

DEPARTMENT: Human Services Dept. BY: C. Rutherford-Kelly PHONE: 966-3609
Probation Department BY: Pete Judy 966-3612

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes ___ No x)

SEE ATTACHMENT

BACKGROUND AND HISTORY OF BOARD ACTIONS:

SEE ATTACHMENT

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

SEE ATTACHMENT

COSTS: () Not Applicable		SPECIAL INSTRUCTIONS:
A. Budgeted current FY	\$ _____	List the attachments and number
B. Total anticipated costs	\$ _____	the pages consecutively:
C. Required additional funding	\$ _____	_____
D. Internal Transfers	\$ _____	_____
SOURCE: (x) 4/5ths Vote Required		
A. Unanticipated revenues	\$ <u>101,793</u>	_____
B. Reserve for contingencies	\$ _____	_____
C. Source description: <u>State</u>		_____
Balance in Reserve for Contingencies, if approved: \$ _____		_____

CLERK'S USE ONLY:

Res. No.: 01-52 Ord. No. _____

Vote - Ayes: 5 Noes: _____

Absent: _____ Abstained: _____

Approved Denied

Minute Order Attached No Action Necessary

ADMINISTRATIVE OFFICER'S RECOMMENDATION:

This item on agenda as:

Recommended

Not Recommended

For Policy Determination

Submitted with Comment

Returned for Further Action

The foregoing instrument is a correct copy of the original on file in this office.

Date: _____

ATTEST: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

BY: _____
Deputy

Comment: _____

A.O. Initials: [Signature]



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: CHERYLE RUTHERFORD-KELLY, HUMAN SERVICES DIRECTOR
PETE JUDY, CHIEF PROBATION OFFICER

FROM: MARGIE WILLIAMS, Clerk of the Board *MW*

SUBJECT: PROPOSITION 36 PROGRAM
Res. No. 01-52

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on February 27, 2001

ACTION AND VOTE:

Pete Judy, Chief Probation Officer;

Cheryle Rutherford-Kelly, Human Services Director;

It is Respectfully Recommended that the Board:

- 1) Accept \$101,793 of Unanticipated Proposition 36 Revenue and Direct the Auditor to Place the Entire Amount into a Trust Fund;
- 2) Appropriate \$80,667 this Fiscal Year and Use the Remainder, \$21,126 next Fiscal Year;
- 3) Designate Human Services to Act as the Lead Agency;
- 4) Authorize Your Alcohol and Drug Advisory Board to Act as the Task Force and Continue Program Planning with Other Agencies Providers;
- 5) Allocate a Deputy Probation Officer III Position to the Probation Department and Grant the Probation Officer Authority to Fill the Position;
- 6) Contract with Mariposa Counseling Center for Expanded Alcohol and Drug Services and Authorize Your Chairman to Execute the Contract upon Approval by the County Administrative Officer and County Counsel;
- 7) Agree to Comply with Provisions of the Law;
- 8) Forward Your Board Resolution to the State Director of the Department of Alcohol and Drug Programs no Later than March 1, 2001

(4/5ths Vote Required)

BOARD ACTION: Pete Judy was unable to be present. Discussion was held with Cheryle Rutherford-Kelly, and she advised that Beverly Nowlin, Alcohol and Drug Director, was present. Supervisor Parker noted the County's policy that grant funded positions only exist during the period of the grant. Pelk Richards, Sheriff, provided input relative to the funding for this program. (M)Pickard, (S)Reilly, Res. 01-

52 adopted approving the requested actions/Ayes: Unanimous. Supervisor Parker suggested that the County Administrative Officer on an annual basis to determine the stability of the funding review the program.

cc: Ken Hawkins, Auditor
Jeff Green, County Counsel/Interim Personnel Director
Greg Iturria, County Administrative Officer
File

Date: February 16, 2001
To: Members of the Board of Supervisors
From: Pete Judy
Cheryle Rutherford-Kelly
Re: Proposition 36

Recommendation

It is respectfully recommended that your Board: (1) accept \$101,793 of unanticipated Proposition 36 revenue and direct the Auditor to place the entire amount into a trust fund; (2) appropriate \$80,667 this fiscal year and use the remainder, \$21,126 next fiscal year; (3) designate Human Services to act as the lead agency; (4) authorize your Alcohol and Drug Advisory Board to act as the Task Force and continue program planning with other agencies providers; (5) allocate a Deputy Probation Officer III position to the Probation Department and grant the Probation Officer authority to fill the position; (6) contract with Mariposa Counseling Center for expanded Alcohol and Drug services and authorize your chairman to execute the contract upon approval by the County Administrative Officer and County Counsel; (7) agree to comply with provisions of the law; and (8) forward your Board Resolution to the State Director of the Department of Alcohol and Drug Programs no later than March 1, 2001.

