center, Room 303
Visalia, CA 93219

Fax No.: (559) 737-4290 / **Confirming No.:** (559) 730-5000

(b) Notice delivered personally or sent by facsimile transmission is deemed received upon receipt. Notice sent by first class mail shall be deemed received on the

fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

12. CONSTRUCTION: This Agreement reflects the contributions of both parties, and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.

13. NO THIRD PARTY BENEFICIARIES INTENDED: Unless specifically set forth herein, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.

14. GOVERNING LAW: This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. The parties agree that this contract is made in and shall be performed in Tulare County California.

15. WAIVERS: The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party of either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.

16. EXHIBITS AND RECITALS: The recitals and the exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

17. CONFLICT WITH LAWS OR REGULATIONS/SEVERABILITY: This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court or other legal authority, or is agreed upon by the parties, to be in conflict with any code or regulation, the conflicting provision shall be considered null and

void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases, the remainder of the Agreement shall continue in full force and effect.

18. FURTHER ASSURANCES: Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to effect the purposes of this Agreement.

19. ASSURANCES OF NON-DISCRIMINATION: The COUNTY expressly agrees that it will not discriminate in employment or in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.

DISPUTE RESOLUTION: If a dispute arises out of or relating to this agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the parties mutually agree otherwise. The mediator shall be mutually selected by the parties, but in case of disagreement, the mediator shall be selected by lot from among two nominations provided by each party. All costs and fees required by the mediator shall be split equally by the parties, otherwise each party shall bear its own costs of mediation. If mediation fails to resolve the dispute within 30 days, either party may pursue litigation to resolve the dispute.

THE PARTIES, having read and considered the above provisions, indicate their Agreement by their authorized signatures below.

COUNTY OF TULARE

Date: _____

By _____
Chairman, Board of Supervisors

ATTEST: MICHAEL C. SPATA
County Administrative Officer/
Clerk of the Board of Supervisors

By _____
Deputy Clerk

Approved as to Form
County Counsel

By _____
Deputy

TULARE COUNTY SUPERIOR COURT

Date: _____

By _____
Judge of the Superior Court

EXHIBIT A

SERVICES TO BE PERFORMED

1. The COUNTY will provide to the COURT the following services:

- (a) Internal Services,
- (b) Fleet Services,
- (c) Any other temporary services the COURT requests and the COUNTY is willing to provide, including telecommunications, mail, maintenance, courier, copier, and custodial, but use of such services on a temporary basis will not activate the provisions of Government Code section 77212 as to either party.

EXHIBIT B

PAYMENT FOR SERVICES

1. COST OF SERVICES: The COUNTY shall be compensated for the services as provided in "Exhibit B - 1."

2. DOCUMENTATION AND RECONCILIATION OF INDIRECT AND OVERHEAD COSTS: The parties acknowledge and agree that "Exhibit B - 2" documents how the COUNTY shall determine indirect costs and overhead costs, and that the COUNTY shall continue to calculate such costs consistent with such method of calculation unless the parties otherwise agree.

RECONCILIATION: The parties further agree that after the fourth quarter of the fiscal year the service departments shall reconcile the charges billed to the COURT and all other departments serviced. In the event such reconciliation results in a finding that the COURT has been overcharged for services during the term, the COUNTY shall adjust its rates to reimburse the COURT for the amount of the overcharge. In the event such reconciliation results in a finding that the COURT has been undercharged for services during the term, the COURT shall pay the COUNTY for the amount of the undercharge.

3. METHOD OF PAYMENT: Except as otherwise provided, the COUNTY shall bill the COURT within 30 days of the month in which the services were provided. The COURT shall make payment within 30 days.

EXHIBIT B - 1

Projected Court Costs: FY 2018/2019

Service	Courts & Law Library- Direct Bill Estimate	Collections – Direct Bill Estimate
Copier	\$2,996	\$0
Courier	\$16,644	\$0
Custodial	\$0	\$0
Grounds	\$0	\$439
Invensys	\$0	\$79
Mail	\$74,371	\$42,965
Maintenance	\$15,002	\$2,800
Motor Pool	\$3,302	\$0
Print	\$55,087	\$3,980
Telecommunications	\$0	\$0
Utilities	\$0	\$2,466
Total	\$167,402	\$52,729

EXHIBIT B - 2

Indirect and Overhead Costs: FY 2018/2019

Service	Direct Bill Charges			Indirect Charges	
	Tulare County Courts	Law Library	Collections	Judicial Council	Unallowable
Copier	\$ -	\$ 2,996	\$ -	\$ -	\$ 290
Courier	15,715	929	-	-	-
Custodial	-	-	-	-	30,624
Grounds	-	-	439	-	60,080
Invensys	-	-	79	6,239	4,224
Mail	74,371	-	42,965	-	200
Maintenance	15,002	-	2,800	257,152	161,509
Fleet (Motor Pool)	3,302	-	-	-	60
Print	55,087	-	3,980	-	243
Telecommunications	-	-	-	-	14,529
Utilities	-	-	2,466	235,071	147,288
Total	\$ 163,477	\$ 3,925	\$ 52,729	\$ 498,462	\$ 419,047

ATTACHMENT – B

**Review of Superior Court's Request for Funding of Pre-Trial Facility
Staffing Memorandum**

COUNTY OF TULARE
COUNTY ADMINISTRATIVE OFFICE
MEMORANDUM

TO: Michael Spata, CAO

FROM: Sophia Almanza, Deputy CAO – Budget and Finance

SUBJECT: Review of Superior Court’s Request for Funding of Pre-Trial Facility Staffing

DATE: May 2, 2018

I. Introduction

This memorandum provides an analysis of the recent request made by the Tulare County Superior Court (Court) to enter into a Memorandum of Understanding (MOU) with Tulare County in support of the Pre-Trial Facility and Preliminary Hearing Calendars.

