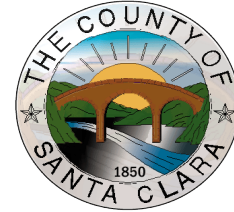


County of Santa Clara
Office of the County Executive

County Government Center, East Wing
70 West Hedding Street, 11th Floor
San Jose, California 95110
(408) 299-5105



DATE: November 9, 2021

TO: Honorable Board of Supervisors
Jeffrey V. Smith, County Executive

FROM: Garry Herceg, Deputy County Executive

DocuSigned by:
Garry Herceg
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SUBJECT: Off-Agenda Report relating Court Security staffing needs, associated costs, and anticipated timeline for reopening the courthouses and courtrooms in Santa Clara County

At the Finance, Government and Operations Committee Meeting on October 14th, 2021, Supervisor Lee requested information from Administration detailing the current Court security staffing needs, associated costs, and anticipated timeline for reopening all the courthouses and courtrooms in Santa Clara County. Additionally, Supervisor Chavez requested an updated analysis of what the staffing needs are as it relates to court security.

Overview of the Contract

The County has a current agreement with the Santa Clara County Superior Court (“Court”) to provide Court security services. The County receives 2011 Public Safety Realignment funding from the State for court security services and supplements this funding with \$300,500 from the County General Fund for administrative costs. The initial term of the contract began on July 1, 2018, and was amended on June 8, 2021 to extend through June 30, 2022. These services in the contract include the provision of personnel to perform court security functions during normal work hours, traditional bailiff services for each judicial officer, courtroom security during evening sessions, movement of individuals in custody, patrol of the interior of the facilities, security of holding cells, control room monitoring, security and protection of judicial officers, court staff, and jurors, and staffing for high security events.

The agreed upon staffing plan to provide Court security services for Fiscal Year (FY) 2021-22 reflects the maximum staffing and includes two management positions (Captain and Lieutenant), 14 supervisory positions (Sergeant), 184 security positions (160 Deputy Sheriff and 24 Sheriff's Technician), and two AB 1058 grant positions (for child support proceedings), for Santa Clara County. The maximum estimated cost of the positions is \$47,246,801 (Exhibit B-5A of the Amendment). For more details regarding the existing contract please refer to the attachment.

All parties including the Court, Sheriff's Office and Administration met and came to agreement that the current staffing plan and costs that are included in the First Amendment to the agreement are sufficient to meet the court security needs of the courthouses for the remainder of the current fiscal year. This includes the Courtrooms that are anticipated to reopen prior to June 30, 2022. During each year of the agreement, the Sheriff's Office conducts a needs assessment to determine the staffing needs for Court security services and public safety protection of the succeeding year. A needs assessment is currently underway to identify any staffing needs for a potential new agreement in Fiscal Year 2022-23.

Timeline of Reopening the Courthouses and Courtrooms

The Court has informed that it has a total of 69 courtrooms with 67 of those currently operational. The Santa Clara Courthouse was recently reopened, the Morgan Hill Courthouse will reopen in mid-January 2022, and Palo Alto will reopen at the end of the first quarter of 2022.

FIRST AMENDMENT TO AGREEMENT BY AND BETWEEN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA, THE COUNTY OF SANTA CLARA AND THE OFFICE OF THE SHERIFF FOR COURT SECURITY SERVICES

This is the First Amendment to the Agreement between the Superior Court of California, County of Santa Clara ("Court"), County of Santa Clara ("County") and the Office of the Sheriff ("Sheriff") entered into on July 1, 2018 to provide court security services.

On June 8, 2021, the Board of Supervisors approved this Amendment to the Agreement.

This Agreement is amended as follows effective July 1, 2021:

