

# County of Santa Clara Office of the District Attorney



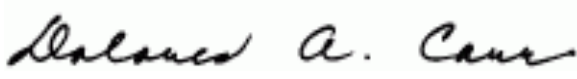
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DA01 041310

Reviewed by: Rolanda Pierre-Dixon  
Assistant DA

DATE: April 13, 2010

TO: Board of Supervisors

FROM:   
Dolores A. Carr  
District Attorney

SUBJECT: Anti-Drug Abuse Enforcement Program - ARRA Supplemental Funding

## **RECOMMENDED ACTION**

Consider recommendations relating to the Anti-Drug Abuse Enforcement Team Recovery Act Program.

Possible action:

- a. Ratify Grant Application submitted by the District Attorney to the California Emergency Management Agency (CalEMA) relating to the Anti-Drug Abuse (ADA) Enforcement Team Recovery Act Program Grant in the amount of \$470,238 for period March 1, 2010 through February 28, 2012.
- b. Adopt Resolution delegating authority to the District Attorney, or designee, to negotiate, execute, amend, terminate, and take any and all necessary or advisable actions relating to the grant award agreement with CalEMA for the ADA Enforcement Team Recovery Act Program Grant in an amount not to exceed \$470,238 for period March 1, 2010 through February 28, 2012, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. Delegation of authority

- shall expire on December 31, 2012. (Roll Call Vote)
- c. Introduction and preliminary adoption of Salary Ordinance No. NS-5.10.85 amending Santa Clara County Salary Ordinance No. NS-5.10 relating to the compensation of employees adding one Legal Clerk / Legal Clerk Trainee in the Office of the District Attorney. (Roll Call Vote to waive reading, Roll Call Vote to adopt)
  - d. Approve Request for Appropriation Modification No. 191 - \$470,238 increasing revenue and expenditures within the budgets of the Office of the District Attorney and the Probation Department. (4/5 Roll Call Vote)

### **FISCAL IMPLICATIONS**

There is no negative impact on the County general fund resulting from this action. CalEMA has notified the Office of the District Attorney that \$470,238 in supplemental funding for the existing Anti-Drug Abuse Enforcement grant program is available for the period March 1, 2010 through February 28, 2012. The source of this grant funding is the federal American Recovery and Reinvestment Act (ARRA) with CalEMA operating as the grant administrator. There is no County match requirement for this grant.

This is a two-year funding cycle with the funding split evenly (25% or \$117,560 to each) among the Office of the District Attorney, the Probation Department, the San Jose Police Department, and the Santa Clara County Special Enforcement Team (SCCSET) headed by the Santa Clara Police Department. This is the same funding allocation methodology currently used for the existing program. In the current fiscal year \$78,373 will be expended, with the remaining balance of \$391,865 to be encumbered/rolled-over for use during the remainder of the grant period extending beyond the current fiscal year.

The majority of these funds will be used for equipment, over-time, and training in the various supporting agencies; however, one clerical support position is requested to be added. This Legal Clerk / Legal Clerk Trainee will be fully funded during the grant period with ARRA funds. Upon the termination of the ARRA grant, the position will continue to be fully funded under the "base" ADA grant from CalEMA. The cost of the position for the remainder of the current fiscal year is \$12,706, and the annualized cost is \$77,976.

### **REASONS FOR RECOMMENDATION**

CalEMA, as grant administrator, requires the Board of Supervisors of a county receiving a grant to authorize an official within the agency receiving the grant to execute the Grant Award Agreement, including extensions or amendments, and assure compliance with the terms of the grant. CalEMA also requires the Board of Supervisors, as part of this resolution, to agree that the County will assume any liability arising out of the performance of this Grant Award. These funds cannot be used to supplant County resources.

This action is being brought forward after the start of the award period because CalEMA has only recently released the formal grant award without adequate time to bring a transmittal to the Board prior to the submittal deadline. The Board of Supervisors is additionally being asked to ratify the application made for this grant. While such ratification is normally only required for competitive grants, and this is a formula grant, the Office of the District Attorney is requesting the applications be formally ratified so that they can be tracked more in-line with other federally-funded ARRA grants.

### **BACKGROUND**

On February 9, 2010, the Board of Supervisors approved the FY 2010 ADA Enforcement grant program in the amount of \$732,726. This ongoing "base" program has been funded by the Public Safety and Victim Services Programs Division of CalEMA since 1990. This supplemental funding is provided in excess of that annual grant award to support the ADA Enforcement Team.