This memorandum is based, in substantial part, on Attachment 1 (Court Letter Requesting MOU); Attachment 2 (Court Email Providing Financial Information); and Attachment 3 (AB 109 Distributions).

II. Request

The formal request was provided through the Court’s letter (dated March 12, 2018) from Stephanie Cameron, Court Executive Officer. For Fiscal Year (FY) 2018/19, the funding request would amount to \$178,406.84 to offset 50% of Court’s cost for four (4) Courtroom Clerk positions.

III. Background

The County entered into similar MOUs for the past several years with the Court specifically addressing this special staffing situation. The current FY 2017/18 MOU was approved by the Board of Supervisors in May 2017 for \$161,128. This MOU will terminate on June 30, 2018. The current request by the Court is for an increase of \$17,278.84. Table 1 below identifies the prior approved MOUs.

Table 1

MOUs with Tulare County and Superior Court		
Fiscal Year	Agreement No.	Amount
FY 2012/13	Agreement # 25767	\$45,000
FY 2013/14	Agreement # 26434	\$262,252
FY 2014/15	Agreement # 26783	\$262,252
FY 2015/16	Agreement # 27229	\$131,126
FY 2016/17	Agreement # 27803	\$131,126
FY 2017/18	Agreement # 28094	\$161,128

It should be noted also that the Health and Human Services Agency (HHSA) and Probation Department provides support for additional Court positions. For example, in FY 2017/18, HHSA provided funding in the amount of \$147,945 for two (2) Courtroom Clerks at Visalia Drug and Mental Health Courts, and one (1) Courtroom Clerk at the South County Justice Center (Porterville) Drug and Mental Health Court in the amount of \$91,680. The Probation Department funded one (1) Legal Processing Clerk for parole hearings in the amount of \$69,571. Table 2 organizes this information as follows:

Table 2

County Funded Courts Positions			
Department	Type of Court Funded Positions	Location	FY 2017/18 Amount
HHSA	2 Courtroom Clerks	Visalia -Drug Mental Health Court	\$147,945
HHSA	1 Courtroom Clerks	Porterville -Drug Mental Health Court	\$91,680
Probation	1 Legal Processing Clerk	Parole Hearings	69,571
		Total	\$309,196

Through the Community Corrections Performance (CCP) Executive Committee, the Court has requested and the Committee has approved AB 109 allocation funding to help support the Pre-Trial Court’s costs.

Table 3 below identifies AB 109 allocations received by the Court from FY 2013/14 to and including FY 2017/18. Table 4 displays the total FY 2017/18 AB 109 Base Funding Distributions to other community partners (i.e., county departments).

Table 3

Court's AB109 Allocations	
Fiscal Year	Amount
FY 2013/14	\$511,707
FY 2014/15	\$511,707
FY 2015/16	\$549,642
FY 2016/17	\$588,835
FY 2017/18	\$588,835

Table 4

FY 2017/18 AB 109 Funding Distribution		
Qualified Entities	FY 2017/18	Percentage Split
HHSA Inmate Health Care	\$1,000,000	5.6%
Pre-Trial Court	\$588,835	3.3%
Sheriff's Department	\$8,100,580	45.5%
Probation Department	\$8,100,579	45.5%
Total Base Funding	\$17,789,994	100%

IV. Court's Proposal

The Court has stated that there is insufficient allocated funding to cover the base salaries necessary to operate. In this regard, the Court has advised that if additional funds are not received from the County, then closing the courtroom at the Pre-Trial Facility may have to occur.

Table 5 below summarizes the Court's Pre-Trial Facility revenue and expenditures from FY 2016/17 through FY2019/20. The expenses include salaries from one (1) Court Manager, one (1) Senior Courtroom Clerk, one (1) Court Reporter, two (2) Courtroom Clerks, one (1) Court Clerk, three (3) Legal Processing Clerk II's, and operating costs such as internet, phone and office supplies.

Table 5

Courts Pre-Trial Facility Funding (Revenue) and Expenses				
Department	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Revenue – AB 109 Allocation	588,835	588,835	\$588,835	\$588,835
Expenses (Salaries & Benefits)	627,812	715,879	\$765,697	\$813,255
Operating Expenses	26,396	54,752	\$33,066	\$33,066
Balance (Shortfall)	(\$63,373)	(\$181,796)	(\$209,928)	(\$257,486)

V. Analysis

The Pre-Trial Facility uses video conferencing to conduct court activities, with the Judge who presides in a courtroom located at the South County Justice Center in Porterville.

However, the defendant, Deputy District Attorney, Deputy Public Defender (or defense attorney), Interpreter (if needed), and Court Reporter are physically located at the Pre-Trial Courtroom. Along with the Judge, various court staff assigned to the Pre-Trial Calendar are located at the South County Justice Center. The Pre-Trial hearings in January 2018 averaged 48 hearings a day.

If the Court opts to close the Pre-Trial Court, the County would incur increased costs associated with transportation and inmate housing. This would be a direct impact on the County's General

Fund. For example, the Sheriff would see an immediate increase in costs as this relates to operations of inmate transportation to the Visalia Division or South County Justice Center. Additionally, the Sheriff's personnel have expressed a potential safety concern as the closure would create an overflow of inmates, which may increase assaults, escape attempts and other disturbances.

