

County of Santa Clara
Social Services Agency
Department of Development & Operational Planning
Office of Contracts Management



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DATE: April 21, 2009

TO: Board of Supervisors

FROM: 
Will Lightbourne
Agency Director, Social Services Agency

SUBJECT: Delegation of Authority to the Director of the Social Services Agency to Enter Into a Memorandum of Understanding with the California Superior Court, Santa Clara County

RECOMMENDED ACTION

Approve delegation of authority to the Director of the Social Services Agency, or designee, to negotiate, execute, amend and terminate a Memorandum of Understanding with the California Superior Court, Santa Clara County related to the reimbursement of staffing for the Dependency Court reception desk in an amount not to exceed \$83,000 for the period of July 1, 2008 through June 30, 2009, with the option of four additional one-year terms (additional amounts may vary per term based upon availability of additional revenue) 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 June 30, 2013.

FISCAL IMPLICATIONS

In FY 2009, the Social Services Agency's FY 2009 Mid-Year Budget Modification Request included the request for approval to recognize the restricted use one-time reimbursement from the Superior Court in the amount of \$83,000.00 as abatement to expenses.

The FY 2010 annual cost, including benefits, for one (1) full time equivalent Legal Clerk (F14) position is \$89,328.00 and the hourly rate is \$42.95. In FY 2010, for the period July 1, 2009 through June 30, 2010 at 35 hours per week, the reimbursement from the Superior Court will be \$78,169.00. The Agency has included the \$78,169.00 in the FY 2010 base budget as reimbursement from Superior Court to abate expenses. The amount to be reimbursed for the remaining term of the MOU will be adjusted annually based on changes in salary and benefit costs for the Legal Clerk (F14) position.

CONTRACT HISTORY

Not Applicable.

REASONS FOR RECOMMENDATION

The Social Services Agency has had an informal agreement with California Superior Court, Santa Clara County for a number of years. The purpose of this agreement is to document and formalize funding agreement for services provided at Dependency Court by employees of the Social Services Agency, Department of Family and Children's Services.

In accordance with Board of Supervisors policy for entering into an Agreement, the Social Services Agency is requesting delegation of authority to enter into a MOU with California Superior Court, Santa Clara County. Delegation of authority will allow Agency Director, or designee, to negotiate and execute the agreement. Additionally, delegation of authority will provide Agency Director, or designee, with authority to amend and terminate agreement as necessary to meet needs of California Superior Court and Social Services Agency. The cost reimbursement currently is for 35.15 hours per week in FY09 for Legal Clerk services or the agreed upon substitution position. Reimbursement may vary year to year depending on adjusted salary and fringe benefits. The yearly amount will be confirmed at start of each term and amended as appropriate.

BACKGROUND

The Social Services Agency, Department of Family and Children's Services has had an informal agreement with the Superior Court of California, County of Santa Clara since approximately 2003 to staff the Dependency Court reception desk. Currently 31.15 hours of staffing is provided at 115 Terrain Street in San Jose and 4 hours of staffing at 301 Diana Avenue in Morgan Hill per week.

Early in FY 2009, the Department of Family and Children's Services notified Superior Court that the Department would no longer be able to provide staff free of charge as in prior years. Superior Court agreed to pay the salary and benefits for 35.15 hours per week of Legal Clerk services or the agreed upon substitution position beginning July 1, 2008. The MOU may be amended to reflect actual hours of staffing if the need changes. This is an essential service due to the Legal Clerks working relationship with Social Workers and knowledge of the Department of Family and Children's Services.

CONSEQUENCES OF NEGATIVE ACTION

Negative action will result in the Social Services Agency's inability to enter into an agreement with the California Superior Court which may result the Court's inability to appropriately staff the Dependency Court reception desk.

STEPS FOLLOWING APPROVAL

The Clerk of the Board will follow the usual steps for a transmittal of this type. The Social Services Agency Director, or designee, will negotiate and execute a MOU with the California Superior Court and will forward a copy to the Clerk of the Board within 30 days of the execution of the MOU.