



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

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One  
PETE VANDER POEL  
District Two  
AMY SHUKLIAN  
District Three  
EDDIE VALERO  
District Four  
DENNIS TOWNSEND  
District Five

**AGENDA DATE:** September 29, 2020

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 type="checkbox"/>	N/A <input checked="" type="checkbox"/>
CONTACT PERSON: Donna Ortiz		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 to reimburse the Court for the cost of one (1) Courtroom Clerk position in the Porterville Division and for two (2) Courtroom Clerks for the Visalia Division in the amount not to exceed \$310,719.16, retroactive to July 1, 2020 through June 30, 2021. This agreement is retroactive due to extended negotiations of the agreement. It was impracticable for the Board to take action prior to July 1, 2020 due to the time needed to process, prepare, and submit the agenda item.
2. Find that the Board had the authority to enter into the agreement as of July 1, 2020 and that it was in the County's best interest to enter into the agreement on that date.
3. Authorize the Chair of the Board to sign one (1) copy of the agreement.

**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 supportive services in order to reduce criminal activity and improve the quality of life of the participants. The Mental Health Court was

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

**DATE:** September 29, 2020

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, and addresses jail overcrowding and the disproportionate number of people in the criminal justice system who have a mental illness.

The Drug Court provides access to treatment for substance-abuse 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. It is anticipated that approximately 400 defendants in Visalia and 320 defendants in Porterville will receive services as part of the Mental Health Court and Drug Court for Fiscal Year 2020/2021.

Courtroom Clerks are critical to the administration of these programs in their respective courts. 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 orders 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. 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, which is key to program success.

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 2020-2021, Tulare County Health & Human Services Agency will reimburse the Court for the salary and benefits of one (1) Courtroom Clerk position in Porterville, and two (2) Courtroom Clerks in Visalia. The Memorandum of Understanding (MOU) establishes the services and details regarding reimbursement for the 2020-2021 fiscal year.

The following terms deviate substantively from the standard County boilerplate: 1) The MOU includes mutual indemnification language; and 2) County will sign first.

**FISCAL IMPACT/FINANCING:**

The budgeted costs associated with this agreement will be included in the HHSA

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

**DATE:** September 29, 2020

3331 and 6071 budget, line 7043 professional services, in the amount not to exceed \$310,719.16 for Fiscal Year 2020-2021. The reimbursement to the Superior Court of California, County of Tulare for one Courtroom Clerk position in Porterville in the amount of \$103,375.73, and two Courtroom Clerks in Visalia in the amount of \$207,343.43, are paid through Alcohol and Drug Trust Fund 441 (first offender program) and Mental Health Services Act. There is no additional net County cost to the 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:**

/s/ Donna Ortiz

Donna Ortiz

Director of Mental Health

cc: County Administrative Office

Attachment(s) Memorandum of Understanding

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

**IN THE MATTER OF APPROVE A** ) Resolution No. \_\_\_\_\_  
**MEMORANDUM OF UNDERSTANDING** ) Agreement No. \_\_\_\_\_  
**WITH THE SUPERIOR COURT OF** )  
**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: JASON T. BRITT  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. Approved a Memorandum of Understanding with the Superior Court of California, County of Tulare to reimburse the Court for the cost of one (1) Courtroom Clerk position in the Porterville Division and for two (2) Courtroom Clerks for the Visalia Division in the amount not to exceed \$310,719.16, retroactive to July 1, 2020 through June 30, 2021. This agreement is retroactive due to extended negotiations of the agreement. It was impracticable for the Board to take action prior to July 1, 2020 due to the time needed to process, prepare, and submit the agenda item.
2. Found that the Board had the authority to enter into the agreement as of July 1, 2020 and that it was in the County's best interest to enter into the agreement on that date.
3. Authorized the Chair of the Board to sign one (1) copy of the agreement.