BEFORE THE JUDICIAL FINANCE COMMISSION
STATE OF MISSOURI

IN RE: Circuit Court Budget of the 18th Judicial Circuit of the State of Missouri	)	
COOPER COUNTY COMMISSION,	)	
Petitioner(s),	)	Case No. 01-0059
Vs.	)	
EIGHTEENTH JUDICIAL CIRCUIT, Hon. Donald Barnes, Presiding Judge Hon. Kenton G. Askren, Associate Circuit Judge	)	
Respondent(s).	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

This matter comes before the Judicial Finance Commission upon a Petition filed March 12, 2001, by Cooper County, Petitioner herein, against the Circuit Court for the 18th Judicial Circuit, Respondent. Petitioner seeks a determination as to whether it is required to provide for the salary of a deputy juvenile officer for the second half of the 2001 budget year. This position was funded by a state grant for the first half of the 2001 budget year, but the grant is due to expire on or about June 30, 2001, and Respondent had proposed Petitioner pay the salary for the second half of the 2001 budget year. Petitioner filed its Petition for Review, contesting the reasonableness of the funding of this salary in the amount of $16, 795.80 for the second half of budget year 2001.

On April 23, 2001, the parties filed a Waiver of Settlement Conference and Hearing.

On that same date, the parties agreed to and executed a written Stipulation, setting out certain facts that might be relied upon by the Judicial Finance Commission in disposing of this matter. The parties were additionally asked, if they so chose, to prepare a Memorandum of Law discussing their disputed issue(s) in light of this Commission's previous holding in *Stone County Commission v. Thirty-Ninth Judicial Circuit*, Case No. 99-0054.

Petitioners filed their Memorandum of Law on May 7, 2001 and respondents filed their Answer to Petitioner's Memorandum of Law on May 15, 2001.

Pursuant to Section 477.600 (5)(2), RSMo, 2000, this Commission is required to issue a written opinion to address the reasonableness of the circuit court budget request.

Pursuant to the aforementioned Stipulation, the parties agreed that the 2001 juvenile court budget include provisions for juvenile court personnel salaries, specifically the salary of deputy juvenile officer Colycott's position for the last half of the year. The parties agreed that the appropriate annual "maintenance of effort funding" amount for Petitioner is $16, 795.80. The parties further agreed that the Petitioner approved the portion of the 2001 juvenile court budget appropriating moneys to the juvenile court and one-half of the "maintenance of effort funding" and rejected, as unreasonable, the remainder of said salary payable after June 30, 2001.

The parties further agreed during previous budget years, the salary of deputy juvenile officer Colycott's position was paid from grant moneys obtained from the Division of Youth Services of the Missouri Department of Social Services. The parties agreed that Petitioner is solvent, has adequate financial reserves and revenue and the amount of funds in question will not affect the Petitioner's budget to its benefit or detriment.

The Commission decides that there are no controverted areas of material fact dividing the parties, and concludes that the issues before the Commission are questions of law that can be decided by the Commission without the necessity of a formal hearing in this matter.

The Commission concludes that it has jurisdiction to hear and decide this matter. The Petitioner, as the governing body of Cooper County, deemed the budget estimate of the Respondent to be unreasonable, and properly filed a petition for review with the Judicial Finance Commission pursuant to Section 50.640, RSMo, 2000, and the Commission now so rules.[1]

In 1998, House Bill 971 was enacted by the Second Regular Session of the 89th General Assembly, now codified in Section 211.393.6, RSMo Supp. 2000 and it involves the interpretation and application of the "maintenance of effort funding" provisions contained in said section.

Petitioner alleges that as a result of the enactment of HB 971, a county in a multi-county circuit cannot be required to pay salaries for juvenile court personnel. Thus, Petitioner seeks a determination that it is not obligated to pay the sum of $16,795.80 for the second half of budget year 2001 ending on June 30, 2001 and deems that portion of the proposed budget to be unreasonable pursuant to Section 50.640.2, RSMo, 2000.

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[1] The Commission notes that as part of its filing entitled Respondent's Answer to Petitioner's Memorandum of Law, Respondents have incorporated by reference, its Answer previously filed in an identical case in April, 2000. Consequently, this Commission shall also refer to the identical issues previously raised by these same parties last year in *In re: Cooper County Commission v. Eighteenth Judicial Circuit*, Case no. 2000-0058.

Respondent argues that a distinction, and thus, an exception exists in its request for funding of a grant-funded juvenile court employee, since such position was never a "pure" county paid position. Additionally, Respondent argues the County has established a precedent on which the Court relied in matters of personnel funding from grant sources, and by accepting the grant funds from the Division of Youth services, it has also accepted the responsibilities along with the benefits of such funds now in controversy.

The Commission concludes that the "maintenance of effort funding" required by Section 211.393.6, RSMo 2000 is a minimum level of funding required of each affected county. The Commission concludes in the present action and consistent with our previous holding in *Stone County v. Thirteenth Judicial Circuit* that a grant position does not create an applicable exception and is not "outside" of the scope of this decision. As such, Deputy Juvenile Officer Colycott's position funding request for the second half of budget year 2001 is unreasonable.[2] As previously stated in *Stone County*:

> "To require a county to pay "personal services" related expenditures would frustrate the intent of HB 971, which was to relieve the counties of the growth in the personal services portion of the counties' juvenile court budgets while requiring counties to continue to provide the same amount of funding for juvenile court operations."

The Commission, therefore, reduces by $16,795.80 the juvenile court budget estimates submitted by the Circuit Court.

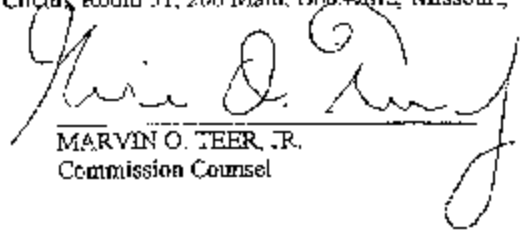
Given under my hand this 8th day of June, 2001.

The Honorable Robert G. Dowd, Jr., Chair

The Honorable Byron L. Kinder, Vice Chair
The Honorable Edith Louise Messina
The Honorable David Lee Vincent III
The Honorable Gerald Jones
The Honorable Marshall Pile
The Honorable David Coonrod

[2] Respondents argue as a matter of equity and fairness that Cooper County is responsible for funding this position. The Commission makes note that while it is sensitive to the need for such services as are provided by the deputy juvenile officer in question and to the dilemma that this matter has created for such grant funded positions, we are constrained to follow the law and such precedent it has established.

I hereby certify that copies of the foregoing Findings of Fact, Conclusions of Law, and Decision were mailed by certified mail, return receipt requested, this 8th day of June, 2001, to William McCullah, 221 Main Street, Forsyth, Missouri, 65653, attorney for petitioners; The Honorable Donald Barnes, Presiding Judge, 18th Judicial Circuit, 415 South Ohio, Sedalia, Missouri, 65301, respondent; and The Honorable Kenton G. Askren, Associate Circuit Judge, 18th Judicial Circuit, Room 31, 200 Main, Boonville, Missouri, 65233, respondent.



MARVIN O. TEER, JR.
Commission Counsel