



13

**SAN MATEO COUNTY
COUNTY MANAGER'S OFFICE**

Date: May 1, 2001

To: Honorable Board of Supervisors
From: John L. Maltbie, County Manager
Subject: County Manager's Report #4

1. Over the past four years state legislation has been enacted to reform and strengthen laws against abuse of the elderly and dependent adults to include financial abuse, mandate reporting requirements and increase criminal penalties.

Under current law, the statewide Adult Protective Services Program (APS) administered by counties, includes the operation of a 24-hour emergency response program to report suspected elder and dependent adult abuse, including physical or sexual abuse, abandonment, isolation, financial abuse, neglect and self-neglect. APS provides case management, including counseling, emergency shelter and other support services.

Assembly Bill 109 (Alquist) would require officers, trustees or employees of financial institutions to report elder and dependent adult abuse and provides immunity for those financial institutions for good faith disclosure of that information.

Comments

The California Senior Legislature (CSL), the sponsors of the AB 109 indicate that 32 percent of substantiated incidents of elder abuse involve financial abuse. Further, it is estimated that 80 percent of elder abuse incidents actually go unreported. It is argued that thousands of elderly and dependent adults are targeted for financial exploitation because they are isolated, dependent on others for assistance and are vulnerable. CSL believes that banks and savings and loans are in a key and unique position to spot exploitation prior to or as it happens.

Other support of Assembly Bill 109 includes Attorney General Bill Lockyer, the Los Angeles District Attorney, Triple A Council of California, AARP, California Judges Association and the California Welfare Directors Association.

The opposition argues that "although the state may have compelling interest in protecting the elderly, singling out bank employees to play cops is not the answer." Further, according to the California Bankers Association, the immunity from liability provisions will not protect employees from federal violation of privacy claims, thereby jeopardizing their industries ability to recruit and retain employees.

Assembly Bill 109 was approved by the Assembly Judiciary Committee; it will next be considered by the Assembly Committee on Aging and Long Term Care.

Attached for your consideration is a resolution in Support of Assembly Bill 109 (Alquist) Elder Abuse.

2. Under current law, adult probation officers are appointed by a majority of the superior court judges in a county and may be removed for good cause by a majority of superior court judges; yet the county board of supervisors sets the salary and benefits of the adult probation officers.

Assembly Bill 765 (Maddox) would establish the offices of chief probation officer, assistant chief probation officer and deputy probation officer. AB 765 would require counties, except in counties with a population of less than 75,000, to appoint the chief probation officer by a majority of a selection committee, consisting of representatives from the probation department, board of supervisors, county juvenile justice commission, a community-based organization and the presiding judge of superior and juvenile court.

Comment

Last year, the California Chief Justice appointed and convened a statewide Probation Services Task Force with 18 members, representation includes probation department staff and chiefs, judges, county executive officers and county supervisors. Their lengthy and thoughtful work includes reform of the chief probation officer selection process. That task force findings and recommendations are due October 2001.

It is argued that Assembly Bill 765 should be held in abeyance until the comprehensive work by the Probation Services Task Force is complete. The California State Association of Counties (CSAC) opposes AB 765 pending the outcome of the Probation Services Task Force

Attached for your consideration is a letter requesting the author hold Assembly Bill 765 in abeyance.

3. In 1989, Assemblyman Dick Robinson authored the Trial Court Realignment Act to shift the cost of trial courts to the state. Since that time, the 38 least populous counties have been fully funded through the State Trial Court Trust Fund. San Mateo County is among the remaining 20 counties which are required to continue to pay a maintenance of effort.

Of the remaining 20 counties, the amount paid by San Mateo County for each judicial position is the highest in the state: \$332,816.37, or \$65,072.50 more than the statewide average of \$267,743.87. A comparison of county MOU costs is attached.

Senate Bill 518 (Dunn) would continue the state buy-out of the trial courts by reducing the obligation of each county by an unspecified amount. However, this measure has been held in Senate Appropriations pending the release of the May Revision.

Attached for your consideration is a resolution in support of Senate Bill 518 (Dunn) Trial Court Funding which includes a request for an amendment to ensure:

"no county pay more than the statewide average paid by the remaining 20 counties for each judicial position."

Moving to the statewide average paid by the remaining 20 counties would result in \$2.4 million savings for San Mateo County.