The ADA Grant Steering Committee, which is comprised of representatives from local law enforcement agencies, has met and determined that because of the high incidence of methamphetamine cases countywide, emphasis should continue to be placed on methamphetamine suppression, as well as drug-related violence suppression.

Statistics reveal that methamphetamine is the number one drug problem in Santa Clara County. Methamphetamine has surpassed cocaine, heroin, and PCP as the drug of choice in all age groups. The Crime Laboratory reports that over half of the number of substances submitted for controlled substance testing contained methamphetamine. The connection between drug use and violent crime has also been well documented.

The "base" ADA funding supports two Deputy District Attorneys and two Deputy Probation Officers as well as equipment and supplies for the San Jose Police Department's METRO Unit and the Santa Clara County Specialized Enforcement Team (SCCSET). The grant funded Probation Officers share information on probationers and participate in sweeps with law enforcement in those neighborhoods targeted due to high incidence of drug-dealing and drug use.

This additional ARRA funding is administered through CalEMA in the same manner as the "base" funding and provides financial support over and above that funded regularly. These funds will be used primarily for equipment, over-time, and training in the various supporting law enforcement agencies; however, one clerical support position is requested to be added. This Legal Clerk / Legal Clerk Trainee will be fully funded during the grant period with ARRA funds. Upon the termination of the ARRA grant, the position will continue to be fully funded under the "base" ADA grant from CalEMA.

The Legal Clerk / Legal Clerk Trainee position to be added will perform a wide variety of functions for the benefit of and at the behalf of the law enforcement officers assigned to the grant program. The primary responsibilities and scope of the position will involve the processing of legal documents and motions related to the prosecution of ADA cases; track statistics related to both grants; prepare reports and correspondence on behalf of the ADA attorneys; disseminate training materials and authoritative information to law enforcement at the direction of attorneys; access criminal justice data base information for attorneys; monitor attorney calendars; and prepare documents to be filed for court. Other related tasks in which the Legal Clerk position will perform on behalf of the ADA attorneys can include: Receives, processes, edits and examines a variety of documents for conformance to legal requirements, form, and sufficiency of information related to court proceedings

- Reviews and processes cases and complaints, ensures proper legal documentation and initiates needed action or correction
- Answers questions, notifies, instructs and advises attorneys, law enforcement agencies, witnesses, the courts, co-workers, the public and other relative to legal processing, procedures, documents, and court calendars
- Prepares, types, issues or processes legal documents, such as complaints, writs, warrants, subpoenas, motions, affidavits, amendments to complaints, citations, abstracts, certified copies of filed documents, pleadings notification letters and others
- Performs retrieval of court calendars; schedules attorneys or cases for court calendars
- Attends court sessions and notes case dispositions for attorneys
- Processes requests for transcripts of court proceedings, police reports, "orders to produce," records of prior convictions, crime lab test results, DMV information, prison

- records, warrants and police warrants
- Reports to a Supervising Legal Clerk

The Employee Services Agency supports this recommendation.

## **CONSEQUENCES OF NEGATIVE ACTION**

The District Attorney's Office will not be able to leverage ARRA funds to aggressively prosecute drug-related crimes in collaboration with the Probation Department, the San Jose Police Department, and the Santa Clara County Special Enforcement Team.

## **STEPS FOLLOWING APPROVAL**

Upon execution of the Grant Award Agreements, the Department will forward a copy of each of the fully approved Grant Award Agreements to the Clerk of the Board's Record Department, along with a copy of the original delegation of authority transmittal.

Upon Board approval, the Clerk of the Board shall notify George Doorley that the transmittal and supporting documents have been processed.