The transportation costs are estimated to increase annually between \$226,000 and \$258,000. These estimated costs include Motor Pool (\$25K) and two (2) Sheriff Deputies (\$108K Average Salary) to transport inmates to other available Court Facilities. Currently, this cost is not incurred as the inmates appear at the Pre-Trial Court with no transportation required. See Table 6 for Estimated Annual Transportation Costs.

Table 6

Estimated Annual Transportation Expenses					
	Salary Step 1	Salary Step 2	Salary Step 3	Salary Step 4	Salary Step 5
Annual Salary & Benefits <i>Sheriff Correctional Deputy</i> Expense	\$100,828	\$104,468	\$108,264	\$112,294	\$116,506
(2) Deputies Annual Salary	\$201,656	\$208,936	\$216,528	\$224,588	\$233,012
Estimated Annual Motor Pool Expenses	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
Total Transportation Expenses	\$226,656	\$233,936	\$241,528	\$249,588	\$258,012

Based on the analysis to follow, the inmate housing costs are estimated to increase annually by \$5,141,667. More specifically, the average cost per day to house an inmate is \$80.84. The average reduction to resolve cases at Pre-Trial Court is 37 inmates in custody a day in comparison to other County Courts. In FY 2017/18, there were 1,719 cases heard at Pre-Trial Court (1,719 cases X \$80.84 X 37 days = \$5,141,667 Increase Housing Costs). See Table 7 for a summary of these costs.

Table 7

FY 2016/17 Pre-Trial Facility Inmate Housing Cost Savings	
Inmate Case Resolution at the Pre-Trial Facility	1,719
Average Inmate Daily Housing Cost	\$80.84
Average Inmate Custody Reduction Time	37 days
Inmate Housing Cost Savings	\$5,141,666

VI. Internal Service Fund Charges

If the Court chooses to close the Pre-Trial Court, then there would be “vacated” space at the Pre-Trial Facility. The County’s General Fund -- through the General Services Agency and County Administrative Office -- budgets Internal Service Fund (ISF) charges in Miscellaneous Criminal Justice (001-810). The affected county departments at the Pre-Trial Facility are the Sheriff, District Attorney, Public Defender, and HHSA.

For FY 2017/18, the ISF charges amounted to \$20,412 for costs associated with utilities, grounds and maintenance. The ISF charges are considered unallowable expenses by the Judicial Council of California. Therefore, the General Fund covers these costs through the Miscellaneous Criminal Justice. If the space were vacated, the County would have to decide whether to keep the ISF charges in Miscellaneous Criminal Justice or share these costs among departments who continue to provide service at the facility.

VII. Reconciliation of Court Request and Resulting County Costs

The estimated savings from maintaining the Pre-Trial Court is approximately \$5.39 million (Estimated Transportation Costs \$258,012, plus Estimated Inmate Housing Cost Savings \$5,141,666). The savings are based on increased transportation costs and increased inmate housing costs from cases heard at Pre-Trial Court. Table 8 below identifies the net difference of the costs between the Court’s MOU request and the additional transportation and inmate housing costs:

Table 8

MOU Request vs. Additional Cost	
Tulare County Superior Court MOU Request	\$178,407
Estimated Transportation Cost (Minimum)	\$226,656
Estimated Inmate Housing Cost	\$5,141,666
Net Difference	(\$5,189,915)

VIII. Options

The Court's request is to enter into a FY 2018/19 MOU providing funding in the amount of \$178,406.84 to offset 50% of Court's cost for four (4) Courtroom Clerk positions to support Pre-Trial Court. The available options for the Court's MOU request are provided as follows:

- (1) Enter into a MOU with the Court for FY 2018/19 (July 1, 2018 – June 30, 2019) in the amount of \$178,406.84. This option will result in a savings to the County (i.e., \$5.39 million), as the MOU cost associated will be significantly less than the potential increased transportation and inmate housing costs to the General Fund.
- (2) Deny the Court's MOU, and through the CCP Executive Committee, the Court should request additional AB 109 funding to support Court's Pre-Trial Facility staffing. This option would require approval from CCP Executive Committee for additional AB109 allocation dedicated for this specific purpose.
- (3) Deny the MOU request from the Court thus generating increased costs to the County's General Fund in the amount of \$5,189,915.

Attachment 1
(Court Letter Requesting MOU)



Original Superior Court
Letter Dated 051218

Superior Court of the State of California

COUNTY OF TULARE
ADMINISTRATION

Stephanie Cameron
Court Executive Officer
Jury Commissioner

221 S. Mooney Blvd., Room 303
Visalia, California 93291
Telephone: (559) 730-5000
Facsimile: (559) 737-4290

Nocona Soboleski
Assistant Court Executive Officer

March 12, 2018

Michael Spata, County Administrative Officer
County of Tulare
2800 Burrel Avenue
Visalia, CA 93291

RE: Request for Continued Funding to Support the Pre-Trial Facility and Visalia Preliminary Hearing Courts

Dear Mr. Spata,

Provided below is an outline and overview of the above referenced matter.

REQUEST

The Tulare County Superior Court and the County of Tulare entered into a Memorandum of Understanding (MOU) on May 23, 2017, to support the Pre-Trial Facility and the Preliminary Hearing calendars. The County agreed to provide up to \$161,128 for FY 2017/2018 to cover 50% of the salary and benefits for four (4) Courtroom Clerk positions.

Due to an increase in salaries and benefits, 50% of the cost for the four (4) positions increased to \$176,693.85 during FY 2017/2018. The Court will absorb this \$15,565.85 difference through salary savings from other areas.

