

MOTION EXPRESSING THE SENSE OF COUNCIL OF ALLEGHENY COUNTY, requesting that the Chief Executive instruct the County Solicitor to research and otherwise investigate the possibility of pursuing a legal remedy against the Commonwealth of Pennsylvania in order to recover any revenues that may be due to the County as a result of continuing County funding of the state's court system.

WHEREAS, in 1987, the Pennsylvania Supreme Court held unconstitutional various statutes that required counties to fund the operation of the Courts of Common Pleas; and

WHEREAS, the enforcement of the Supreme Court's judgment was stayed in order to give the General Assembly an opportunity to develop appropriate funding legislation; this stay left in place the system of county funding; and

WHEREAS, the General Assembly took no action until a second case was filed in 1996 by the Pennsylvania State Association of County Commissioners to compel the implementation of the Supreme Court's 1987 decision; and

WHEREAS, in this second case, the Supreme Court held that the relief authorized in 1987 must be granted by the General Assembly, but in doing so acknowledged that its first opinion had provided inadequate direction on implementation; and

WHEREAS, the Supreme Court accordingly appointed former Justice Frank J. Montemuro, Jr. as its Master to report to the Court on matters of implementation, and Members of the legislature established a working group to confer with the Master on making recommendations for the transition to state funding, which resulted in *The Interim Report of the Master*; and

WHEREAS, this interim report was docketed on July 30, 1997 and recommended a phased transition for moving county employees of the court system to state employment, but this process has not been completed and the Commonwealth still has not fully assumed its established duty of funding the various Courts of Common Pleas; and

WHEREAS, throughout the course of and at all times since this litigation, Allegheny County has maintained responsibility for funding the Allegheny County Court of Common Pleas; and

WHEREAS, since the Supreme Court reaffirmed the unconstitutionality of requiring the counties to fund their Courts of Common Pleas in 1996, Allegheny County has expended roughly \$488.2 million of the County's revenues in funding the Court of Common Pleas;

NOW, THEREFORE, IT IS MOVED that the Council hereby requests that the Chief Executive instruct the County Solicitor to research and otherwise investigate the possibility of pursuing a legal remedy against the Commonwealth of Pennsylvania in order to recover any revenues that may be due to the County as a result of continuing County funding of the state's court system; and

IT IS FURTHER MOVED that the Council hereby expresses its support for Pennsylvania's various counties to once again seek the assistance of the Pennsylvania Supreme Court in implementing its decisions regarding funding the Courts of Common Pleas dating back to 1987, and directs that copies of this motion be forwarded to the County Commissioners Association of Pennsylvania; and

IT IS FURTHER MOVED that the Council hereby urges the General Assembly to immediately act to implement the Pennsylvania Supreme Court's prior orders and directs that copies of this motion be forwarded to the Allegheny County delegates to the Pennsylvania House of Representatives and Senate.

PRIMARY SPONSORS: COUNCIL MEMBER DROZD and VICE PRESIDENT MARTONI

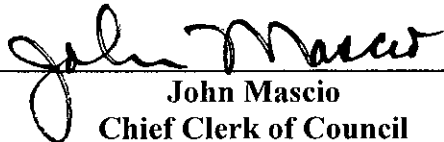
In Council December 4 2007.

Read and Approved.



Rich Fitzgerald
President of Council

Attest:


John Mascio
Chief Clerk of Council