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April 22, 1996

The Honorable Robert C. Bradley  
Presiding Judge  
Ventura County Superior Court  
800 South Victoria Avenue  
Ventura, CA 93009

Dear Judge Bradley:

We have received the 1995/96 Ventura County Grand Jury's 2nd Interim Final Report regarding the Allocation of Proposition 172 Tax Funds. The report requires a response from the Auditor-Controller with respect to recommendations 1, 2, and 3.

Under state law (SB 509), Public Safety funds are available only for public safety services, and such services are defined as follows: "...includes, but is not limited to, sheriffs, police, fire protection, county district attorneys and county corrections...[Public Safety services] does not include courts." Also, through AB 2788, the State introduced a "maintenance of effort" requirement, using the 1992/93 fiscal year as the base year. This differs from our local initiative/ordinance which uses a base of "...the amount set forth in the Administrative Office Recommended Budget for 1994-95..." for calculation purposes, and restricts Proposition 172 funding to the following five departments: District Attorney, Sheriff, Correction Services Agency, Public Defender, and Fire District.

The Honorable Robert C. Bradley  
April 22, 1996  
Page 2

Upon review, it appears all three recommendations made by the Grand Jury deal with the legal issues of Proposition 172 and the local initiative/ordinance. Changes to the interpretation of these legal issues may change the financial position of the County. However, at this time it is not possible to determine what this impact would be.

Sincerely,

THOMAS O. MAHON  
Auditor-Controller

TOM:akr:0821

c: Honorable John K. Flynn  
Honorable Maggie Kildee  
Honorable Susan K. Lacey  
Honorable Judy Mikels  
Honorable Frank Schillo, Chair  
Honorable Larry Carpenter, Sheriff  
Honorable Michael Bradbury, District Attorney  
M. L. Koester, Chief Administrative Officer  
James L. McBride, Esq., County Counsel  
Kenneth I. Clayman, Public Defender  
Frank C. Woodson, Corrections Services Agency  
James E. Sewell, Fire Chief  
Marty Robinson, CAO