4. As you know, last year the Governor vetoed the \$200 million that San Mateo County advocated as part of the Legislature's approved 2000-01 State Budget for the construction, renovation or purchase of equipment for local crime laboratories. However, the Governor did approve Assembly Speaker Bob Hertzberg's members' request of \$96 million for the construction of a Los Angeles County and City crime laboratory. According to the County of Los Angeles officials, due to local disagreements, the LA crime lab can not be constructed for at least 18 months to 2 years.

Assembly Bill 1210 (LaSuer) and Senate Bill 783 (Brulte) would create the Crime Laboratories Construction Act of 2001 and appropriate \$200 million for the purpose of construction, equipment, renovation and infrastructure costs of local forensic laboratories. Assembly Bill 1210 was approved by the Assembly Public Safety Commission 7-0; and Senate Bill 783 was approved by Senate Public Safety 5-0.

Should either of these measures be approved or should the Legislature include funds for local crime laboratory construction as part of the 2001-02 state budget, we have submitted control language to ensure the San Mateo County Crime Laboratory construction grant application is given top priority. A copy of that amendment is attached.

JLM:MM:kjl

Attachments:

1. Resolution in Support of Senate Bill 518 (Dunn) Trial Court Funding
2. Resolution in Support of Assembly Bill 109 (Alquist) Elder and Dependent Adult Abuse
3. Trial Court Maintenance of Effort Cost Analysis for 20 Remaining Counties
4. Letter dated _____ Requesting the Author Hold Assembly Bill 765 in Abeyance
5. Memorandum dated April 23, 2001 Regarding San Mateo County Crime Lab: Budget Control Language
6. State Capital Update – Status of Justice-Related Legislation

Resolution No. _____
Board of Supervisors, County of San Mateo, State of California
*** * * * ***

Resolution in Support of Senate Bill 518 (Dunn) Trial Court Funding

Resolved, by the Board of Supervisors of the County of San Mateo, State of California,
that

Whereas, in 1989, Assemblyman Dick Robinson authored the Trial Court Realignment Act to shift the cost of trial courts to the state; since that time, the 38 least populous counties have been fully funded through the State Trial Court Trust Fund; and San Mateo County is among the remaining 20 counties which are required to pay a maintenance of effort to fund the state courts;

Whereas, of the remaining 20 counties, the amount paid by San Mateo County for each judicial position is the highest in the state: \$332,816.37, or \$65,072.50 more than the statewide average of \$267,743.87;

Whereas, Senate Bill 518 (Dunn) would continue the state buy-out of the trial courts by reducing the obligation of each county by an unspecified amount;

Whereas, the current formula used to phase-out the remaining 20 counties' trial court maintenance of efforts (MOU) is inequitable; and therefore the County of San Mateo requests and amendment to achieve and ensure equity:

"no county pay more than the statewide average paid by the remaining 20 counties for each judicial position."

Now, therefore be it resolved by the San Mateo County Board of Supervisors support Senate Bill 518 to continue the state buy-out of the trial courts and requests an amendment to this measure and or to the MOU formula to ensure and achieve equity per judicial position among the remaining 20 counties.

Resolution No. _____
Board of Supervisors, County of San Mateo, State of California

Resolution in Support of Assembly Bill 109 (Alquist) Elder and Dependent Adult Abuse

Resolved, by the Board of Supervisors of the County of San Mateo, State of California,
that

Whereas, over the past four years state legislation has been enacted to reform and strengthen laws against abuse of the elderly and dependent adults to include financial abuse, mandate reporting requirements and increase penalties for crimes against the elderly or dependent adults;

Whereas, county Adult Protective Services Program (APS) includes the operation of a 24-hour emergency response program to reports of suspected elder and dependent adult abuse including physical or sexual abuse, abandonment, isolation, financial abuse, neglect and self-neglect; and important case management, including counseling, emergency shelter and other support services;

Whereas, it is estimated that 80 percent of elder abuse incidents actually go unreported; that thousands of elderly and dependent adults are targeted for financial exploitation because they are isolated, dependent on others for assistance and are vulnerable; and many believe that bank and savings and loans personnel are in a key and unique position to spot exploitation prior to or as it happens;

Whereas, Assembly Bill 109 (Alquist) would require officers, trustees or employees of financial institutions to report elder and dependent adult abuse; and provides immunity for those financial institutions for good faith disclosure of information;

Now, therefore it is hereby resolved that the San Mateo County Board of Supervisors join with the California Senior Legislature to support AB 109 to reduce and prevent financial abuse of elder and dependent adults.