1. Key Provision, **AGREEMENT TERM**, on page 1 of the Agreement is revised to read: "WHEREAS, the COURT, COUNTY and SHERIFF desire to amend the agreement with a term of July 1, 2018 through June 30, 2022."
2. Replace **Exhibit B-1, SUMMARY OF COURT SECURITY COSTS FISCAL YEAR 2018 - 2019**, with **Exhibit B-1A, SUMMARY OF LAW ENFORCEMENT COSTS FOR COURT SECURITY FISCAL YEAR 2021 - 2022**, attached hereto and incorporated herein by this reference.
3. Replace **Exhibit B-2, CONSUMER PRICE INDEX-URBAN WAGE EARNERS AND CLERICAL WORKERS**, with **Exhibit B-2A, CONSUMER PRICE INDEX-URBAN WAGE EARNERS AND CLERICAL WORKERS**, attached hereto and incorporated herein by this reference.
4. Replace **Exhibit B-3, ASSUMPTIONS USED IN COMPUTATION OF COURT SECURITY COSTS FISCAL YEAR 2018 - 2019**, with **Exhibit B-3A, ASSUMPTIONS USED IN COMPUTATION OF COURT SECURITY COSTS FISCAL YEAR 2021 - 2022**, attached hereto and incorporated herein by this reference.
5. Replace **Exhibit B-4, COURT SECURITY COSTS ESTIMATED SALARIES AND BENEFITS FISCAL YEAR 2018 - 2019**, with **Exhibit B-4A, ESTIMATED SALARIES AND BENEFITS FOR COURT SECURITY FISCAL YEAR 2021 - 2022**, attached hereto and incorporated herein by this reference.
6. Replace **Exhibit B-5, LAW ENFORCEMENT COSTS FOR COURT SECURITY FISCAL YEAR 2018 - 2019**, with **Exhibit B-5A, LAW ENFORCEMENT COSTS FOR COURT SECURITY FISCAL YEAR 2021 - 2022**, attached hereto and incorporated herein by this reference.
7. Replace **Exhibit D, RATES FOR ADDITIONAL SERVICES**, with **Exhibit D-1, RATES FOR ADDITIONAL SERVICES FISCAL YEAR 2021 - 2022**, attached hereto and incorporated herein by this reference.

All other terms and conditions of the Agreement remain in full force and effect. In the event of a conflict between the original Agreement and this Amendment, this Amendment controls.

Prepared and administered by: Martin Coronel, Program Manager II at martin.coronel@shf.sccgov.org

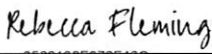
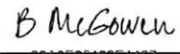
The Agreement as amended constitutes the entire agreement of the parties concerning the subject matter herein and supersedes all prior oral and written agreements, representations and understandings concerning such subject matter.

Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian
County Executive: Jeffrey V. Smith

Approved: 06/08/2021

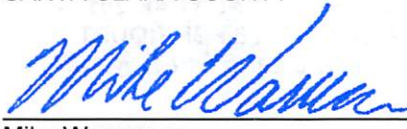
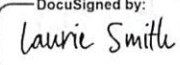
By signing below, signatory warrants and represents that he/she executed this Amendment in his/her authorized capacity, that he/she has the authority to bind the entity listed below to contractual obligations and that by his/her signature on this Amendment, the entity on behalf of which he/she acted, executed this Amendment.

THE SUPERIOR COURT OF SANTA CLARA COUNTY

DocuSigned by:		DocuSigned by:	
	6/2/2021		6/3/2021
<hr/>	Date	<hr/>	Date
Rebecca Fleming, Chief Executive Officer		Hon. Theodore C. Zayner, Presiding Judge	

SANTA CLARA COUNTY

SANTA CLARA COUNTY SHERIFF

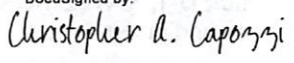
DocuSigned by:		DocuSigned by:	
	JUN 08 2021		6/7/2021
<hr/>	Date	<hr/>	Date
Mike Wasserman President		Laurie Smith Sheriff	

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST

DocuSigned by:		
	JUN 08 2021	
<hr/>	Date	
Megan Doyle Clerk of the Board of Supervisors		

Approved as to form and legality.

DocuSigned by:		
	6/1/2021	
<hr/>	Date	
Christopher A. Capozzi Deputy County Counsel		

Attachments:

- Exhibit B-1A Summary of Law Enforcement Costs for Court Security FY 2021 – 2022
- Exhibit B-2A Consumer Price Index-Urban Wage Earners and Clerical Workers
- Exhibit B-3A Assumptions Used In Computation of Court Security Costs FY 2021 - 2022
- Exhibit B-4A Estimated Salaries and Benefits for COURT SECURITY FY 2021 - 2022
- Exhibit B-5A Law Enforcement Costs for Court Security FY 2021 - 2022
- Exhibit D-1 Rates for Additional Services FY 2021 - 2022

EXHIBIT B-1A
Santa Clara County - Office of the Sheriff
Summary of Law Enforcement Costs for Court Security
Fiscal Year 2021-2022

