JUDICIAL FINANCE COMMISSION

POST OFFICE BOX 150
JEFFERSON CITY, MISSOURI
65102
(314) 751-4144

O R D E R

In re 1989 Buchanan County Budget Dispute

Buchanan County Commissioners, et al., Petitioners,	)	
vs.	)	Cause No. 89-0030
5th Judicial Circuit, et al., Respondents.	)	

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 26 day of July, 1989, in the above styled cause.

Given under my hand this 26 day of July, 1989.

Byron L. Kinder, Acting Chairman

STATE OF MISSOURI
JUDICIAL FINANCE COMMISSION

In re 1989 Buchanan County Budget Dispute

Buchanan County Commissioners, et al., Petitioners,	)	
vs.	)	Cause No. 89-0030
5th Judicial Circuit, et al., Respondents.	)	

STATEMENT OF THE CASE, FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION

This matter appears before the Judicial Finance Commission upon a petition filed on January 31, 1989, by Buchanan County, Petitioner herein, seeking determination that the County is not legally obligated to provide the funds for salary increases within the juvenile budget as requested by the Circuit Court.

Pursuant to § 50.640, RSMo 1986, a settlement conference was held on March 3, 1989, at the Buchanan County Courthouse, St. Joseph, Missouri, with Judicial Finance Commission members Yeaman and Hixson in attendance. The issues were not resolved and a hearing was subsequently held in Jefferson City on June 5, 1989.

The County objects to the inclusion in the juvenile budget of salary increases for some employees in the juvenile office and the children's home. In dispute are raises in the amount of

$6,900.00 for the juvenile office and $6,100.00 for the children's home, a total of $13,000.00. While admitting that money is not the problem, the County contends that in order to be fair to everyone who works for the County, there is no reason for juvenile department employees to receive raises when other employees do not. The County maintains that the operation of the juvenile office and children's home will not be "hampered" if the Court's request is not approved.

The County's position misapprehends the scope of the Commission's authority and the burden of proof which rests on the Court. The Court need not establish that the juvenile office has been injured by failure to fund the requested salary increase. Section 50.640, RSMo 1986 requires only the item in dispute be reasonable.

Section 50.640 provides that if a petition for review is filed with the Commission "The Circuit Court shall have the burden of convincing the Judicial Finance Commission that the amount estimated by [the court] ... is reasonable." Case law has delineated these expenditures which can be considered "lawful" or reasonable:

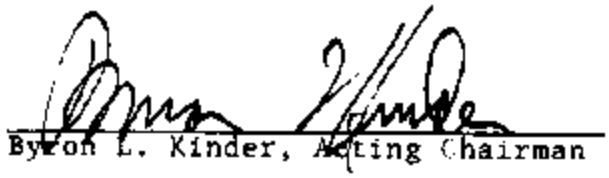
> 1. Those the General Assembly has fixed by statute or absolutely reposed in the Court's discretion.
>
> 2. Those the local government unit ... which is required to provide the funds to meet such expenditures, may have authorized previously, with or without request.
>
> 3. Those reasonably necessary for the Court to carry out its functions.

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

The Court alleges that it cut its original budget proposal of $30,000.00 to $13,000.00, in an attempt to show its good faith effort to work with the County. In doing so, raises were requested only for supervisors or employees with administrative responsibilities or extra duties. The undisputed facts, as presented at the hearing, indicate the heavy caseload and large number of referrals the juvenile department handles. We find that the Court has carried its burden of proof as to the reasonableness of the requested salary increases.

It is the decision of this Commission that Petitioner Buchanan County is obligated to fund the raises for the employees in the juvenile office and the children's home as requested by the Court.

Dated this 26 day of July, 1989



Byron L. Kinder, Acting Chairman

Hon. Robert C. Dowd, Chairman
Hon. John M. Yeaman
Hon. Floyd McBride
Hon. Gene Huckstep
Hon. Gerald Ohlms, Alternate
Hon. Eldon Hixson