

Yakima County judges now have total control over their budget

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By David Lester

Yakima County judges and county commissioners approved an agreement Tuesday that averts a potential showdown over separation of powers between the legislative and judicial branches of county government.

The agreement, hashed out over nearly four months, gives judges total authority over their \$9.9 million annual budget to assure access to justice for county residents. The courts no longer have to seek approval from commissioners for hiring or for entering into contracts. The courts also can create a reserve fund and won't have to turn back unspent funds to commissioners at the end of each year. They also can now shift money from among Superior, District and Juvenile courts as needs change.

Yakima County commissioners and local judges described the agreement, signed during the commission's weekly business meeting at Yakima City Hall, as the first of its kind in the state.

Presiding Superior Court Judge Ruth Reukauf said the accord is an example of how officials in Yakima County are willing to tackle difficult issues.

"This is a very good day and this is something the rest of the state is looking at," Reukauf told commissioners before signing the agreement along with District Court Presiding Judge Donald Engel.

Commission Chairman Mike Leita said the pact averts an expensive legal battle.

"This agreement gives the commissioners satisfaction that we are able to work with the courts and do something that is cutting edge," he said.

Tension between the judicial and legislative branches of county government has arisen elsewhere in the state and goes well beyond a normal budget dispute.

In Grays Harbor County, for example, judges sued county commissioners more than a year ago, alleging their funding was inadequate for the court to meet constitutional mandates as a co-equal branch of government. The lawsuit has cost taxpayers there and the state more than \$500,000 in legal fees. The state Attorney General's Office is representing the Grays Harbor judges.

One immediate result of the Yakima County agreement, said court administrative consultant Harold Delia, is the ability to rehire court commissioner Gayle Harthcock, who was laid off in February because of a cut in the courts' 2013 budget. Delia said the reserves and the retirement of a part-time court commissioner allowed him to bring her back.

Meanwhile, in a separate development, county courts and other parts of the county law and justice system can expect to receive an infusion of additional funding this year. Leita said commissioners plan to announce next week that they will distribute more money to departments based on projections of improving revenues for county government.

Leita did not specify the source of additional funding, but it is likely increased sales tax revenue from an improving economy and more bed-rental revenue from the jail under an agreement commissioners approved Tuesday with the city of Fife in Pierce County.

"We are seeing financial rays of light that are positive," Leita said.

Commissioners cut \$1.6 million from the budgets for the sheriff, prosecutor, clerk, the courts and public defense in the 2013 budget to offset revenue declines in the county jail operation. Commissioners promised to restore those dollars if jail revenues rebound.

The courts' share of the cut was more than \$100,000. It was the latest in a series of cuts that saw court funding reduced by \$700,000 since 2007, before the recession trimmed tax dollars for local government.

The judges approached commissioners in January to raise their concern about treatment of the court as a department of county government and not a separate and independent branch, according to a letter judges sent commissioners. Judges did not ask for more money, but rather a recognition that it is the responsibility of the courts to manage the money given it.

Delia said the agreement provides the courts with the flexibility to manage its funding to meet its needs, including general tax revenues and the three-tenths of a cent sales tax voters approved for criminal justice.

He said the agreement also calls for judges and commissioners to meet regularly to discuss issues affecting the courts and seek additional funding if needed.

"The commissioners' authority is to pass the budget. Our authority is do what we need to do to meet the needs of clients. We spend the money the way we need to without their approval," Delia said.

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