Basic Services	FY 2021-2022
1. Salaries and Benefits	\$ 46,511,973
2. Overtime	250,000
3. Services and Supplies	1,254,450
4. AB 1058 Grant Position*	484,828
	\$48,501,251
Projected Operating Costs for Court Security Basic Services	\$48,501,251
Additional Services	
Estimated Costs	\$70,000 **
Total Estimated Costs	\$ 48,571,251 ***

*Funded pursuant to the Court's AB 1058 Grant award

** Estimated cost for additional services will be based on actuals--**NOT CAPPED**

3-Year Average

Actual FY 2018	\$83,421
Actual FY 2019	\$77,038
Actual FY 2020	\$51,432
3-Year Average	\$70,630

*** Total Estimated Costs represents a not-to-exceed annual amount. Actual costs will be based upon actual staffing requirements for each year.

EXHIBIT B-2A
Consumer Price Index-Urban Wage Earners and Clerical Workers

February 2021	297.170
February 2020	<u>292.010</u>
Difference	<u>5.160</u>
Percentage Increase from FY2020 to FY2021	1.767%
Plus 2% per contract with the Court	<u>2.000%</u>
Total COLA	<u>3.767%</u>

EXHIBIT B-3A
Santa Clara County - Office of the Sheriff
Assumptions Used in Computation of Court Security Costs
Fiscal Year 2021-2022

1. The "Eight Plan" (eight hour day, five day week) will continue to apply to the Courts Division through Court Security Costs
2. In accordance with the contract with the Court, the costs charged to the Court will not include costs for County general overhead.
3. The salary ranges for badge and non-badge personnel are documented in the Salary Ordinance.
4. On the average, deputy sheriffs in the Courts Division are in step 4.0 of the salary range.
5. Salary fringe benefit costs are as follows:
 - a. Retirement (Sworn)

Safety - DSA	-	53.3000% of salary plus career incentive, night shift
Safety Exec Mgmt	-	53.3000% differential, uniform allowance, and holiday pay
 - b. Retirement (Non-Sworn)

521	-	28.4590% of salary plus night shift differential, uniform allowance, and holiday pay
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 - c. Health Insurance

-	\$30,752	per employee annually
Deferred Comp Expense	-	\$17 per employee annually
 - d. Workers' Compensation

-	4.8050%	of salary, career incentive, night shift, differential, uniform allowance, holiday pay, and overtime
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 - e. Social Security tax

-	6.2000%	of the first \$142,800 of salary of non-badge employees for Calendar Year 2021
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 - f. Unemployment Insurance

-	0.0720%	of salary, career incentive, night shift, differential, uniform allowance, holiday pay, and overtime
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 - g. Uniform Allowance

-	\$1,235	per year for badge personnel (Lieutenant, Sergeant, Deputy)
-	\$550	per year for non-badge personnel
 - h. Medicare Tax

-	1.4500%	of salary of non-badge employees and badge personnel hired after 3/31/86
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EXHIBIT B-4A
Santa Clara County - Office of the Sheriff
Estimated Salaries and Benefits for Court Security
Fiscal Year 2021-2022

Position	Class		CIP	DIFF	No. of Pay Periods	Annual Salary	Worker's Compensation 4.8050%	Retirement		FICA 6.20%	Medicare 1.4500%	Health Insurance \$30,769	Unemployment Insurance 0.0720%	Uniform Allowance	Total
	Code	Step						Badge 53.3000%	Non-Badge 28.4590%						
CAPTAIN-COURTS	U55	7.0			26.1	\$231,919	\$11,144	\$123,613	\$0	\$0	\$3,363	\$30,769	\$167	\$0	\$400,975
LIEUTENANT	U58	5.0	7.5%		26.1	\$188,688	\$9,126	\$101,229	\$0	\$0	\$2,754	\$30,769	\$137	\$1,235	\$333,938
SERGEANT	U61	5.0	7.5%		26.1	\$160,580	\$7,775	\$86,248	\$0	\$0	\$2,346	\$30,769	\$117	\$1,235	\$289,070
DEPUTY SHERIFF /COURTS	U64	4.0	7.5%		26.1	\$131,352	\$6,371	\$70,669	\$0	\$0	\$1,923	\$30,769	\$95	\$1,235	\$242,414
SHERIFF'S TECHNICIAN	G73	4.5			26.1	\$64,712	\$3,136	\$0	\$18,453	\$4,046	\$946	\$30,769	\$47	\$550	\$122,659
EXEC ASSISTANT I	C29	5.0			26.1	\$76,283	\$3,665	\$0	\$21,589	\$4,730	\$1,106	\$30,769	\$55	\$0	\$138,197
ADM ASSISTANT	C60	5.0			26.1	\$70,784	\$3,401	\$0	\$20,024	\$4,389	\$1,026	\$30,769	\$51	\$0	\$130,444

