

County of Santa Clara

Office of the County Executive

County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110
(408) 299-2424

38



Approved Accepted Adopted Denied Presented

BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA

Thyllis A. Perez, Clerk of the Board

By Mahesh D. Jayaram
Deputy Clerk

Date: FEB 27 2001

February 27, 2001

TO: Board of Supervisors

FROM: Richard Wittenberg *R.W.*
County Executive

RE: Implementation of Proposition 36

Recommendations

1. Adopt the resolution designating the Office of the County Executive as lead agency for implementation of Proposition 36, the Substance Abuse and Crime Prevention Act of 2000.
2. Adopt the resolution forming a steering committee to monitor implementation and provide guidance on policy issues pertaining to implementation of the Act.

Fiscal Implications

The State Department of Alcohol and Drug Programs will release FY 2001 funding tied to the Act to the County upon receipt of the County's resolution designating a lead agency, stating that a trust fund has been established, and agreeing to comply with the provision of the Act. Santa Clara County anticipates receiving \$2,491,506 in FY 2001, and an estimated \$5 million in FY 2002. The resolution is to be submitted by no later than March 1, 2001. Administration will return to the Board to budget the revenues and expenditures upon completion of the implementation plan.

Background and Reasons for Recommendation

Proposition 36, the Substance Abuse and Crime Prevention Act of 2000 (the Act), was approved by the voters on November 7, 2000. It requires that specified drug offenders receive treatment in place of incarceration, and provides funding to counties for this purpose. According to the State regulations, funds are to be used for "drug treatment services, vocation training, family counseling, and literacy training".

In FY 2001, Santa Clara County will receive \$2,491,506 for use in planning and start-up efforts, so that services will be available upon the July 1st effective date of the Act. In

order to receive the State funds, counties must adopt a resolution by March 1, 2001, which:

- Designates a county lead agency ;
- Agrees to comply with the provisions of the Act; and
- Assures establishment of a local trust fund for deposit of funds received pursuant to the Act.

This item was reviewed and approved by the Public Safety and Justice Committee on February 8, 2001, and by the Health and Hospital Committee on February 21, 2001.

Lead Agency Designation

The State Department of Alcohol and Drug Programs has released regulations defining lead agency responsibilities, including development of an implementation plan. The State requires that the lead agency coordinate plan development, but also emphasizes the importance of collaboration, and a process that is centered on treatment. Multiple agencies will be involved in developing the plan, and there is a need for leadership and analysis of resource requirements at the central administrative level. Accordingly, the Office of the County Executive can help provide a focus on the appropriate balance between those needs articulated from the law and justice perspective, the clinical needs of clients and the treatment resource that will be required.

Other administrative functions associated with the lead agency role include the provision of treatment, and the oversight and administration of contracts with treatment providers. These functions will be delegated to the County's Department of Drug and Alcohol Services (DADS). DADS will provide clinical leadership for the development of a comprehensive treatment system for clients who become eligible due to Proposition 36. Among the other responsibilities that will be delegated to DADS are:

- Coordination of data collection and quarterly reporting through the existing State DADP data systems; and
- Coordination of evaluation of the county programs implementing the Act.

Steering Committee

The success of local programs implementing the Substance Abuse and Crime Prevention Act will depend on a collaborative policy development process which includes the highest level of administrative participation. Therefore, it is recommended that a steering committee be convened to provide a forum for discussion of the implementation plan and development of the necessary procedures and agreements. The committee will be composed of representatives of the departments and agencies affected by the legislation, as well as those who represent the full range of needs displayed by the defendants. It is also recommended that the committee include a representative from the Police Chiefs Association, and from the Santa Clara County Alcohol and Drug Contractor's Association. The committee will be chaired by the Office of the County Executive, who

will provide status reports to the Board. Proposed membership is noted in the attached resolution.

Consequences of Negative Action

The County will be unable to comply with State regulations requiring notification of lead agency designation to the State Department of Drug and Alcohol Programs by March 1, 2001. If notification is not provided, the County will not be able to access FY 2001 \$2.5 million in State funds for planning and implementation of Proposition 36.

Steps Following Approval

Upon approval of the necessary resolution, notification will be provided to the State and funds will be deposited in the trust fund. The Steering Committee will develop a timeline for completion of a Proposition 36 implementation plan, meet regularly to address procedural needs and resolve issues, and will report to the Public Safety and Justice Committee, the Health and Hospital Committee, and the Board on a regular basis. Upon its completion, an implementation plan will be brought to the Board for approval, and subsequent submittal to the State Department of Alcohol and Drug Programs.

Cc: Alice Foster, Deputy County Executive
George Kennedy, District Attorney
John Cavalli, Chief Probation Officer
Bob Garner, Director, Department of Alcohol and Drug Services
Judge Richard Turrone, Presiding Judge, Superior Court
Judge Stephen Manley, Superior Court

**RESOLUTION OF THE BOARD OF SUPERVISORS
CREATING A STEERING COMMITTEE
RESPONSIBLE FOR POLICY GUIDANCE AND LEADERSHIP
FOR IMPLEMENTATION OF
THE SUBSTANCE ABUSE AND CRIME PREVENTION ACT OF 2000**

WHEREAS, on November 7, 2000, the People of the State of California passed "Proposition 36," the Substance Abuse Crime Prevention Act of 2000;

WHEREAS, the Substance Abuse Crime Prevention Act of 2000 requires that specified drug offenders, as defined by the Act, receive drug treatment in place of incarceration;

WHEREAS, the Board of Supervisors of the County has designated the Office of the County Executive as the lead agency responsible for administering funds under the Act;

WHEREAS, close collaboration between County agencies and the Superior Court will be required for the successful implementation of the Act; and

WHEREAS, the Board of Supervisors desires to create a steering committee responsible for providing policy guidance and monitoring the implementation of the Act;

THEREFORE BE IT RESOLVED that the Office of the County Executive will convene and chair a Steering Committee which shall:

1. Monitor implementation of the Act;
2. Provide guidance to the Board of Supervisors on policy issues which arise;
3. Review and comment on the County plan prior to submission to the Board of Supervisors; and
4. Report regularly to the Board of Supervisors on the progress of the implementation.

