JUDICIAL FINANCE COMMISSION

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O R D E R

In re: Circuit Court Budget of the 21st Judicial Circuit of the State of Missouri

St. Louis County, Missouri, et al., Petitioners, vs. Judicial Circuit No. 21, St. Louis County, et al., Respondents.	No. 87-0015
and	
St. Louis County, Missouri, et al., Petitioners, vs. Judicial Circuit No. 21, St. Louis County, et al., Respondents.	No. 88-0019

I, Byron L. Kinder, Acting Chairman of the Judicial Finance Commission of the State of Missouri, certify that the attached opinion is a full, true and complete record of the decision of the Judicial Finance Commission, entered of record on the 11th day of May, 1988, in the above styled cause(s).

Given under my hand this 11th day of May, 1988.

Byron L. Kinder, Acting Chairman

JUDICIAL FINANCE COMMISSION

STATE OF MISSOURI

ST. LOUIS COUNTY, MISSOURI, et al., Petitioners,	)	
vs.	)	NO. 87-0015
JUDICIAL CIRCUIT NO. 21, ST. LOUIS COUNTY, et al., Respondents.	)	

and

ST. LOUIS COUNTY, MISSOURI, et al., Petitioners,	)	
vs.	)	NO. 88-0019
JUDICIAL CIRCUIT NO. 21, ST. LOUIS COUNTY, et al., Respondents.	)	

STATEMENT OF THE CASES, FINDINGS OF FACT,

CONCLUSIONS OF LAW AND DECISION

The Circuit Court of St. Louis County submitted its budget request for the year 1987 to the appropriate county officials. On December 19, 1986, the 1987 budget ordinance was approved. By letter of January 12, 1987, the circuit court informed the St. Louis County Council that the circuit court did not accept the

approved amounts for out of-town travel for the associate circuit judges and the amounts approved for a security system requested by the circuit court. The disputed amounts appear not to have been included in the county's approved budget. The county's budget year is on a calendar year basis. State v. St. Louis County, 603 SW 2d 545 (Mo. banc 1980).

On May 27, 1987, the county filed a petition for review with this commission. The petition was assigned No. 87-0015. On June 2, 1987, the parties contacted the chairman of the commission and requested that the commission not act in hopes that the parties could resolve the dispute. On December 7, 1987, the commission received a letter from the Honorable B. C. Drumm, Jr., presiding judge of the the Circuit Court for St. Louis County, requesting that he be advised of the status of the petition. On January 8, 1988, a settlement conference was held with commissioners McBride and Huckstep. At this conference the parties resolved their dispute concerning the out-of-town travel amount. There was no resolution of the security issue. Because of the continued dispute, a hearing was scheduled for February 9, 1988.

The Circuit Court for St. Louis County submitted its budget request for the year 1988 to the appropriate county officials. On December 18, 1987, the 1988 budget ordinance was approved. The ordinance included items disputed by the circuit court except for approximately $200,000.00 to be used for security improvements. By letter of December 23, 1987, the circuit court informed the St. Louis County Council that the circuit court

objected to the reduction in its budget request with respect to the security improvements. The disputed amounts appear not to have been included in the county's approved budget.

On January 4, 1988, the county filed a petition for review with this commission. The petition was assigned No. 88-0019. At the hearing held in No. 87-0015 on February 9, 1988, the parties stipulated that the commission could join No. 87-0015 and No. 88-0019 together and apply the same evidence presented at the hearing to both disputes as the dispute in each year was identical. It was also agreed that the 1987 budget year had expired.

The parties are in essential agreement that improvements in security in the Courts Building must be made. The county has been atttentive to the problem and has undertaken various studies in an effort to devise what it believes are necessary improvements. Likewise, the circuit court has undertaken studies and devised a plan it desires to implement with the $200,000.00 it has included in the budget, which amount is the subject of the dispute.

> Section 476.270, RSMo 1986, provides that "[a]ll expenditures accruing in the circuit courts ... shall be paid out of the treasury of the county in which the court is held...."
>
> Under judicial interpretation of this provision "expenditures" means lawful expenditures, defined as follows:
>
> 1. Those the General Assembly has fixed by statute or absolutely reposed in the court's discretion.

> 2. Those the local government unit ... which is required to provide the funds to meet such expenditures, may have authorized previously, with or without request.
>
> 3. Those reasonably necessary for the court to carry out its functions.

In re 1984 Budget for Circuit Court, 687 SW 2d 896, 899 (Mo. banc 1985)(citation omitted).

The county has urged the commission to find that the amount budgeted by the court is unreasonable because the specific plan adopted by the circuit court is not reasonably necessary. The county's position misapprehends the scope of the commission's authority. Section 50.640, RSMo 1986, provides that if a petition for review is filed with this commission "the circuit court shall have the burden of convincing the judicial finance commission that the amount estimated by [the court] ... is reasonable." (Emphasis added). In assessing the reasonableness of the budget request, the commission is to consider:

> the expenditures necessary to support the circuit court in relation to the expenditures necessary for the administration of all other county functions, the actual or estimated operating deficit or surplus from prior years, all interest and debt redemption charges, all capital projects expenditures, and the total estimated available revenues from all sources available for financing the proposed budget expenditures.

It is clear that § 50.640, RSMo 1986, limits the commission's review to whether the court's request is economically reasonable, i.e., is the amount requested economically reasonable when compared to the other economic factors included in the

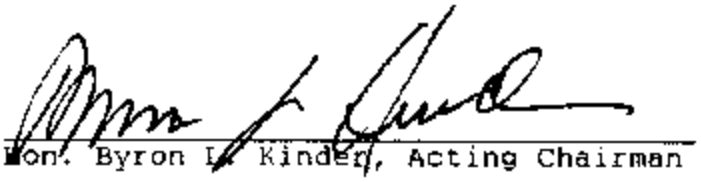
statute for the commission's consideration? In this case the attorney for the county, with commendable candor, stated the county was not contending that the disputed budget item cost too much money or that the county did not have the money to fund the budget item. In fact, at the beginning of 1986 the county had a balance on hand of all cash funds of $98 million, at the end of 1986 this amount had increased to $144 million.

The commission appreciates the expressed willingness of both parties to continue discussion as to the means to achieve their joint end - to increase security in the Courts Building for all those required to use the building. The commission encourages continued discussion but necessary measures must begin to be taken. The amount requested by the court is reasonable under the criteria of § 50.640, RSMo.

Finding the budget request of the court to be reasonable, it should be noted that the petition filed in No. 87-0015 might properly have been dismissed. Rule 9.05 of the commission requires a petition to be filed at least thirty days before the beginning of the county's fiscal year in question. As previously noted the petition in No. 87-0015 was not filed until May 27, 1987. No good cause is shown for the delay in filing. In addition, contrary to § 50.640, RSMo 1986, the budget estimates of the court were not included in the county budget. However, given that the 1987 budgt year has ended, the petition is denied as moot.

With respect to the petition filed in No. 88-0019, it appears to have been filed promptly, although not in strict compliance with Rule 9.05. Nevertheless, the county again failed to include the court's budget estimates in the budget as required by § 50.640, RSMo. The failure to include the disputed item in the budget warrants dismissal of the petition in No. 88-0019. Nevertheless, the parties have stipulated that if the commission found that the budget items in dispute are reasonable, as we have done, the amount would be made available to the circuit court in the current budget year.

Dated this 11th day of May, 1988



Hon. Byron L. Kinder, Acting Chairman

Hon. Stanley Grimm
Hon. John M. Yeaman
Hon. Floyd McBride
Hon. Gene Huckstep
Hon. H.C. Compton
Hon. Eldon Hixson