The salary and benefits for these positions are projected at \$356,813.68 for FY 2018/2019. The Court is requesting an amount not to exceed of \$178,406.84 to offset 50% of the cost for the four (4) Courtroom Clerk positions. (Exhibit A)

HISTORY

- The Pre-Trial Facility was developed in 2006, in collaboration with our local justice partners, to reduce the Sheriff's inmate supervision and transportation costs. The Pre-Trial Court provides us with the ability to resolve the cases in an expedited manner, resulting in a reduction of inmate jail days and transportation costs to the Visalia Division and the South County Justice Center.
- In 2009, the State Legislature authorized each county to develop a Community Corrections Performance Incentive Fund pursuant to PC §1230. The funds were allocated to Probation Departments for the provision of supervision and rehabilitative services to adult felony offenders.
- On October 1, 2011, the Public Safety Realignment Act (AB 109) went into effect wherein the State Legislature shifted the responsibility for the housing and supervision of low level offenders and parole violators from the State to the counties.
- AB109 was enacted to address two issues: prison overcrowding and recidivism reduction.
- Approximately 500 felony offenses considered non-serious, non-violent and non-sex registerable, were amended by AB109 to allow defendants to be sentenced to local jail and/or local supervision in lieu of a State Prison commitment.
- By increasing the number of defendants who can be sentenced to local jail and allowing parole violators to serve time in local jails in lieu of a return to State Prison, the Sheriff's Office has faced significant challenges in managing the jail population, inclusive of housing, transportation and staffing.

BENEFITS OF PRE-TRIAL

Cost Savings

The Pre-Trial Facility has been efficient in significantly reducing costs the County would incur if all criminal cases were heard in the Visalia Division or the South County Justice Center.

- The County saves approximately \$223,548 in annual inmate transportation costs by hearing cases at the Pre-Trial Facility rather than going to the Visalia Division or South County Justice Center as follows:
 - Motor Pool - \$25,000
 - Transport Deputies – 2 FTE - \$198,548 for salaries and benefits
- The Pre-Trial Facility decreases staffing need. In January 2018, there were a total of 99 inmates (an average of 48 per day) who appeared for hearings at the Pre-Trial Facility, compared to 1,051 inmates (an average of 50 per day) who appeared at the Visalia Division. However, the number of Sheriff's Office staff required to supervise a comparable number of inmates varies significantly:
 - Pre-Trial Facility – 2 FTE Sheriff's Deputies
 - Visalia Division – 20 FTE Sheriff's Deputies and 5 FTE Sheriff's Security Officers.
- The Visalia Division can only hold 67 inmates. If the 48 inmates heard at the Pre-Trial Facility were transported to the Visalia Division alone, it would result in an overflow of inmates.

- For every 5-7 inmates in overflow, an additional Sheriff's Deputy would be needed. An average of 30 inmates in the overflow areas of the Visalia Division would result in the need for a *minimum* of five (5) additional Sheriff's Deputies at a cost to the County of \$496,370.
- Any existing or potential overflow of inmates results in an increase in the number of escape attempts, disturbances, assaults, and negative contact with the public.

(Exhibit B – Email from Assistant Sheriff Keith Douglass)

FUNCTIONALITY

The Pre-Trial Facility was designed very efficiently and includes a total of eight (8) holding cells that can hold up to 42 inmates. The inmates are monitored, as needed, by an additional Sheriff's Deputy via a monitor in that deputy's office. The Pre-Trial Court is located on the second floor of a medium security jail with access to 13 Correctional Deputies as needed, to address any emergency or security issue that may occur.

The Pre-Trial Court is staffed with two (2) FTE Sheriff's Deputies, which is 8% of the staffing needed for the Visalia Division.

(Exhibit B – Email from Assistant Sheriff Keith Douglass)

JUSTIFICATION

The Public Safety Realignment Act (AB 109) resulted in three (3) new case types heard by the Court: Violations of Post Release Community Supervision, Parole Revocations and Violations of Mandatory Supervision. These cases were handled by the State Parole Board prior to AB 109 and the Legislature did not provide funding to the courts to handle the increased workload. During FY 2016/2017, these new case types resulted in an additional 2,179 hearings which originated at Pre-Trial and when unresolved, were moved to the Visalia Division or the South County Justice Center's Preliminary Hearing Court. The information below indicates the number of hearings per case type:

- Violations of Post Release Community Supervision - 1,170
- Parole Revocations - 190
- Violations of Mandatory Supervision - 819

During FY 2016/2017, the Pre-Trial Facility held 24,400 hearings involving 6,229 inmates. Of these, 1719 inmates had their cases fully resolved at the Pre-Trial Facility, resulting in a resolution rate of 27%.

Cases heard at Pre-Trial and the Preliminary Hearing Court have their cases resolved in an average of 1.6 hearings. Cases not resolved result in an average of 10.6 hearings. This reduction in the number of hearings mitigates potential jail overcrowding and decreases inmate housing costs by shortening the amount of time each inmate remains in custody. For those cases that take 10.6 hearings, inmates stay in custody an average of 74 days (10.6 hearings * 7 days per week). Those inmates who resolved their case at either Pre-Trial or the Preliminary Hearing Court reduce their days in custody by 50% to 37 *days*.

