

RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CLARA  
APPROVING  
THE SUBSTANCE ABUSE AND CRIME PREVENTION ACT OF 2000 COUNTY  
PLAN AND THE SUBSTANCE ABUSE OFFENDER TREATMENT PROGRAM  
APPLICATION FOR FISCAL YEAR 2009-2010  
AND DELEGATING AUTHORITY TO THE COUNTY EXECUTIVE TO SUBMIT  
AND EXECUTE ANY DOCUMENT NECESSARY FOR IMPLEMENTATION

WHEREAS, the Substance Abuse and Crime Prevention Act of 2000 ("SACPA"), which became effective January 1, 2001, requires that specified non-violent drug offenders, as defined by the Act, receive probation and drug treatment instead of prison, jail, or probation without treatment.

WHEREAS, Chapter 75, Statutes of 2006, established the Substance Abuse Offender Treatment Program ("OTP") to serve offenders who qualify for services under SACPA;

WHEREAS, Chapter 177, Statutes of 2007, revised the requirements of the OTP, including county eligibility requirements and extends the statutory authority to implement the program through the 2007-08 fiscal year and by emergency regulations commencing with the 2008-09 fiscal year;

WHEREAS, the State Department of Alcohol and Drug Programs (ADP) administers and awards funds from the Substance Abuse Treatment Trust Fund ("SATTF"), the Substance Abuse Treatment and Testing Accountability ("SATTA"), and the OTP to counties for services and activities for offenders eligible under SACPA;

WHEREAS, all SACPA-eligible probationer or parolee are required by SACPA to contribute to the cost of his or her own placement in a drug treatment program;

WHEREAS, a nominal drug-testing fee of \$10 per test will be applied to all SACPA-eligible probationer or parolee, based on the client's ability to pay, to offset the cost of the SATTA drug-testing program;

WHEREAS, for Fiscal Year 2009-2010, the ADP requires counties to submit a County Plan for its approval in order to receive the SATTF and SATTA funds and requires counties to submit an OTP application to the ADP for its approval in order to receive the OTP funds;

WHEREAS, the ADP requires that the County Plan and the OTP application be approved by the Board of Supervisors or its delegated authority;

WHEREAS, the Public Safety and Justice Committee and Board of Supervisors have reviewed the County Plan and OTP Application, including the projected services and outcomes recommended by the Proposition 36 Steering Committee and the County Executive;

WHEREAS, the Board of Supervisors has appointed the Office of the County Executive as the Lead Agency for the administration of the County's SACPA responsibilities;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby approves the FY 2009-2010 County Plan and OTP application.

BE IT FURTHER RESOLVED THAT on behalf of the Board of Supervisors, the County Executive, or his designee, is authorized to execute the FY 2009-2010 County Plan and OTP Application and is further authorized to execute any other documents deemed necessary by the State in order to receive funding, provided there is no fiscal impact to the County;

BE IT FURTHER RESOLVED THAT the County of Santa Clara shall comply with the provisions of SACPA, Section 11999.30 of the Health and Safety Code and Title 9, Division 4, Chapter 2.5, of the California Code of Regulations.

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

AYES:

NOES:


ABSENT:

\_\_\_\_\_  
Liz Kniss, Board President  
Board of Supervisors

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

\_\_\_\_\_  
Attest: Maria Marinos  
Clerk, Board of Supervisors

APPROVED AS TO FORM AND LEGALITY

  
\_\_\_\_\_  
Katie Zoglin  
Deputy County Counsel