Background

Proposition 36 was proposed and "sold" to the California voters based on the experience of the State of Arizona in implementing their Proposition 200. The philosophy behind California Proposition 36 is to decriminalize certain non-violent drug offenses by providing community based non-residential and residential drug treatment programs as an alternative to incarceration. Your Board funded a Drug Court that has been very successful. The law enforcement community, as well as the Alcohol and Drug Advisory Board, have indicated that Proposition 36 should be used to compliment and expand existing services. The membership of that advisory board is attached for your convenience.

Arizona staffs adult probation supervision caseloads at a rate of one to every sixty offenders. High intensity supervision caseloads are staffed at two officers to every 25 offenders. This was the level of supervision, which supported Proposition 200 in Arizona. Testimony was heard about this staffing level before the Legislature this past summer at a special joint hearing on the ballot initiative. Also discussed at that hearing was the need for urine testing funds to support the initiative.

Current Situation

Proposition 36 Target Population

Proposition 36 mandates that certain crimes shall be treated differently upon conviction. These crimes are:

- Possession of controlled substances (both felony and misdemeanor)
- Transportation for personal use of drugs (felony)
- Under the influence of narcotics (both felony and misdemeanor)

It applies to:

- All persons who are convicted after July 1, 2001 of specified crimes.

- All persons who are currently on probation or in supervision programs such as Drug Court for the named crimes and violate their conditions of probation after July 1, 2001.
- All persons who are on parole for those crimes.

Potential Caseload

It is difficult to calculate the exact number of persons who will be eligible for Proposition 36 processing. There are many legal considerations that surround the charging of crimes. Those decisions will rest with the District Attorney. Factors will include plea negotiation practices, and the arrest and charging practices as they relate to misdemeanors or collateral crimes.

Mariposa County is unique from most of our neighbors in that our Court has rarely used Summary Probation or Probation to the Court on the offenses covered by this proposition. In other words, our Drug Court Program has been servicing the target population of Proposition 36. Therefore, there is less guesswork in identifying the amount of workload caused to probation by this population of offenders.

We do know that most, if not all, of the people participating in the Mariposa Drug Court Program are "Proposition 36 cases". At the 1-year mark of the 18-month drug court program there are approximately 35 people in the program. The program has been adding approximately 3 new people per month. It is anticipated that at month 18, the program will have approximately 50 participants. Upon graduation from the program, participants will be on probation for the remainder of their sentence (18-36 months).

Human Services will serve these same individuals as well as their families (over 100 people). We will continue to serve these participants and their families after they complete their 18-month program. It is estimated that approximately 50% will continue to seek ongoing drug and alcohol counseling, as well as some mental health counseling during their probationary period.

Last year, Alcohol and Drug placed seven (7) individuals into residential care who were Drug Court participants. We anticipate that this number will double under Proposition 36. The average length of stay is 30 days.

Issues under discussion and consideration

- We are currently in discussion with our many partners to determine the impact on the Drug Court Program
- We intend to offer the same high accountability program that has been successful
- Our partners agree that funding a probation officer to oversee the program is an important component of the Mariposa County Drug Court Program
- Treatment capacity and services must be increased

Proposition 36 and Drug Court

The Mariposa County Drug Court Program was initiated under a grant that funded one (1) part-time Deputy Probation Officer, drug testing, and some residential treatment. That grant will end 6/30/01. Drug Court has continued to operate by Probation redistributing it's workload. In other words, we have reduced supervision levels of our other caseloads while we searched for additional funding sources for drug court. If Proposition 36 money is not used to hire a Deputy

Probation Officer for the Mariposa County Drug Court, Probation will most probably begin "banking" cases (provide no supervision on selected cases).

Although the Chief Probation Officers of California did not support Proposition 36, it can benefit Mariposa County in that it provides the funding for drug court and treatment programs. The Drug Court Program is very labor intensive for Probation, and it will increase under Proposition 36 mandates. Probation has requested a Deputy Probation Officer III allocation for this position in that it requires a person with extensive knowledge of the Court systems as well as the services available in our community. It is also a position that will require the ability to work with minimum supervision. If approved, it is my intention to promote a DPOII to DPOIII using Proposition 36 funding, and then hire a new DPO I.

Expansion of Substance Abuse Counseling Services

Human Services will assign, through contract, one Alcohol and Drug Counselor to the Drug Court to work in close conjunction with the Probation Officer assigned. We will also be utilizing a therapist to assist the Alcohol and Drug Counselor with childrens issues.

There is a need not only for additional non-residential substance abuse counseling, but for more residential care for people who are seriously addicted to drugs and cannot become drug free through out patient services alone. Further, there is a need to provide individual and group counseling to children and families so that they can support the person suffering an addiction in a positive manner. This approach will also be geared to assist children who have had troubled lives due to the addiction of their parent (s) and to attempt to prevent these children from becoming substance addicted. The children's group will be modeled after AlaTot but will have a therapist present who can assist a child, or group of children, with terribly painful issues in a manner that does not inadvertently cause them harm.