The estimated daily cost to house an inmate in Tulare County is \$80.84. With the average reduction in custody time to 37 days, cases resolved at the Pre-Trial Facility during FY 2016/2017 resulted in a cost savings to the County of \$5,141,666.52. (Exhibit C)

The Pre-Trial Facility is an asset to the County in that it reduces inmate housing and transportation costs and assists in jail population management. It has, however, increased the operating costs for the Court. While each fiscal year the Court receives \$588,835 from the Community Corrections Performance Fund, this does not fully fund Pre-Trial operations. (Exhibit D)

CONCLUSION

The Tulare County Superior Court continues to be underfunded. Per the Judicial Council's Workforce Allocation Funding Methodology (WAFM) allocation for FY 2018/2019, Tulare County is the fourth lowest funded court in the State of California at a funded rate of only 69.1%. (Exhibit E) While the Judicial Council continues to advocate, on behalf of the courts, for additional funding, they have yet to be successful.

The Court has received small increases to our budget due to a reallocation of other Judicial Council resources. The Court used that money to provide staff with a negotiated salary increase (NSI) to keep our salaries competitive and retain staff. This was the first significant salary increase the Court was able to give since the recession began in 2009. This NSI will increase staff salaries by \$1,143,818 over the next three years. (Exhibit F)

This amount does not include increased benefit costs.

The Pre-Trial Facility provides a cost savings of approximately \$719,918 in transportation and staffing costs to the County, not including a minimum inmate housing cost reduction of \$5,141,666.52. (Exhibit C)

Potentially significant consequences will occur if the Court is unable to obtain the funding necessary to operate the Pre-Trial Facility and the Visalia Preliminary Hearing Courts. Since the recession, the Court must function within budgetary constraints and is no longer allowed to have reserves to use in lean times. The Court is currently unable to meet Pre-Trial Court expenses without the requested funding. In an effort to continue with current operations, which equate to significant savings to the County of Tulare, we are requesting funding in the amount of \$178,406.84.

Thank you for your consideration.



Stephanie Cameron
Court Executive Officer
Superior Court of the State of California,
County of Tulare

Exhibit A

Salaries and Benefits – Four Courtroom Clerk Positions		
Costs	FY 17/18	FY 18/19
Regular Earnings	205,900.88	209,802.88
Social Security	12,758.41	13,000.33
Medicare	2,983.82	3,040.40
Employer – Dental	5,068.28	6,724.23
Employer – Health	91,696.88	88,421.25
Employer – Vision	1,100.84	1,288.56
Employer – Retirement	27,942.54	28,457.84
Worker’s Compensation	5,415.19	5,517.82
SUI	133.01	135.53
Employer – Life Insurance	57.20	57.20
Employer – LTD	236.00	273.00
Employee Assistance Program	94.64	94.64
Total	\$353,387.70	\$356,813.68
At 50%	\$176,693.85	\$178,406.84

Exhibit B

BENEFITS OF PRE-TRIAL COURT AT THE PRE-TRIAL FACILITY

- **Efficiency** –In January 2018, there were 998 in-custodies appearing for hearings at Pre-Trial Court, averaging 48 per day. Additionally, Visalia Courthouse had 1,051 in-custodies averaging 50 a day in the month of January. Pre-Trial has two (2) Sheriff's Deputies, with periodic roves by Correctional Deputies assigned to that facility. Visalia has 20 Sheriff's Deputies and five (5) Sheriff's Security Officers.
- **Facility Structural Security** –Pre-Trial Court is effective due to its design of being on the second floor of a medium security jail with 13 Correctional Deputies available to respond to any emergencies that may occur.
- **Cell Space** - There are 2 holding cells next to the Courtroom which hold 6 inmates each. There are another 6 holding cells near intake which house an additional 30 inmates. There is also a deputy's office near intake (currently used by Probation), so the Court Rove can monitor the inmates while they are in holding before going upstairs.

Visalia Court using every cell in the building has a capacity of 67. If we were to take the 48 inmates per day that Pre-Trial Court handles and transport them to Visalia and Porterville Court, there would be overflow of inmates in the Criminal Courtrooms making conditions ripe for escapes, disturbances, assaults, interchanges with the public. We would need an additional deputy for every 5-7 inmates in the overflow areas (7 of same classification, 5 of mixed), which would cost overtime until they get heard and transported.

- **Transport** – The majority of inmates that are seen at Pre-Trial Court come from Bob Wiley and the Pre-Trial Facility, so they just get walked over. We do have many that come from Main Jail or MCF for arraignments and ECD hearings, so it would increase the amount being transported to a small degree. The cost to transport inmates to the Visalia and Porterville Courts would have an annual motor pool cost of \$25,000. The addition of two (2) Transport Deputies would be required to assist with the transports, at a cost of \$198,548 inclusive of salaries and benefits.

* Information provided by Assistant Sheriff Keith Douglass via email on February 20, 2018.

Exhibit C

Pre-Trial Facility Statistics for FY 16/17	
Hearings Held at Pre-Trial	24,400
Number of Defendants	6229
Open Cases Disposed at Pre-Trial	1,444
Number of Defendants	957 – 15%
Violations of Probation, Mandatory Supervision, Post Release Supervision and Parole Revocations Heard at Pre-Trial	2359
Number of Defendants	762 – 12%
Total Number of Defendants Resolved at the Pre-Trial Facility	1719 – 27%
Total Number of Defendants Returned to the Visalia Division or the South County Justice Center	4510 – 73%
Average Hearings Per Disposed Case	1.6

Tulare County Superior Court Statistics for FY 16/17	
Hearings Held at the Visalia Division or the South County Justice Center	175,672
Total Criminal Filings	16,500
Average Hearings Per Case	10.6

Pre-Trial Facility – Inmate Housing Cost Savings FY16/17	
Inmate Case Resolution at the Pre-Trial Facility	1,719
Estimated Inmate Daily Housing Cost*	\$80.84
Average Inmate Custody Reduction Time	37 Days
Inmate Housing Cost Savings	\$5,141,666.52

* Information provided by Assistant Sheriff Keith Douglass via email on March 9, 2018.

