



# TOWN OF APPLE VALLEY

## TOWN COUNCIL STAFF REPORT

**To:** Honorable Mayor and Town Council **Date:** February 12, 2013

**From:** Mayor Curt Emick **Item No:** 8A  
Apple Valley Town Council

**Subject:** ADOPT RESOLUTION NO. 2013-10, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA OPPOSING INEQUITIES IN FUNDING FOR TRIAL COURTS IN CALIFORNIA, OPPOSING ANY FURTHER BUDGET REDUCTIONS TO THE COURTS, OPPOSING THE CLOSURE OF THE SUPERIOR COURT LOCATED IN BARSTOW, CALIFORNIA, AND URGING THE GOVERNOR, STATE LEGISLATURE, AND STATE JUDICIAL COUNCIL TO RESOLVE THE INEQUITIES IN COURT FUNDING AND TO PROVIDE EQUAL ACCESS TO THE JUDICIAL SYSTEM FOR ALL RESIDENTS

**T.M. Approval:** \_\_\_\_\_

**Budgeted Item:**  Yes  No  N/A

### RECOMMENDED ACTION:

Adopt Resolution No 2013-10, A Resolution of the Town Council of the Town of Apple Valley, California Opposing Inequities in Funding for Trial Courts in California, Opposing any Further Budget Reductions to the Courts, Opposing the Closure of the Superior Court Located In Barstow, California, and Urging the Governor, State Legislature, and State Judicial Council to Resolve the Inequities in Court Funding and to Provide Equal Access to the Judicial System for all Residents

### SUMMARY:

Due to recent budget reductions that have resulted in drastic operational and service cuts to the San Bernardino County Superior Court, the Town has become aware that the Barstow courthouse will close in May 2013. Discussions with the City of Barstow staff and the San Bernardino County Superior Court have revealed that there is an imbalance in funding for trial courts that hinder some court's ability to deliver justice. Additionally, the State Judicial Council uses an outdated formula with built-in biases that discriminate against less affluent counties, such as San Bernardino County, and does not account for the State's shifting demographics. According to court staff, San Bernardino County Superior Court is one of the most underfunded courts in the State.

The Town of Apple Valley is extremely concerned about the operational and services cuts in the courts in San Bernardino County and the negative effect the Barstow courthouse closure will have on the high desert community.

Staff in conjunction with the City of Barstow has prepared the attached resolution opposing the inequity in trial courts among the counties in California and any further budget cuts to the courts opposing the closure of the Barstow courthouse, expressing the Town's concern that the closure of the courthouse will have a significant detrimental impact on the high desert community, and urging the Governor, State Legislature, and State Judicial Council to resolve the inequities in court funding and provide equal access to the judicial system for all residents. Upon approval and adoption of this resolution, staff will forward this resolution to Governor Brown, the State Legislature, the California Judicial Council, the Superior Court of California, County of San Bernardino and the City of Barstow.

Based on the foregoing, staff recommends adoption of the form motion.

**RESOLUTION NO. 2013-10**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA OPPOSING INEQUITIES IN FUNDING FOR TRIAL COURTS IN CALIFORNIA, OPPOSING ANY FURTHER BUDGET REDUCTIONS TO THE COURTS, OPPOSING THE CLOSURE OF THE SUPERIOR COURT LOCATED IN BARSTOW, CALIFORNIA, AND URGING THE GOVERNOR, STATE LEGISLATURE, AND STATE JUDICIAL COUNCIL TO RESOLVE THE INEQUITIES IN COURT FUNDING AND TO PROVIDE EQUAL ACCESS TO THE JUDICIAL SYSTEM FOR ALL RESIDENTS**

THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

WHEREAS, there is inequity in funding for trial courts that hinders the ability of some courts to deliver justice in the State of California; and

WHEREAS, California's Judicial Council funds trial courts using an outdated formula with built-in biases that discriminates against less affluent counties such as San Bernardino County and does not account for the States shifting demographics; and

WHEREAS, San Bernardino County Superior Court is one of the most underfunded courts in the State, and recent budget reductions to the court have resulted in drastic operational and service cuts in San Bernardino County; and

WHEREAS, the Town of Apple Valley has been informed that the Barstow courthouse which presently services the greater part of eastern San Bernardino County will close in May 2013 as part of ongoing cost reduction measures; and

WHEREAS, the Town of Apple Valley is extremely concerned about the negative effects the court closure will have on the high desert community including, but not limited to:

1. Reduced access to the judicial system for community residents.
2. Transportation hardship for the high desert community especially for the population receiving government assistance and those with no public transportation for accessing court services.
3. Increased costs for public safety personnel to include overtime cost, fuel cost, vehicle maintenance cost and loss of productivity.
4. The impact on the mutual cooperation and coordination between public safety personnel and the District Attorney's office and court judges.
5. The hardship and inconvenience for victims and/or witnesses and the impact it will have on prosecuting cases.

6. The impact on domestic violence court services, which include the ability to attend court to obtain restraining orders and inability of service organizations to provide funds for services in court that, are outside of the community.
7. The impact on local attorneys and the probation office.
8. The impact on the local drug court program, which has a remarkable success rate.
9. The impact on collaborative actions and partnerships between community agencies related to Assembly Bill 109.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Town Council of the Town of Apple Valley opposes the inequity in trial court funding among the counties in California and any further budget cuts to the courts.
2. The Town Council of the Town of Apple Valley opposes the closure of the Barstow Courthouse.
3. The Town Council of the Town of Apple Valley is concerned first and foremost with the health, safety and welfare of its residents and feels that the closure of the Barstow Courthouse will have a significant detrimental impact on the high desert community.
4. The Town Council of the Town of Apple Valley strongly urges the Governor, State Legislature and State Judicial Council to resolve the inequities in court funding and provide equal access to the judicial system for all residents.

**PASSED, APPROVED AND ADOPTED THIS 12<sup>th</sup> DAY OF FEBRUARY 2013.**

\_\_\_\_\_  
Curt Emick, Mayor

ATTEST:

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La Vonda M-Pearson, Town Clerk

(SEAL)