Financial

Proposition 36 funding statewide is \$60 million general fund dollars, followed by \$125 million general fund dollars each of the subsequent 5 years. Proposition 36 brings \$101,793 of unanticipated revenue into Mariposa County for start-up and implementation costs associated with Proposition 36. It is anticipated that we will utilize approximately \$80,667 through the end of this fiscal year. We will not expend all of the money this fiscal year simply because it is late in the year and we do not need full year salaries for new staff. For example, the Deputy Probation Officer III has been budgeted for only 3 months. Roll over money, which will be used next fiscal year, is estimated at \$21,126 and will be kept in the trust fund. That money will be used to meet program needs next fiscal year and to properly budget for overhead and indirect.

On 7/1/01 Mariposa County will receive an additional \$203,506 for fiscal year 2001/02. We will continue working with other departments and the Alcohol and Drug Advisory Board to plan for program expansion. All program and fiscal plans will be brought to your Board for review and discussion.

No matching funds are required.

Alternatives

Your Board could refuse to accept the monies necessary to implement the provisions of the new law. This alternative would result in legal problems for the County and halt funding that could

benefit the Drug Court, Probation and expand alcohol and drug services to addicted clients and their families.

ALCOHOL AND DRUG ADVISORY BOARD MEMBERS

- | | | |
|------------------------|--|------------------------|
| 1. Brownell, Tom | 5610 Ponderosa Court
Mariposa, CA 95338 | 742-0260x212 |
| 2. Buleza, Bill | 4838 Hirsch Road
Mariposa, CA 95338 | 966-3634w
966-5720r |
| 3. Crane, Jim | 3335 Windy Hollow Road
Mariposa, CA 95338 | 966-7578 |
| 4. Davies, Howard J.* | P. O. Box 276
Mariposa, CA 95338 | 966-3615w
742-5951r |
| 5. Day, John** | CYA, Mt. Bullion-YCC
Mariposa, CA 95338 | 966-3634 |
| 6. Delk, Steven G. | 5805 Cathedral Spires
Mariposa, CA 95338 | 966-2897 |
| 7. Ingram, Gary | Law Enforcement Office
P. O. Box 517
Yosemite, CA 95389 | 372-0245 |
| 8. Judy, Pete | P. O. Box 76
Mariposa, CA 95338 | 966-3612 |
| 9. Keyser-Shank, Karen | P. O. Box 1432
Mariposa, CA 95338-1432 | 742-6665 |
| 10. Overstreet, Sue | 4852 Bear Valley Road
Mariposa, CA 95338 | 377-8245 |
| 11. Sherry, Joe | California Highway Patrol
P. O. Box 217
Mariposa, CA 95338 | 966-3656 |
| 12. Smothers, David A. | P. O. Box 1580
Mariposa, CA 95338 | 742-4700
642-4700 |
| 13. Troy, Joseph R. | 6260 Jerseydale Road
Mariposa, CA 95338 | 966-8079 |

*Chair

**Vice Chair

1/17/01kl

BUDGET ACTION FORM

TRUST ACCOUNT

FUND	DEPT/DIV	ACCOUNT	DESCRIPTION	PROJECT	INCREASE	DECREASE
343	0504	305.74-17	Prop. 36 -Drug Court Revenue		(101,793)	
343	0504	664.01-60	Drug Court Deputy Probation Off.	III	13,691	
343	0504	664.03-01	Benefits-DPO III		5,476	
343	0504	664.04-18	KingsView-Prop 36 Services		55,600	
343	0504	664.04-17	Office Expense-Probation		1,000	
343	0504	664.04-80	Equip. under 1K-Prob.(2way radio)		900	
343	0504	664.0642	Computer Equipment-Probation		2,000	
343	0504	664.0490	Training and Conferences-Prob.		2,000	
343	0504	664.04-19	Rollover 2000-01 to 01-02		21,126*	
*It is anticipated that the entire allocation for the remainder of FY 2000-01 will not be fully expended - that will rollover and be used in FY 2001-02.						
001	0104	414-1090	GENERAL CONTINGENCY			
TOTAL					\$0	\$0

TRANSFER BETWEEN FUNDS						
TOTALS					\$0	\$0

ACTION REQUESTED: (Check all that apply)

Budget appropriation by Board of Supervisors (4/5ths Vote Required): Amending the total amount available in the county budget, or in any one fund of the budget, or appropriating Reserve for Contingencies;

Transfer by Board of Supervisors (3/5ths Vote Required): Moving existing appropriations from one budget another, or between categories within a budget unit;

JUSTIFICATION: To establish a Trust Account for Proposition 36 Drug Court funding.

DEPT HEAD SIGNATURE _____

DATE 2/13/01

APPROVED BY RES NO. 01-52 CLERK hww

DATE 2-27-01

Department: Probation and Human Services

AUDITOR'S USE ONLY BA #