Exhibit D

Pre-Trial Facility Funding and Expenses				
	FY 16/17	FY 17/18	FY 18/19	FY 19/20
	Actual	Projected	Projected	Projected
Revenue	588,835	588,835	588,835	588,835
Salaries	(627,812)	(715,879)	(765,697)	(813,255)
Operating Expenses	(26,396)	* (54,752)	(33,066)	(33,066)
Balance	(65,373)	(181,797)	(209,928)	(257,486)

* The Court incurred increased operating expenses during FY 2017/2018 due to the installation of video equipment at the Pre-Trial Facility and South County Justice Center. Installation of the video equipment eliminated the time and travel difficulties involved for the families of South County defendants appearing for arraignment proceedings at the Pretrial division.

Exhibit E
Fiscal Year 18/19 WAFM Allocation

Cluster	Court	Total 2018-19 WAFM-Related Allocation (Prior to funding floor adj.)	WAFM 2018-19 Funding Floor Adjustment	Total 2018-19 WAFM-Related Allocation (w/Floor Adj. Before New Money)	Total 2018-19 WAFM Need	% Need	Difference From Average
1	Sierra	\$749,995	\$5	\$750,000	\$384,424	195.1%	116.5%
1	Alpine	\$750,018	(\$18)	\$750,000	\$423,378	177.1%	98.5%
4	San Francisco	\$51,680,423	(\$322)	\$51,680,101	\$50,233,195	102.9%	24.3%
1	Mono	\$1,870,381	\$4,618	\$1,874,999	\$1,921,934	97.6%	18.9%
1	Colusa	\$1,924,390	(\$12)	\$1,924,378	\$1,994,918	96.5%	17.8%
2	Siskiyou	\$2,797,907	(\$17)	\$2,797,889	\$2,947,579	94.9%	16.3%
2	Marin	\$11,889,890	(\$74)	\$11,889,816	\$12,566,813	94.6%	16.0%
1	Inyo	\$1,887,478	(\$12)	\$1,887,466	\$2,005,208	94.1%	15.5%
1	Mariposa	\$1,243,742	\$6,258	\$1,250,000	\$1,345,390	92.9%	14.3%
1	Glenn	\$1,913,855	(\$12)	\$1,913,843	\$2,131,424	89.8%	11.2%
4	Santa Clara	\$74,824,697	(\$467)	\$74,824,230	\$84,089,003	89.0%	10.4%
1	Plumas	\$1,098,241	(\$7)	\$1,098,234	\$1,248,151	88.0%	9.4%
1	Trinity	\$1,383,831	(\$9)	\$1,383,823	\$1,577,454	87.7%	9.1%
4	San Diego	\$131,053,854	(\$817)	\$131,053,036	\$149,938,144	87.4%	8.8%
1	Lassen	\$1,875,002	(\$12)	\$1,874,990	\$2,147,967	87.3%	8.7%
4	Alameda	\$71,216,600	(\$444)	\$71,216,156	\$83,101,281	85.7%	7.1%
1	Del Norte	\$2,409,941	(\$15)	\$2,409,926	\$2,821,677	85.4%	6.8%
1	Modoc	\$875,007	(\$5)	\$875,002	\$1,028,453	85.1%	6.5%
3	Sonoma	\$22,498,738	(\$140)	\$22,498,598	\$26,973,505	83.4%	4.8%
4	Orange	\$130,558,653	(\$814)	\$130,557,838	\$158,475,388	82.4%	3.8%
2	Napa	\$6,805,712	(\$42)	\$6,805,669	\$8,401,485	81.0%	2.4%
1	Calaveras	\$2,086,040	(\$13)	\$2,086,027	\$2,611,213	79.9%	1.3%
4	Sacramento	\$74,208,111	(\$463)	\$74,207,648	\$94,570,263	78.5%	-0.2%
4	Los Angeles	\$500,589,090	(\$3,122)	\$500,585,968	\$638,818,504	78.4%	-0.3%
1	Amador	\$2,241,419	(\$14)	\$2,241,405	\$2,875,338	78.0%	-0.7%
2	Imperial	\$8,284,152	(\$52)	\$8,284,100	\$10,646,871	77.8%	-0.8%
2	Humboldt	\$6,057,625	(\$38)	\$6,057,587	\$7,859,201	77.1%	-1.5%
2	Nevada	\$4,485,495	(\$28)	\$4,485,467	\$5,843,488	76.8%	-1.9%
2	Placer	\$15,381,544	(\$96)	\$15,381,448	\$20,277,183	75.9%	-2.8%
3	Solano	\$19,959,387	(\$124)	\$19,959,262	\$26,313,149	75.9%	-2.8%
1	San Benito	\$2,490,597	(\$16)	\$2,490,581	\$3,296,299	75.6%	-3.1%
3	Santa Barbara	\$20,369,080	(\$127)	\$20,368,953	\$27,024,093	75.4%	-3.3%
3	Contra Costa	\$38,945,014	(\$243)	\$38,944,771	\$51,871,341	75.1%	-3.5%
3	San Joaquin	\$33,539,914	(\$209)	\$33,539,705	\$44,763,531	74.9%	-3.7%
3	Ventura	\$33,385,350	(\$208)	\$33,385,142	\$44,626,190	74.8%	-3.8%
2	Yuba	\$4,450,255	(\$28)	\$4,450,227	\$5,960,508	74.7%	-4.0%
2	El Dorado	\$6,488,362	(\$40)	\$6,488,321	\$8,706,791	74.5%	-4.1%
3	Fresno	\$46,755,343	(\$292)	\$46,755,051	\$63,106,468	74.1%	-4.5%
4	San Bernardino	\$90,490,218	(\$564)	\$90,489,654	\$122,745,316	73.7%	-4.9%
2	Madera	\$7,217,881	(\$45)	\$7,217,836	\$9,793,233	73.7%	-4.9%
2	Santa Cruz	\$11,476,290	(\$72)	\$11,476,219	\$15,685,523	73.2%	-5.5%
2	Sutter	\$4,842,342	(\$30)	\$4,842,312	\$6,637,590	73.0%	-5.7%
2	San Luis Obispo	\$12,320,999	(\$77)	\$12,320,922	\$16,966,674	72.6%	-6.0%
3	San Mateo	\$32,338,270	(\$202)	\$32,338,069	\$44,666,431	72.4%	-6.2%
4	Riverside	\$83,795,830	(\$523)	\$83,795,307	\$115,864,478	72.3%	-6.3%
2	Kings	\$6,455,123	(\$40)	\$6,455,083	\$8,937,534	72.2%	-6.4%
3	Monterey	\$16,657,054	(\$104)	\$16,656,950	\$23,133,666	72.0%	-6.6%
2	Mendocino	\$5,177,271	(\$32)	\$5,177,238	\$7,193,346	72.0%	-6.7%
2	Butte	\$9,426,458	(\$59)	\$9,426,399	\$13,374,586	70.5%	-8.1%
2	Tehama	\$3,854,175	(\$24)	\$3,854,151	\$5,482,510	70.3%	-8.3%
2	Merced	\$11,118,412	(\$69)	\$11,118,343	\$15,841,209	70.2%	-8.4%
2	Tuolumne	\$3,054,922	(\$19)	\$3,054,903	\$4,353,128	70.2%	-8.4%
2	Shasta	\$10,247,479	(\$64)	\$10,247,416	\$14,686,813	69.8%	-8.9%
2	Lake	\$3,168,860	(\$20)	\$3,168,841	\$4,564,560	69.4%	-9.2%
3	Tulare	\$18,410,687	(\$115)	\$18,410,572	\$26,630,928	69.1%	-9.5%
3	Kern	\$44,807,598	(\$279)	\$44,807,319	\$64,925,575	69.0%	-9.6%
2	Yolo	\$9,273,222	(\$58)	\$9,273,164	\$13,540,159	68.5%	-10.1%
3	Stanislaus	\$21,175,921	(\$132)	\$21,175,789	\$31,118,112	68.0%	-10.6%
Total		\$1,746,334,148	(0)	\$1,746,334,148	\$2,221,068,575	78.6%	