**Trial Court Maintenance of Effort Cost Analysis
For 20 Remaining Counties**

Counties	Trial Ct Funding Maint of Effort	Authorized Judicial Pos Superior	Authorized Judicial Pos Municipal	Authorized Judicial Pos Total	Cost Per Judicial Pos	Rank
Alameda	\$22,509,905	42.3	44.9	87.2	\$258,141.11	14
Contra Costa	11,974,535	25.8	19.6	45.4	\$263,756.28	13
Fresno	11,222,780	23.7	20.7	44.4	\$252,765.32	16
Kern	9,234,511	19.1	20.9	40.0	\$230,862.78	18
Los Angeles	175,330,647	347.4	282.1	629.5	\$278,523.66	6
Monterey	4,520,911	7.5	11.0	18.5	\$244,373.57	17
Orange	38,846,003	87.0	63.8	150.8	\$257,599.49	15
Riverside	17,857,241	33.5	33.7	67.2	\$265,732.75	12
Sacramento	20,733,264	42.5	25.3	67.8	\$305,800.35	4
San Bernardino	20,227,102	38.7	35.3	74.0	\$273,339.22	9
San Diego	43,495,932	86.3	74.5	160.8	\$270,497.09	11
San Francisco	19,295,303	43.4	26.0	69.4	\$278,030.30	7
San Joaquin	6,543,068	14.9	14.4	29.3	\$223,312.90	19
San Mateo	12,181,079	19.9	16.7	36.6	\$332,816.37	1
Santa Barbara	6,764,792	12.1	12.6	24.7	\$273,878.22	8
Santa Clara	28,689,450	55.7	40.9	96.6	\$296,992.24	5
Solano	6,242,661	10.4	10.0	20.4	\$306,012.79	3
Sonoma	6,162,466	10.8	9.1	19.9	\$309,671.66	2
Stanislaus	3,506,297	12.4	9.5	21.9	\$160,104.89	20
Ventura	<u>9,734,190</u>	21.0	14.7	35.7	\$272,666.39	10
Total	<u>\$452,562,232</u>	<u>912.1</u>	<u>740.8</u>	<u>1,652.9</u>		

Average Cost Per Judicial Position	\$267,743.87
------------------------------------	--------------

April 26, 2001

DRAFT

Honorable Ken Maddox
State Capitol, Room 4153
Sacramento, CA 95814

RE: Assembly Bill 765: Probation Officers Appointment

Dear Assemblyman Maddox:

The San Mateo County Board of Supervisors shares your interest to bring about reforms to the policies that dictate the selection and removal of chief probation officers. However, at this time, the Board respectfully requests that you hold Assembly Bill 765 in abeyance.

Last year, California's Chief Justice convened a statewide Probation Services Task Force. The probation Services Task Force, with 18-members representing probation staff and chiefs, members of the judiciary, county administrative officers and county supervisors, has a purpose, among other charges, to recommend necessary reforms to the selection and removal process of chief probation officers. In difference to the existing thoughtful and comprehensive process under taken by the Probation Services Task Force, the San Mateo County Board of Supervisors request that you hold AB 765 in abeyance until the Task Force has completed their work.

Thank you in advance for your consideration of this request.


Sincerely,

MIKE NEVIN
President, Board of Supervisors

**County of San Mateo
County Manager's Office**

Date: April 23, 2001

TO: Honorable Byron Sher
Kip Lipper, Chief Consultant

FROM: Mary McMillan
Deputy County Manager (650) 363-4129 

SUBJECT: San Mateo County Crime Lab: Budget Control Language

Thank you very much for your commitment to work with the County of San Mateo to secure state funding for the construction of the County's Forensic Crime Laboratory.

The \$10 million is needed for the construction of a forensic crime laboratory which will provide service to the 20 city police and fire agencies, CDF Fire, County District Attorney, Coroner and Sheriff's Office. As you know, San Mateo County's crime lab was forced to close due to the presence of a health hazard, the harmful mold strachybotrys.