BE IT FURTHER RESOLVED that the Steering Committee shall include the Agency Director or designee from the following:

1. Office of the County Executive
2. Office of the County Counsel
3. Department of Correction
4. Department of Alcohol and Drug Services
5. Department of Public Health
6. Department of Mental Health
7. Department of Custody Health
8. Social Services Agency
9. Office of the District Attorney
10. Office of Pretrial Services
11. Office of the Public Defender
12. Probation Department
13. Superior Court
14. Police Chief's Association
15. Other members as deemed appropriate for the successful execution of the Committee's functions.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on FEB 27 2001 by the following vote:

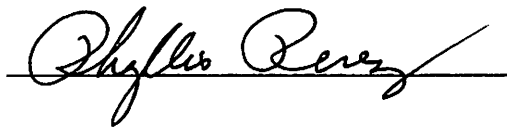
AYES: Supervisors **ALVARADO, BEALL, GAGE, ~~KNISS~~, MCHUGH**

NOES: Supervisors **NONE**

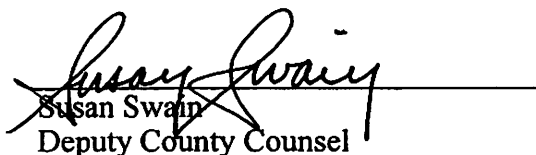
ABSENT: Supervisors **KNISS**


JAMES T. BEALL, JR., Chairperson
Board of Supervisors

ATTEST: PHYLLIS PEREZ, Clerk
Board of Supervisors



APPROVED AS TO FORM AND LEGALITY:


Susan Swain
Deputy County Counsel

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
DESIGNATING THE LEAD AGENCY
FOR THE ADMINISTRATION OF THE
SUBSTANCE ABUSE AND CRIME PREVENTION ACT OF 2000
FISCAL YEAR 2000-2001 FUNDING**

WHEREAS, on November 7, 2000, the People of the State of California passed "Proposition 36," the Substance Abuse Crime Prevention Act of 2000;

WHEREAS, the Substance Abuse Crime Prevention Act of 2000 requires that specified non-violent drug offenders, as defined by the Act, receive drug treatment in place of incarceration; and

WHEREAS, in order for the County to be eligible to receive state funding for Fiscal Year 2000-2001 to reimburse the County for the costs of such drug treatment programs, the State requires that the Board of Supervisors designate a lead agency for the administration of such state funds, create a trust fund for the deposit of these funds, and comply with the provisions of the California Code of Regulations, Title 9, Division 4, Chapter 2.5;

THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Santa Clara hereby:

1. Designates the Office of the County Executive as the lead agency of the County of Santa Clara's Substance Abuse and Crime Prevention Act of 2000 responsibilities; and
2. Assures that the County of Santa Clara has established a trust fund; and

ORIGINAL 

FEB 08 2001

3. Assures that the County of Santa Clara shall comply with the provisions of the Substance Abuse and Crime Prevention Act of 2000 and the California Code of Regulations, Title 9, Division 4, Chapter 2.5.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on FEB 27 2001 by the following vote:

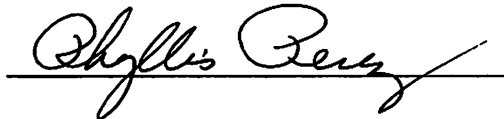
AYES: Supervisors ALVARADO, BEALL, CAGE, ~~WELLS~~, MCNEUGH

NOES: Supervisors **NONE**

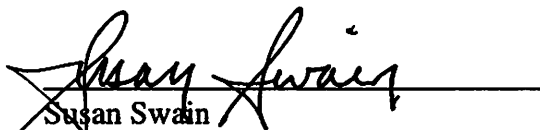
ABSENT: Supervisors **KNISS**


JAMES T. BEALL, JR., Chairperson
Board of Supervisors

ATTEST: PHYLLIS PEREZ, Clerk
Board of Supervisors



APPROVED AS TO FORM AND LEGALITY:


Susan Swain
Deputy County Counsel

Notes for Leg Comm briefing with Jim

State and federal update

3 sponsored/co-sponsored signed

7 supported—signed

4 supported---vetoed

1 opposed--signed

1 opposed—vetoed

balance did not reach Governor's desk

Possible State Legislative initiatives

Bond or financial assistance for seismic upgrade for hospitals

Authority to Santa Clara County to provide or contract for educational needs of Probation wards.

Permission for Chief of Correctional Authority to request Coroner's inquest

Clarify that ability to recover costs for "emergency response" costs includes response to ALL DUI arrests—not just in the case of an accident.

*support for
differ grants
Nuclear
rate increase*

Potential federal earmark requests

VMC Seismic Upgrade

Crime Lab---equipment upgrades and funding to accommodate increased caseloads

Juvenile Detention Reform

Congressmember Lofgren indicated a desire to seek an ongoing funding for JDR activities.

Transportation

DeWitt Ave. S-Curve Realignment (\$2.0M)

West Sam Carlos St. Improvements Phase II (\$2.5M)

Junipero Serra Blvd. Traffic Calming (\$3.5M)

*structural reform
state/local govt*

Resolution of support for Coast Daylight Rail Service

Resolution includes "no costs to local governments" and "will not jeopardize state funding for High-Speed Rail Project."

legal memo re charter schools