Exhibit F

Tulare County Superior Court Increase in Staff Salaries		
Start Date	Negotiated Salary Increase	Total
October 2017	75 cents plus 4 %	\$556,453
October 2018	50 cents plus 3 %	\$372,201
October 2019	25 cents plus 2 %	\$215,163
Total		\$1,143,818

*NSI did not include management/confidential employees

Attachment 2
(Court Email Providing Financial Information)

From: Stephanie Cameron <scameron@tulare.courts.ca.gov>
To: Sophia Almanza <SLAlmanza@co.tulare.ca.us>
CC: Michael Spata <MSpata@co.tulare.ca.us>
Date: 3/28/2018 10:04 AM
Subject: RE: Court Letter for Continued Funding Support of Pre-Trial Facility
Attachments: Follow up Questions regarding Justification for Funding.docx

Good morning Sophia,

Attached, please find the responses to your follow up questions below as well as the questions you sent to me on Thursday, March 22, 2018.

If you have any questions or need further information, please don't hesitate to contact me.

Thank you.

Stephanie Cameron
Court Executive Officer
Tulare County Superior Court
221 So Mooney Blvd. Room 303
Visalia, CA 93291
(559) 730-5000 ext 1293 Fax (559) 737-4290
SCameron@tulare.courts.ca.gov

-----Original Message-----

From: Sophia Almanza [mailto:SLAlmanza@co.tulare.ca.us]
Sent: Monday, March 26, 2018 8:38 AM
To: Stephanie Cameron <scameron@tulare.courts.ca.gov>
Cc: Michael Spata <MSpata@co.tulare.ca.us>
Subject: Re: Court Letter for Continued Funding Support of Pre-Trial Facility

Good morning Stephanie,

Just a few additional questions,

Are there additional Court positions the County funds for Courts? My understanding is HHSA funds positions for Mental Health Court?

If the Courtrooms clerk were not able to be funded by the County, would this close the courtroom at the Pre-Trial facility?

Thank you for your help with these questions.

Sophia Almanza, MBA
Deputy CAO - Budget and Finance
County of Tulare
County Administrative Office
(559) 636-5025
SLAlmanza@co.tulare.ca.us

>>> Sophia Almanza 3/22/2018 3:42 PM >>>

Good afternoon Stephanie,

First of all, thank you for providing the requested justification for the support of the Courtroom Clerks. The information was quite detailed and very helpful.

After review of the information provided I do have a few questions, hopefully you can clarify for me.

The \$558,835, Courts receives annually from the Community Corrections Performance Fund is this a set amount? Are there potential factors that would cause the revenue stream to go away?

