

Most Counties Seek New Court Funding

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SACRAMENTO — As of close of business Tuesday, the state controller's office expected nearly all of California's 58 counties to agree to participate in the voluntary Trial Court Funding Program by the Tuesday evening deadline for enrollment.

John Davies, former assistant legislative director for the state Judicial Council who is now a deputy state controller, said those counties "not in as of today [Tuesday, Jan. 17]" are Merced, Madera, Solano and Santa Barbara counties. Of the four, Davies said only Santa Barbara County had chosen not to participate in the program, which provides block-grant state funding to local trial courts. However, a knowledgeable source close to the negotiations who asked not to be identified said Madera County may decide not to participate as well.

Merced, Madera and Solano were "still in negotiation" as of Tuesday, Davies said.

Although only 32 counties had officially opted into the program as of the end of last week, according to a list kept by the County Supervisors Association of California (CSAC), Davies said "the others as we understand are coming in and are in the process of filing the necessary resolutions.

"If we don't receive the necessary resolution in time, they would not be enrolled," Davies added. "But I think everyone is aware of the requirement, and we have contacted every county to be sure they know about the deadline."

To ensure participation, counties should have their resolutions postmarked Tuesday, although Davies said documents will be accepted if county officials attest to the fact that "it went into a postal box" Tuesday evening. "If they put it in and said they did," then the resolution will be

accepted by state officials, Davies said. The resolutions are filed with the controller and the secretary of state.

The controller's office last week advised all counties which had not chosen to participate in the program that they were in danger of losing large amounts of funding for trial courts. "Millions of dollars are at stake," controller Gray Davis said in a press release, to which was attached a list of amounts to be provided individual counties that choose to participate.

For the remaining half-year of fiscal 1988-89, counties will receive block grants totaling \$182.3 million, or \$106,000 per superior, municipal and justice court judge — a figure which, according to the controller's estimate, totals \$62.1 million for Los Angeles County, \$15 million for San Diego County, \$14.9 million for Orange County, and, among Bay Area counties, \$7.2 million for San Francisco, \$9.5 million for Alameda,

\$4.4 million for Contra Costa, \$1.4 million for Marin, \$3.5 million for San Mateo, \$9.2 million for Santa Clara and \$2.1 million for Sonoma.

Gov. George Deukmejian's 1989-90 proposed state budget, released last week, continues the funding program at an annual rate of \$224,720 per judge, for a total proposed appropriation of \$432.7 million.

The protracted state budget process has just begun, and concern over the current budget deficit puts a cloud over any major funding program. "I would certainly not say by any means that there aren't going to be problems," said CSAC legislative representative Mike Corbett. "We would hope that the Legislature wouldn't mess with it, but we certainly don't know."

One of the major stumbling blocks for counties choosing whether to join the funding program has been the uncertainty of the budget process. Counties must

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decide whether to opt into the 1989-90 program March 1, which is months before the state budget is finalized.

"Counties will find it's necessary to opt into '89-90 before they really know anything about the budget," Corbett said. "They're required to opt in by March 1, and the budget process doesn't really kick in full speed until mid-March. There really isn't anyway to rectify it except to allow it [opting in] to happen subsequent to the budget process."

Deadlines for this first funding allocation were repeatedly postponed in an attempt to mollify the counties, and other last-minute legislative changes were made to meet county concerns.

An early requirement that counties would lose state reimbursement for mandated programs was modified toward the end of the 1988 session — to the point, Corbett said, "that it is no longer perceived as a stumbling block in most counties."

"As long as you have a claim in [for state reimbursement], that claim could be pursued," Corbett said. "That was a marked change from the earlier position, which was that [counties] had to pay for mandated programs."

Counties with so-called low- and no-property-tax cities within their boundaries

— counties such as Santa Clara and Ventura which feared losing money under provisions of the act — also have been mollified to an extent, and both Ventura and Santa Clara have opted into the program. No- and low-tax cities are those whose tax-raising abilities were limited by the passage of Proposition 13.

The act's original requirement that 10 percent of property tax revenues be handed over to the low- and no-tax cities was reduced to 7 percent during legislative negotiations, and to 4 percent for Ventura, which was most negatively affected by the original provision.

"We had some real grave concerns," said Ventura County legislative representative Penny Bohannon. "We spent almost the entire month of August in Sacramento lobbying for some kind of guarantee that Ventura County wouldn't lose money, and we got that guarantee."

Bohannon said she anticipates additional "cleanup" legislation to fine-tune the program, which has been plagued by debate and confusion since it was introduced in 1987.

"As with any legislation, there will be more cleanup," Bohannon said. "I think we spend more time cleaning up than making legislation."