The County of San Mateo owns the land where the crime lab will be built. The land is valued at \$8 million. The County has completed the necessary design and environmental review at an approximate \$1 million cost. Site preparation is underway; construction can begin in the coming three months.

Proposed 2001-02 State Budget Control Language

The Proposed 2001-02 State Budget language for construction or renovation of local crime laboratories should include:

Grants from the State Forensic Laboratories Capital Expenditure Fund can be used to repay local financing, including retirement or payment of debt service that has been expended since January 1, 2001 for the purpose of constructing, renovating or expanding a local crime laboratory.

Priority shall be given to grant applications that have plans in place for construction, renovation or expansion; have an approved and acquired site; and have completed the environmental review.

April 26, 2001

STATE CAPITOL UPDATE

Status of Justice-Related Legislation

Many important justice-related measures are working their way through the legislative process. Some of these bills, if enacted, would have fiscal and policy implications for local government, particularly counties. The more important bills, along with an update on their current status, are outlined below:

Senate Bills

SB 27 (Brulte) -- Law Enforcement Technology Grants. SB 27 would appropriate \$75 million from the General Fund for allocation to local law enforcement agencies to fund technology grants and technology-related acquisitions to enhance public safety. The grants would be allocated on a per capita basis, with each agency guaranteed a minimum of \$100,000. The bill would also require the creation of a Law Enforcement Technology Grant Coordinating Committee in each county. Each committee would be comprised of the sheriff, the city manager of any city that contracts for public safety services in the county, and chiefs of police from cities located in the county. The bill would require the committee to convene prior to the disbursement of funds from the State Controller for the purpose of encouraging communications between agencies, maximizing purchasing power, allowing for coordinated purchases of large communications systems, and ensuring compatibility with systems operated by neighboring agencies.

SB 27 was approved by the Senate Public Safety Committee by a 5-0 vote and referred to the Senate Appropriations Committee. The committee is scheduled to hear in on April 30.

SB 39 (Poochigian) -- Juvenile Detention Facilities. SB 39 would appropriate \$400 million from the General Fund for the purpose of awarding competitive grants to cities, counties, and cities and counties for the construction, expansion, renovation and reconstruction of local adult and juvenile detention facilities. The funds would be administered by the Board of Corrections.

SB 39 was heard by the Senate Public Safety Committee on April 17. However, SB 574 (Polanco) was on the committee's calendar as well. The committee's policy does not allow for the approval of competing measures. Since both measures provide funding for juvenile detention facilities, the committee held off voting on SB 39 to give the authors an opportunity to work out some sort of compromise.

No compromise on SB 39 and SB 574 had been reached by the time the committee took up the bills on April 24. Senator Poochigian amended SB 39 to provide for a \$200 million

Page 2

for adult detention facilities. The committee approved the bill on a 4-0 vote referred it to the Senate Appropriations Committee. Senators Polanco and Poochigian agreed to continue work together as the bills move forward.

SB 82 (Burton) -- Judicial Salaries. SB 82 would provide for an eight and one-half percent pay increase for judges of Supreme Court, courts of appeal and the trial courts. The increase represents the final installment of an effort to raise judges salaries by a total of 17 percent over a two-year period. The first installment was enacted into law last year.

SB 82 was scheduled to be heard by the Senate Judiciary Committee on April 24. However, the committee postponed the measure and did not set a new hearing date.

SB 128 (Burton) -- Trial Court Employees. SB 128 would make various technical and clarifying changes to the trial court employee personnel system, which was established with the enactment of SB 2104 (Burton) last year. The bill would restrict agency shop elections to no more than one per year for each bargaining unit. The bill would also specify procedures for the release of budget and management data by the trial courts.

SB 128 was approved by the Senate Judiciary Committee on April 17 by a 6-1 vote. The bill is awaiting a hearing before the Senate Appropriations Committee.

SB 223 (Burton) -- Drug Testing. SB 223 would appropriate \$18 million from the General Fund to be used by the State Department of Drug and Alcohol Programs to award grants to counties to pay for drug testing if the counties have created a plan for implementing the provisions of Proposition 36 that includes drug testing as a treatment tool.

SB 223 was approved by the Senate Public Safety Committee on April 17 by a 4-0 vote. The bill is awaiting a hearing before the Senate Appropriations Committee.

