

**SEVENTH AMENDMENT TO MEMORANDUM OF UNDERSTANDING AMONG THE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF TULARE, AND TULARE COUNTY
SHERIFF'S DEPARTMENT**

This Amendment To Memorandum Of Understanding (Agreement) No. 22231 is entered into as of July ____, 2011, with the SUPERIOR COURT OF CALIFORNIA (COURT), COUNTY OF TULARE SHERIFF'S DEPARTMENT (SHERIFF) and COUNTY OF TULARE (COUNTY). Henceforth within this Memorandum of Understanding (COUNTY AND SHERIFF) referred to as (SHERIFF).

RECITALS

WHEREAS, Parties entered into a Memorandum of Understanding No. 22231 dated March 8, 2005 for the provision of security services to the COURT; and

WHEREAS, COURT, and SHERIFF thereafter amended the existing Memorandum of Understanding on July 1, 2011; and

WHEREAS, COURT, and SHERIFF desire to amend the existing Amendment to Memorandum of Understanding to increase the rates of compensation, extend the term of the MOU, and update the Exhibits A through E;

THEREFORE, the parties hereto agree as follows:

1. Paragraph A "Initial Term;Option to Extend" of Section III. "Term of Agreement" of Tulare County Agreement No. 22231 is amended to read as follows:
The term of the Amendment shall commence effective July 1, 2011, and shall continue in effect through and terminate automatically on June 30, 2012. In the event the Governor's Realignment Proposal is passed by the Legislature, the COURT, SHERIFF and COUNTY will meet to discuss the impact of those sections of the MOU that are impacted.

2. Paragraph D "Rate of Compensation" of Section V. "Cost of Services/Compensation" of Tulare County Agreement No. 22231 is amended to read as follows:

For this agreement, COURT will compensate SHERIFF for provision of the basic services an amount of \$5,171,948; as set forth in Exhibit B-1.

3. The previous Exhibit "A", "A-1", "B", "B-1", "C", "D", and "E" are hereby deleted and replaced in their entirety with the attached Exhibits A", "A-1", "B", "B-1", "C", "D", and "E" , which exhibits are made part of the Agreement by reference.

Except as modified by this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.

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: JEAN M. ROUSSEAU
County Administrative Officer/Clerk of the
Board of Supervisors of the County of Tulare

By _____

TULARE COUNTY SHERIFF

Date: _____

By _____

Title: Sheriff-Coroner

SUPERIOR COURT OF CALIFORNIA COUNTY
OF TULARE

Date: 6.6.11

By [Signature]

Title: Presiding Judge

Approved as to form:
County Counsel

By [Signature] 6/15/11
Deputy 2011980

EXHIBIT A

COURT FACILITIES FISCAL YEAR 2011/2012

As used in this Agreement, "Court Facilities" refers to the following facilities and courtrooms:

1. Tulare County Courthouse – Administrative Services at
221 South Mooney Blvd., Room 303, Visalia CA 93291
2. Visalia Superior Court – Departments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
221 South Mooney Blvd., Visalia, CA 93291
3. Tulare Superior Court - Departments 1, 2, 3
425 East Kern Avenue, Tulare, CA 93274
4. Porterville Superior Court – Departments 1, 2, 3
87 East Morton Avenue, Porterville, CA 93257
5. Dinuba Superior Court – Department 1
640 South Alta Street, Dinuba, CA
6. Tulare County Juvenile Court – Departments 1, 2, 3
11200 Avenue 368, Visalia CA 93291
7. Pre-Trial Facility Courtroom – Department 1
36650 Road 112, Visalia CA 93291

EXHIBIT A-1

Bailiffs, Sheriff's Security Officers and Perimeter Security

Tulare County Superior Court Facilities FISCAL YEAR 2011/2012

Location	Depts	Judges	Courtroom Security	Internal Security	Internal Transport	Entry Screening	Control Room
Visalia	14	14	14	5	4	5	1
Tulare	3	3	3	0	1	2	
Porterville	3	2	3	1	1	2	
Dinuba	1	1	1	1	0	0	
Juvenile	3	3	3	0	1	2	
Pre-trial	3						
Total	25	23	26	7	7	11	1

44 Deputy Sheriffs
8 Security Officers
4 Sheriff Sergeants
1 Sheriff's Lieutenant @ .90%

EXHIBIT B

ASSUMPTIONS USED IN COMPUTATION OF FISCAL YEAR 2011/2012 COURT SECURITY COSTS

- I. An eight hour day, 5 days a week work schedule applies to the Court Security Unit through the fiscal year 2011-2012.
- II. The salary ranges for sworn and non-sworn personnel are documented in the Salary Ordinance.
- III. On the average, deputy sheriffs in the Court Services Unit are in Step 5 of the salary range.
- IV. Salary fringe benefit costs are as follows:

Salary fringe benefits are as follows:

