



Board Agenda Item 47

DATE: July 9, 2024

TO: Board of Supervisors

SUBMITTED BY: Kirk Haynes, Chief Probation Officer

SUBJECT: Retroactive Revenue Agreement with Tulare County

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a retroactive Revenue Agreement with Tulare County to house detained youth from Tulare County at the Juvenile Justice Campus for a daily rate of \$380 per detained youth, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions, effective July 1, 2024 through June 30, 2029.

There is no Net County Cost associated with the recommended action, as this is a revenue agreement for services provided by the County, effective retroactive to July 1, 2024 through June 30, 2029. In 2020, the Governor signed Senate Bill (SB) 823 into law, which phases in the closure of the California Division of Juvenile Justice (DJJ) and realigns these youth to their local counties. The State allocated block grant funding to the County, and the County has also been awarded grant funding in the amount of \$152,571 for an all-county distribution and \$1 million in funding to create a regional hub for the County to accept youth from Central Valley counties. As recommended by your Board, the Department held a meet and confer with Unit 11 representatives on June 28, 2024, to discuss the potential labor impacts of the recommended agreement. Approval of the recommended action will authorize the Chairman to execute a retroactive revenue agreement with Tulare County to accept their youth, who previously would have been housed at the DJJ, into the Juvenile Justice Campus (JJC). This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, the Department would not be able to comply with the plans submitted for the regional hub funding and would not be able to enter into a retroactive agreement with Tulare County to accept their youth into the JJC, who previously would have been housed at the DJJ.

RETROACTIVE AGREEMENT

At its June 18, 2024 regular meeting, your Board recommended bringing the retroactive agreement to today's Board date, to allow the Department to meet and confer with staff on the potential impacts on labor, as a courtesy. The recommended agreement, as approved by the Tulare County Board of Supervisors, is retroactive to July 1, 2024.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action, as this is a retroactive revenue agreement for services provided by the County. The recommended action will allow Tulare County to send and the Department to receive Tulare County youth into the JJC.

The Department determined a daily rate of \$380 per youth to charge other counties for housing those counties' youth at the JJC, which is based off the Individual Cost Rate Proposal for the Department. The

Auditor-Controller/Treasurer Tax Collector (ACTTC) has reviewed and approved of this daily rate. On February 1, 2022, your Board adopted an ordinance amending the County of Fresno Master Schedule of Fees (MSF) and adding subsection 1815, which established the daily fee rate to house youth from other counties at the JJC. If any revenues are received, they will be placed into Probation Org 3440. Probation is currently working with ACTTC to identify an updated daily rate that will be brought to your Board for approval. The recommended retroactive agreement provides that any updated daily rate will automatically be incorporated into the retroactive agreement, replacing any contrary or conflicting rates.

DISCUSSION:

Under SB 823, the County is implementing a plan to meet the needs of youth previously committed safely and securely to the DJJ. These realigned youth have histories of serious crimes, warranting enhanced security to ensure public safety. On April 27, 2021, the Juvenile Justice Realignment Block Grant Plan was initially brought before your Board for review, consistent with the funding eligibility requirements provided in WIC 1995. As the County takes responsibility for these realigned youth, the Department is developing programs to meet the treatment, criminogenic, and culturally competent needs of this population. The Juvenile Court will commit the realigned youth to the Secure Youth Treatment Facility (SYTF), or "Secure Track", at the JJC. The Secure Track will provide a secure residential placement option to house realigned youth who would have previously been committed to the DJJ on a qualifying Welfare and Institutions Code § 707(b) offense, and it is anticipated that the average length of stay for youth committed to the Secure Track will be 28 months, with terms ranging from 12 to 36 months.

The Department has established a regional hub program for realigned youth who have been adjudicated and have a history of sexual offending. This program provides a secure residential placement option for participating hub counties, and the recommended action will allow Tulare County to send youth who previously would have been housed at the DJJ, to the JJC. Eligible cases will include youth between the ages of 14 or older who have been adjudicated on a qualifying sexual offense effective July 1, 2024 through June 30, 2029. Common presenting problems for this target population include family instability, association with delinquent peers, social isolation, impulsive and antisocial behaviors, deviant sexual arousal patterns, sexual preoccupation and compulsive behaviors, substance use, history of trauma and maltreatment, and mental health issues.

Based on the physical layout of the unit, the hub has a maximum capacity of up to 18 youth. The length of stay in the program will be flexible and informed by treatment progress ratings, using case planning and periodic reviews as a guide. It is anticipated that most of the realigned youth committed to this program will spend between 12 to 36 months in the secure residential component of the proposed regional hub program before transitioning to step down services in their home communities. While the regional hub will be established for realigned youth who have been adjudicated on a qualifying sexual offense, the programming will also be available to youth in the general population who have a history of sexual offending.

The recommended retroactive agreement will also allow the Department to house non-Secure Track youth from Tulare County in the general population area of the JJC. The recommended retroactive agreement provides that the County will pay for routine medical care for Tulare County's youth, included in the per-day fee paid by Tulare, while Tulare County will pay for all non-routine medical, dental, optical, surgical, psychiatric/mental health, hospitalization and treatment costs, as long as such costs do not arise from the County's negligence, willful misconduct, or medical neglect.

The recommended retroactive agreement deviates from the County's standard contract language in that it includes a mutual indemnification clause. This has the effect of making each party responsible for losses arising from their own negligent or wrongful performance, or failure to perform. This is typical in agreements between public entities. Risk Management has reviewed the retroactive agreement and does not agree with this mutual indemnity provision, as the County is serving as the primary housing and therefore has greater risk. However, the Department believes that the benefits provided by the recommended retroactive agreement outweigh the risk, as the County will be providing a service to another governmental entity, a

neighboring County. The recommended retroactive agreement also provides that Tulare County will be responsible for any damages arising out of or connected with the actions and activities of the Youth while at the JJC.

On May 7, 2024, the recommended retroactive agreement was brought before and approved by the Tulare County Board of Supervisors.

On June 18, 2024, the recommended retroactive agreement was brought before your Board for approval as Item 56, which was pulled for public comment. As a result, this item was delayed to today's Board date, to allow the Department to meet and confer with staff on the potential impacts of labor, as a courtesy. As recommended by your Board, a meet and confer was held with Unit 11 representatives on June 28, 2024 to discuss the potential labor impacts of the recommended agreement.

REFERENCE MATERIAL

BAI #26, February 1, 2022

BAI #7, April 27, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Retroactive Revenue Agreement with Tulare County

CAO ANALYST:

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