SB 228 (Machado) -- Drug Addicted Offender Treatment Program. SB 228 would establish a \$50 million grant program to help fund substance abuse treatment programs for jail inmates during and subsequent to their incarceration. The grants would be awarded on a competitive basis to individual counties or a collaboration of counties that expand or establish substance abuse treatment programs for county jail inmates who are dependent on or addicted to alcohol or drugs, and are likely to return to county jail or be committed to state prison. The grants would be administered by the Board of Corrections.

SB 228 was approved by the Senate Public Safety Committee on April 3 by a 5-0 vote. The Senate Appropriations Committee was scheduled to hear the bill on April 23. However, the committee postponed the bill and rescheduled it for an April 30 hearing.

Page 3

SB 518 (Dunn) -- Trial Court Funding. SB 518 would provide for specified reductions in the trial court funding maintenance of effort remittances for specified counties. Namely, those counties that have asserted a double counting regarding trial court facilities. The author amended the bill to in committee to reflect an unspecified across-the-board reduction in the maintenance of effort requirement paid by the 20 counties that have not been "bought out" by the state.

The Senate Judiciary Committee took testimony on SB 518 on April 24 but took no action on the measure, effectively making it a two-year measure absent a rule waiver.

SB 574 (Polanco) -- Juvenile Facilities Bond. SB 574 would enact the Juvenile Facility Capital Expenditure and Bond Act of 2002. If adopted, the bond measure would help finance the construction of county juvenile facilities. The bill does not specify the amount of the bond measure at this time.

SB 574 was originally set for hearing by the Senate Public Safety Committee on April 17. The author requested that the bill be put over pending discussions with Senator Poochigian regarding his SB 39 and a possible compromise approach to provide state funds for local juvenile detention facilities. The bill was amended in the committee on April 24 and approved by a 6-0 vote. SB 574 was referred to the Senate Appropriations Committee. As indicated in the update on SB 39, above, Senators Polanco and Poochigian agreed to continue to work together on the detention facilities issue.

SB 783 (Brulte) -- Forensic Laboratories. SB 783 would create the Crime Laboratories Construction Act of 2001, which would appropriate \$200 million from the General Fund to be used for construction, equipment, renovation, and infrastructure costs for new local forensic laboratories or the remodeling of existing forensic facilities.

The bill would create the Forensic Laboratories Authority and specify its membership. The authority would allocate funds to local agencies, monitor and evaluate applications for funding, and submit a specified report to the Legislature on a prescribed basis.

SB 783 was approved by the Senate Public Safety Committee by a 5-0 vote, after an amendment was adopted that would provide funding priority to those laboratories that have plans in place for construction or expansion. The measure was referred to the Senate Appropriations Committee, where it will be heard on April 30.

SB 823 (Poochigian) -- Local Law Enforcement Funding. SB 823 would extend the Citizens Option for Public Safety (COPS) program and the juvenile crime prevention grant program, indefinitely. Legislation enacted last year provided a total of \$242.6 million, which was evenly divided between COPS and the juvenile delinquency prevention grant program.

Page 4

The Senate Public Safety Committee approved SB 823 on March 20 by a 6-0 vote. SB 823 is now in the Assembly after winning Senate approval on April 16 by a 37-0 vote.

SB 1059 (Perata) -- Mentally Ill Juvenile Offender Crime Reduction Grants. SB 1059 would establish the Council on Mentally Ill Offenders to develop policy, procedures, and projects relative to the treatment of mentally ill adult and juvenile offenders. The bill would also create the Mentally Ill Juvenile Offender Crime Reduction Grants program, which would parallel the existing grant program designed for adult offenders. Like the existing program, the juvenile offender grant program would be administered by the Board of Corrections. The bill would provide that funds for the juvenile offender crime reduction program would be available upon appropriation in the annual state budget.

The Senate Public Safety Committee approved SB 1059 on April 17 by a 4-0 vote. The bill is awaiting a hearing before the Senate Appropriations Committee.

Assembly Bills

AB 86 (Cardenas) -- Local Law Enforcement Funding. AB 86 would extend the provisions of Proposition 172's sales tax allocation for local law enforcement funding to July 1, 2007. Under current law, the authorization is scheduled to sunset on July 1, 2002.

