JUDICIAL FINANCE COMMISSION

STATE OF MISSOURI

In re Circuit Court Budget of the 10th Judicial Circuit of the State of Missouri

Monroe County, David L. Utterback Paul Quinn, Russell Wolfe, Petitioners,	)	
vs.	)	Cause No. 89-0036
Ronald R. McKenzie, Circuit Judge, 10th Judicial Circuit, Respondents.	)	

DECISION

This matter appears before the Judicial Finance Commission upon a petition filed January 30, 1989, and amended June 26, 1989, by Monroe County, Petitioners herein. Petitioner is seeking determination that the County is not legally obligated to provide for any of the disputed budget items pertaining to the Juvenile Justice Center, as requested by the Circuit Court.

Pursuant to Section 50.640.2 RSMo 1986, a settlement conference was held on March 16, 1989, at the Missouri Supreme Court, Jefferson City, Missouri, with Judicial Finance Commission

members McBride and Compton in attendance. The issues were not resolved. The parties attempted further negotiations for several weeks, but were unable to reach a settlement. A hearing was subsequently held at the Missouri Supreme Court on August 18, 1989.

This dispute centers around the Juvenile Justice Center which is located in Hannibal, and serves Marion and Ralls Counties as well as Monroe. Based on the size of its population, Monroe County pays 20.56% of the overall operating budget. Monroe County specifically objects to an increase in the salary of the Juvenile Officer in the amount of $6,000.00, and funding for the position of Assistant Juvenile Officer. Additionally, the County objects that expenses for the Juvenile Justice Center were not generally reduced to a reasonable amount.

The issues before us are complicated by the existence of four budgets or budget proposals, only the second of which was ever signed by both parties. (The County is currently operating under the fourth or last budget.) Furthermore, the status of the detention facility which accounts for a significant portion of the expense of operating the Juvenile Justice Center was uncertain throughout the creation of the various budgets. At one time the facility was operating on a limited basis. At another point there was talk of increasing revenues by contracting with other circuits to house their juveniles. Ultimately, the

facility was closed, and the Court entered into a contract which provided for the housing of juveniles from the tenth circuit at the St. Louis City Detention Facility. The parties disagree as to how the budget reflects the state of the detention facility.

The County contends that the requested $6,000.00 raise for the Juvenile Officer is unreasonable in light of the smaller raises given to other county employees. We disagree. Evidence was presented which indicated that due to his vast responsibilities, his commensurate experience and graduate degree, the requested raise is reasonable. Moreover, this raise was agreed to by both parties in the second budget and requested again in the third budget.

With respect to the funding for the Assistant Juvenile Officer that position has been filled for many years. While not conclusive, there is a presumption favoring previously approved budget items of the Court. See State Ex Rel Judges V. City of St. Louis, 494 SW 2d 39 (Mo. Banc 1973) and In Re 1979 Budget of the Juvenile Court of St. Louis County, 590 SW 2d 900, (Mo. Banc 1980). Although we do not necessarily agree that the position is warranted, there was insufficient evidence to show that it was not reasonable.

The County maintains that in light of the fact that the Court has ordered the closing of the detention facility, the budget, in general, is not reasonable. A number of items have

increased over the amount requested in the second budget when the detention facility was still operating. The Court argued to the contrary that the second budget was presented with the premise that the detention center would be closed, and that regardless of the status of the detention facility, many expenses such as utilities remain fixed.

The Court has the burden of convincing this Commission that the amounts estimated by it and included in the budget are reasonable. Section 50.640 RSMo. Based on the evidence presented at the hearing, we are unable to ascertain the unreasonableness of this budget. With respect to the expenditures delineated, the Court has proved their reasonableness only to the extent that they are set forth in the second budget.

Lastly, the County contends that the circuit judge is not entitled to the attorney fees incurred in the dispute at hand. Since attorney fees were not provided for in the budget, we are not in a position to approve them here. We do find, however, that the amount requested for such fees is reasonable and is therefore a proper item to submit in next year's budget or any subsequent budget.

It is the decision of this Commission that Petitioner Monroe County is obligated to fund the position of Assistant Juvenile Officer and the $6,000 salary increase for the Juvenile Officer.

It is further decreed that Petitioner is obligated to fund

the various items included in the budget which pertain to the expenses of the Juvenile Justice Center, but only to the extent that they are provided for in the second budget. The County is not obligated to pay attorney fees at this time.

Given under my hand this 9th day of November, 1989.

The Honorable Robert G. Dowd, Chairman

The Honorable Byron L. Kinder
The Honorable John M. Yeaman
The Honorable H. C. Compton
The Honorable Marshall Pile
The Honorable H. C. Caster