Referring to Exhibit D, what is the number of positions and type of positions the "salaries" covers? Is this inclusive of all the Court positions at the Pre-Trial Facility? The operating expenses, is video equipment the only cost identified in this? What is the acceleration rate used for the projected forecasts (salaries & op.expenses)?

Lastly, with the staff increases continuing through Oct. 2019, is it reasonable to anticipate the Courts request to the County the increased staff cost be included in future MOUs?

Thank you in advance for your assistance with response to my questions.

Sophia Almanza, MBA
Deputy CAO - Budget and Finance
County of Tulare
County Administrative Office
(559) 636-5025
SLAlmanza@co.tulare.ca.us

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Follow up Questions Regarding Justification for Funding:

1. The \$558,835, Courts receives annually from the Community Corrections Performance Fund is this a set amount? Are there potential factors that would cause the revenue stream to go away?

This is not a set amount and has fluctuated over the past 5 years. Below is an account of the revenue the Court received from the Community Corrections Performance Fund over the past five years:

FY13/14 – \$511,707

FY14/15 – \$511,707

FY15/16 – \$549,642

FY16/17 – \$588,835

FY17/18 – \$588,835

On an annual basis, the Court requests funding from the Community Corrections Performance Fund and to date, we have been successful with our requests. This may not be the case for future requests. One potential factor that would cause the revenue stream to go away would be if funding from the state to the Community Corrections Performance Fund was reduced and the CCP Executive Committee voted to reduce or eliminate our portion of funding.

2. Referring to Exhibit D, what is the number of positions and type of positions the "salaries" covers?

The salaries and benefits represented in Exhibit D are derived from a Court Manager, a Senior Courtroom Clerk, a Court Reporter, two (2) Courtroom Clerks, a Court Clerk and three (3) Legal Processing Clerk II.

Is this inclusive of all the Court positions at the Pre-Trial Facility? Due to space restrictions at the Pre-Trial Facility, the staff has been split between there and South County Justice Center.

The operating expenses, is video equipment the only cost identified in this? The operating expenses also include standard expenses such as office supplies, internet, and telephones. The court has never asked for reimbursement of operating expenses, and we aren't planning on asking for reimbursement for this in the future.

What is the acceleration rate used for the projected forecasts (salaries & op. expenses)? Exhibit F represents the acceleration rate for salaries, we are projected a 10% increase in Medical and Dental costs.

- With the staff increases continuing through Oct. 2019, is it reasonable to anticipate the Courts request to the County the increased staff cost be included in future MOUs?

If the Governor's Budget for the Judicial Branch increases and the Courts annual allocation increases, the Court would be able to absorb future increased costs.

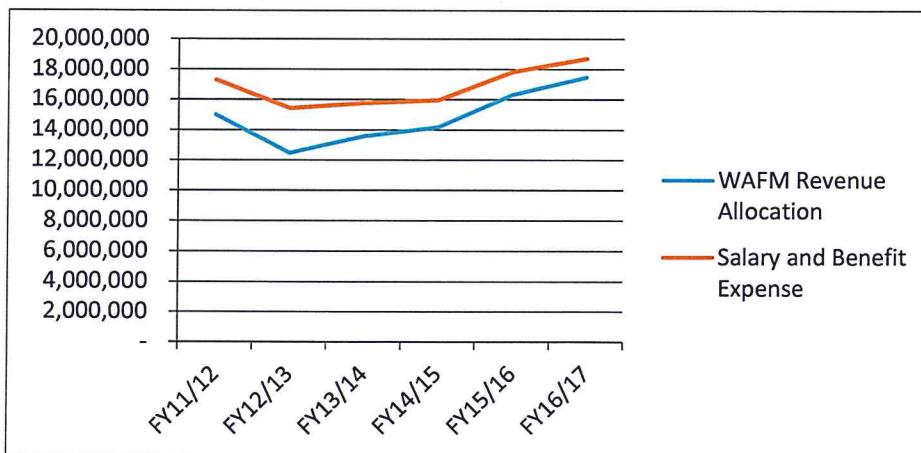
- Are there additional Court positions the County funds for Courts? My understanding is HHSA funds positions for Mental Health Court?

Yes, the Court received County funds from HHSA and Probation for FY 17/18 as follows:

HHSA	\$147,945	Two Courtroom Clerks salaries and benefits for Drug & Mental Health courts in Visalia
HHSA	\$91,680	One Courtroom Clerk salary and benefits for Drug Court in South County Justice Center
Probation	\$69,571	One Legal Processing Clerk salary and benefits for Parole Hearings

- If the Courtrooms clerk were not able to be funded by the County, would this close the courtroom at the Pre-Trial facility?

Our current allocation is not enough to cover the base salaries needed to operate the court. This trend is shown historically in the graph below. The Court is only able to cover payroll and operation costs with local court revenue, MOU's and Grants. If the Court did not receive funding from the County, we would consider closing the courtroom at the Pre-Trial facility.



Attachment 3
(AB 109 Distributions)

FY 2017/18 PROPOSED FUNDING DISTRIBUTION FOR AB109

	FY 2017/18	FY 2016/17	Total
Base Funding	1,000,000	1,000,000	1,000,000
Growth Funding	588,835	588,835	588,835
Total	17,789,994.00	1,502,507	19,292,501
HHSA Inmate Health Care	5.62%		5.18%
Pre-Trial Court	3.31%		3.06%
Sheriff's Department	45.53%	676,128	8,776,708
Probation Department	45.53%	676,128	8,776,707
Local Innovation Fund		150,251	150,251

AB 109 Funding Distribution