AB 86 was approved the Assembly Local Government Committee on April 25 by an 11-0 vote. The committee referred it to the Assembly Appropriations Committee and recommended that it be put on the "consent" calendar.

AB 562 (Bogh) -- Local Law Enforcement Funding. AB 562 would provide \$100 million to local law enforcement for the purpose of funding technology grants and technology-related acquisitions to enhance public safety. At one time, AB 562 was identical to SB 27 (Brulte), but the latter measure was amended to reduce the appropriation to \$75 million (see above).

The Assembly Local Government Committee approved AB 562 on April 25 by an 11-0 vote and referred it to the Assembly Appropriations Committee.

AB 765 (Maddox) -- Probation Officers: Appointment. AB 765 would establish the offices of chief probation officer, assistant chief probation officer, and deputy probation officer. The bill would eliminate the provisions of law governing the appointment and removal of the adult probation officer and juvenile probation officer and would instead require, except in specified counties (those with a population of less than 75,000), that the chief probation officer be appointed by a majority of a selection committee made up of specified representatives from the probation department, the county board of supervisors, the county juvenile justice commission, a community-based organization, and the presiding judges of the superior and juvenile courts.

Page 5

AB 765 has been referred to the Assembly Public Safety Committee. However, since the committee did not act on the bill by the April 27 deadline for fiscal bills, AB 765 has become a two-year bill.

AB 932 (Migden) -- Juvenile Delinquency Prevention. AB 932 would establish the Youth Leadership Through Education and Crime Prevention Program. The purpose of the program would be to provide greater opportunities for at-risk youth. The program would be administered by nonprofit youth-serving agencies that work in collaboration with law enforcement to help reduce juvenile crime, violence, and drug use. AB 932 would appropriate a minimum of \$10 million to the Department of Justice for the purpose of providing funds to the aforementioned agencies.

The Assembly Public Safety Committee approved AB 932 on April 24 by a 7-0 vote and referred it to the Assembly Appropriations Committee.

AB 1210 (La Suer) -- Forensic Laboratories. This bill is virtually identical to SB 783 (Brulte). See discussion above. The Assembly Public Safety Committee approved AB 1210 on April 17 by a 7-0 vote. The Assembly Appropriations Committee is scheduled to hear the bill on May 2.

AB 1345 (Daucher) -- Drug Testing. AB 1345 would require persons ordered to undergo drug treatment pursuant to the provisions of Proposition 36 to submit to drug testing. The bill would require providers of drug treatment to require treatment recipients to submit to drug testing.

AB 1345 would also establish the Drug Testing Fund which would, if appropriated by the Legislature, be available for, among other things, the purpose of reimbursing counties for the cost of providing drug testing services.

AB 1345 has been referred to the Assembly Public Safety Committee, but the committee has not set a hearing date.

AB 1399 (Cardenas) -- Juvenile Repeat Offender Program. AB 1399 would appropriate \$20 million from the General Fund to the Board of Corrections for the purpose of continuing the existing juvenile repeat offender programs in participating counties and expanding the program to additional counties. The bill contains a specific formula for the allocation of the funds through fiscal year 2004-05.

The Assembly Public Safety Committee approved AB 1399 on April 24 by a 7-0 vote and referred it to the Assembly Appropriations Committee.

Page 6

AB 1468 (Briggs) -- Adult and Juvenile Detention Facilities. AB 1468 and SB 39 (Poochigian) were introduced as identical measures (see discussion above). However, AB 1468 continues to contain a \$400 million appropriation for county adult and juvenile detention facilities construction, while SB 39 has been reduced to a \$200 million appropriation.

The Assembly Public Safety Committee approved AB 1468 on April 17 by a 6-0 vote and referred it to the Assembly Appropriations Committee, which will hear the bill on May 2.

AB 1549 (Wiggins) -- Court Facilities. AB 1549 would extend for one and one-half years the time period during which the state is responsible for the court facility needs for new trial court judgeships in order to allow appropriate time for review and action on the recommendations contained in the final report of the Task Force on Court Facilities.

AB 1549 was amended in the Assembly Judiciary Committee on April 17 prior to winning approval on a 10-0 vote. The amendment incorporated an urgency clause into the bill's provisions. The committee recommended that AB 1549 be placed on the Assembly Appropriations Committee's consent calendar.