			Retirement	POB	Total
A	Retirement (sworn)	Lt.	17,978	1,888	19,866
		Sgt	16,566	1,745	18,311
		Dep	12,869	1,363	14,232
B	Retirement (non-sworn)	SSO	3,608	1,380	4,988
C	Health Insurance	Lt	13,262		
		Sgt	11,425		
		Dep	8,135		
		SSO	6,165		
D	Workers comp	Per employee	2,004		
E	F.I.C.A.		6.20%		
F	Unemployment Insurance		1.74%		
G	Uniform Allowance	Lt	700		
		Sgt	700		
		Dep	700		
		SSO	250		
H	Medicare tax		1.45%		

EXHIBIT B-1

TULARE COUNTY SHERIFF'S DEPARTMENT
LAW ENFORCEMENT COST FOR FISCAL YEAR 2011/2012

Positions	No of Positions	Cost Per Position	Total Costs	Less Entry Screening/2 Holidays	Positions for Holiday Entry Screening	Total Cost
I. SALARIES AND BENEFITS						
Lieutenant (X.90)	0.90	\$127,359	\$127,359			\$127,359
Sergeant	4	\$117,113	\$468,452	\$901	1	\$467,551
Deputy I	44	\$89,428	\$3,934,832	\$4,127	6	\$3,930,705
Sheriff's Security Officer	8	\$55,577	\$444,616	\$1,283	3	\$443,333
Overtime Expense			\$100,000			\$100,000
Extra Help Expense			\$45,000			\$45,000
Sick Leave Buy Back						
Staffing at Dinuba Court (AB1058) Funding			\$46,000			\$46,000
II. SERVICES AND SUPPLIES						
Equipment and Maintenance of Equipment						
Communications and Training			\$12,000			\$12,000
III. TOTAL SALARIES, SERVICES & SUPPLIES			\$5,178,259	\$6,311		\$5,171,948
	Deputies		SSO's			
Number of Work Days per Year for Courts	260		260			
Less Number of Holidays	13		13			
Net Work Days	247		247			
Multiplied by Number of Work Hours per Day	8		8			
Total Number of Work Hours/Employee/Year	1976		1976			
Multiplied by Number Posted Positions	44		8			
Total Number of Work Hours for Courts Division	86,944		15,808			
Divided by Estimated Annual Productive Hours	1703		1703			
Number of Positions required for Courts Unit	51.06		9.29			
Less: Number of Authorized Positions	44		8			
Number of Positions Required for Relief	7.01		1.29			

EXHIBIT C

STAFFING FOR BASIC SERVICES FISCAL YEAR 2011-2012

SHERIFF will provide the following minimum staffing which are referred to as FTEs (Full Time Equivalents):

Sheriff's Lieutenant providing direct supervision at 90%	-	0.9
Sheriff's Sergeants	-	4.0
Sheriff's Deputies	-	44.0
Sheriff's Security Officers	-	8.0
Total Authorized Staffing	-	56.9

EXHIBIT D

Office of the Sheriff RATES FOR ADDITIONAL SERVICES FISCAL YEAR 2011-2012

Tulare County Sheriff's Department
Rates for Additional Services

Rates for additional services

Sergeant

		Step 1	Step 2	Step 3	Step 4	Step 5
Operation overtime rate per hour						
Base		46.64	48.97	51.42	53.99	56.69
OASDI	0.0765	3.368	3.746	3.934	4.130	4.337
Unemployment Insurance	0.00174	0.081	0.085	0.089	0.094	0.099
		<u>50.288</u>	<u>52.802</u>	<u>55.443</u>	<u>58.215</u>	<u>61.125</u>

Deputy

		Step 1	Step 2	Step 3	Step 4	Step 5
Operation overtime rate per hour						
Base		35.53	37.31	39.17	41.13	43.19
OASDI	0.0765	2.718	2.854	2.997	3.147	3.304
Unemployment Insurance	0.00174	0.062	0.065	0.068	0.072	0.075
		<u>38.313</u>	<u>37.587</u>	<u>39.464</u>	<u>44.352</u>	<u>46.569</u>

SSO's

		Step 1	Step 2	Step 3	Step 4	Step 5
Operation overtime rate per hour						
Base		23.5	24.67	25.90	27.20	28.56
OASDI	0.0765	1.797	1.887	1.982	2.081	2.185
Unemployment Insurance	0.00174	0.041	0.043	0.045	0.047	0.050
		<u>25.335</u>	<u>26.601</u>	<u>27.932</u>	<u>29.328</u>	<u>30.795</u>

EXHIBIT E

HIGH SECURITY EVENTS AND CONDITIONS

- I. For the purposes of this agreement, "High Security Events and Conditions" includes the following:
 - A. Proceedings involving High Profile defendants
 - B. Three Strikes cases
 - C. Multi-defendant criminal cases
 - D. High Publicity cases
 - E. High Volume calendar
 - F. Verdict readings in criminal cases
 - G. Sentencing hearings
 - H. Remands
 - I. Out of Custody Threat cases

Any High Security Events and Conditions requiring additional staffing to meet a safe and reasonable standard shall constitute Additional Services to be compensated as provided in Section II of this Agreement.