EXHIBIT B-5A
Santa Clara County - Office of the Sheriff
Law Enforcement Costs for Court Security
Cost Center 3914
Fiscal Year 2021-2022

I. Salaries and Benefits

Positions	No. of Positions	Cost Per Position	Total Costs
Captain	1.0	\$400,975	\$400,975
Lieutenant Step 5	1.0	333,938	333,938
Sergeant Step 5	14.0	289,070	4,046,984
Deputy Sheriff Step 4	160.0	242,414	38,786,256
Sheriff's Technician Step 4.5	24.0	122,659	2,943,820
Executive Assistant	-	138,197	-
Admin Assistant	-	130,444	-
Deputy Sheriff Step 4 - Relief	-	242,414	-
Sheriff's Technician Step 4.5 - Relief	-	122,659	-
Overtime			250,000
AB 1058 Grant Positions*	2.0	242,414	484,828
	202		47,246,801

II. Services and Supplies

Equipment and Maintenance of Equipment

Estimated Costs

1,254,450

1,254,450

Total Costs for Court Security Basic Services

\$48,501,251

*Funded pursuant to the Court's AB 1058 Grant award

EXHIBIT D-1
Santa Clara County - Office of the Sheriff
Rates for Additional Services
Fiscal Year 2021-2022

Deputy Sheriff

Operation Overtime Rate Per Hour

						2.5% CIP	5.0% CIP	7.5% CIP	
	Rate	Step 1	Step 2	Step 3	Step 4	Step 5	Step 5	Step 5	
5103000 Overtime		\$75.91	\$79.72	\$83.72	\$87.87	\$92.28	\$94.58	\$96.89	\$99.20
5110300 Unemployment Insurance	0.07%	0.05	0.06	0.06	0.06	0.07	0.07	0.07	0.07
5104000 Night Shift Differential	\$4.00 /Hour	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5110700 Workers Comp	4.81%	3.65	3.83	4.02	4.22	4.43	4.54	4.66	4.77
5110500 Medicare Tax	1.45%	1.10	1.16	1.21	1.27	1.34	1.37	1.40	1.44
		\$80.71	\$84.77	\$89.02	\$93.43	\$98.11	\$100.57	\$103.02	\$105.47

Sheriff's Sergeant

Operation Overtime Rate Per Hour

						2.5% CIP	5.0% CIP	7.5% CIP	
	Rate	Step 1	Step 2	Step 3	Step 4	Step 5	Step 5	Step 5	
5103000 Overtime		\$88.29	\$92.72	\$97.37	\$102.30	\$107.43	\$110.11	\$112.80	\$115.49
5110300 Unemployment Insurance	0.07%	0.06	0.07	0.07	0.07	0.08	0.08	0.08	0.08
5104000 Night Shift Differential	\$4.00 /Hour	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5110700 Workers Comp	4.81%	4.24	4.45	4.68	4.92	5.16	5.29	5.42	5.55
5110500 Medicare Tax	1.45%	1.28	1.34	1.41	1.48	1.56	1.60	1.64	1.67
		\$93.88	\$98.58	\$103.53	\$108.77	\$114.23	\$117.08	\$119.94	\$122.79

Sheriff's Technician

Operation Overtime Rate Per Hour

	Rate	Step 1	Step 2	Step 3	Step 4	Step 5
5103000 Overtime		\$39.44	\$41.37	\$43.37	\$45.43	\$47.64
5110300 Unemployment Insurance	0.07%	0.03	0.03	0.03	0.03	0.03
5104000 Premium Pay	\$0.00 /Hour	0.00	0.00	0.00	0.00	0.00
5110400 FICA	6.20%	2.45	2.57	2.69	2.82	2.95
5110700 Workers Comp	4.81%	1.90	1.99	2.08	2.18	2.29
5110500 Medicare Tax	1.45%	0.57	0.60	0.63	0.66	0.69
		\$44.38	\$46.55	\$48.80	\$51.13	\$53.61