## **ATTACHMENTS**

- Resolution
  
- Salary Ordinance Amendment
  
- Appropriation Modification

**RESOLUTION OF THE COUNTY OF SANTA CLARA  
BOARD OF SUPERVISORS  
AUTHORIZING THE DISTRICT ATTORNEY, OR DESIGNEE,  
TO EXECUTE THE  
ANTI-DRUG ABUSE ENFORCEMENT TEAM RECOVERY ACT PROGRAM  
GRANT AWARD AGREEMENT  
WITH THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY**

**WHEREAS**, the California Emergency Management Agency (CalEMA) has selected the County of Santa Clara's District Attorney's Office to receive monies for the purpose of supporting the Anti-Drug Abuse (ADA) Enforcement Team Recovery Act Program;

**WHEREAS**, CalEMA has allocated \$470,238 for the period March 1, 2010 through February 28, 2012 to the County of Santa Clara District Attorney's Office for this specific task;

**WHEREAS**, the focus of the ADA Enforcement Team Recovery Act Program is to reduce the manufacture, sale, and use of methamphetamine in the County of Santa Clara through enforcement of anti-narcotics laws;

**WHEREAS**, the ADA Grant Steering Committee, which is comprised of local law enforcement agencies, has determined that the emphasis should continue to be placed on methamphetamine suppression due to the continued high incidence of methamphetamine cases in the County; and

**WHEREAS**, the Board of Supervisors of the County of Santa Clara desires that the County take part in the ADA Enforcement Team Recovery Act Program, which is funded in part through funds made available through CalEMA.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Supervisors of the County of Santa Clara delegates authority to the District Attorney, or the District Attorney's designee, to negotiate, execute, amend, terminate, and take any and all necessary or advisable actions relating to the grant award agreement with the CalEMA for the ADA Enforcement Team Recovery Act Program in an amount not to exceed \$470,238 for period March 1, 2010 through February 28, 2012, following approval by County Counsel as to form and legality, and approval by the Office of the County Executive. This delegation of authority shall expire on December 31, 2012

**BE IT FURTHER RESOLVED**, that the Board of Supervisors understands that any liability arising out of the performance of this Grant Award Agreement, including civil court actions for damages, shall be the responsibility of the grant recipient and understands that the State of California and CalEMA disclaim responsibility for any such liability; and

**BE IT FURTHER RESOLVED**, that grant funds received hereunder must not be used to supplant expenditures controlled by this body.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, this \_\_\_\_\_ by the following vote:

AYES:

NOES:

ABSTAIN:

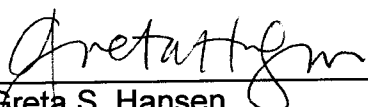
ABSENT:

\_\_\_\_\_  
Ken Yeager, President  
Board of Supervisors

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

ATTEST: \_\_\_\_\_ DATED: \_\_\_\_\_  
Maria Marinos, Clerk  
Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Greta S. Hansen  
Deputy County Counsel

DATED: 8/25/10

ORDINANCE NO. NS-5.10.85

AN ORDINANCE AMENDING SANTA CLARA COUNTY ORDINANCE  
NO. NS-5.10 RELATING TO THE COMPENSATION OF EMPLOYEES

The Board of Supervisors of the County of Santa Clara ordains as follows:

SECTION 1:

In SECTION 25 – DISTRICT ATTORNEY - BU 202, the following shall be added:

1		F14	Legal Clerk
	OR	F16	Legal Clerk Trainee

SECTION 2:

This Ordinance shall take effect April 27, 2010. This Ordinance shall be implemented on May 3, 2010.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, this \_\_\_\_\_ by the following vote:

AYES: Supervisors,  
NOES: Supervisors,  
ABSENT: Supervisors,

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Ken Yeager, President  
BOARD OF SUPERVISORS

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

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Maria Marinos  
Clerk of the Board of Supervisors

Page 1 of 1 COUNTY OF SANTA CLARA REQUEST FOR APPROPRIATION MODIFICATION FISCAL YEAR = 2010 F - 85

Agency/Department Name:

Table with columns: Line #, Description, Fund, Superior Fd Cntr, Cost Center, G.L. Account, Project Definition/Employee Class, Amount (in Dollars) - Revenue, Expenditure. Rows 1-27.

TOTAL 470,238.00 470,238.00

Recognize new expenditure/revenue (ongoing) [ ]
Recognize new expenditure/revenue (one-time) [x]
Re-appropriate prior year unspent expenditures (one-time) [ ]
Others [ ]
Intra-county entries : Lines 13-15, Lines 16-17
Brief Description: ADA Enforcement Team Recovery Act Program Grant (3/1/10 - 2/28/12)

SAP Document numbers FM
Entered to SAP by:
Date entered :
Transmittal # 191
Prepared By : Name (print): Jennifer Yu 408/792-2669 Telephone:
Clerk of the Board
Approved by the Board of Supervisors
Clerk of the Board By: Date

For Controller's Office Use Only