



# Napa County

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## Legislation Text

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**TO:** Board of Supervisors

**FROM:** Amanda Gibbs, Chief Probation Officer

**REPORT BY:** Ferlyn Buenafe, Staff Services Manager

**SUBJECT:** Memorandum of Understanding with Napa Superior Court

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### RECOMMENDATION

Chief Probation Officer requests approval of and authorization for the Chair to sign Agreement No. 230089B, Memorandum of Understanding (MOU) with the Superior Court of Napa County for the term from July 1, 2022 through June 30, 2023 for the provision of Pretrial services.

### EXECUTIVE SUMMARY

Superior Court of Napa County (Court) has received funding to contract with the Probation Department to deliver and enhance its Pretrial Program.

### FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Probation
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The Budget Act of 2021 designates the required services tied to the State award can only be performed by the County Probation Departments or any County department or agency that have primary responsibility for making arrests or prosecuting criminal offenses.
Is the general fund affected?	Yes
Future fiscal impact:	Future appropriations will be budgeted accordingly.
Consequences if not approved:	If the MOU is not approved, the Probation Department will not meet the requirements of the Pretrial Program required by the State and will not receive additional revenue to offset current Pretrial operations paid by the General Fund.
County Strategic Plan pillar addressed:	Healthy, Safe, and Welcoming Place to Live, Work, and Visit

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

Senate Bill 129 (Stats.2021, Ch. 69), amended the Budget Act of 2021 providing for the “implementation and operation of ongoing court programs and practices that promote the safe, efficient, fair and timely pretrial release of individuals booked into jail.”

Under the terms of the State funding, the Court must contract with the Napa County Probation Department to perform required services. The funding is earmarked for a Pretrial Program to support a judicial system that protects the public, ensures the rights of defendants and the fair and efficient administration of justice in pretrial decision-making.

The MOU is an agreement for the provision of Pretrial services between the Court and Probation. The Court shall compensate Probation for employee salaries and benefits, services, and supplies for the expansion of the Pretrial Program. The MOU may be extended for three (3) additional one (1) year periods.

Annual ongoing funding is expected. The Court is anticipated to receive \$211,133 in Fiscal Year 2022-2023 with the ability to retain up to 30% of the State allocation.