

ADAIR COUNTY COMMISSION MINUTES WEDNESDAY, OCTOBER 15, 2014

Continued from page 499

court budget request asked that money be appropriated from the general revenue of the counties. But, in this case, the Commission finds that the circuit's request is unreasonable because of another source of available funding.

The 2nd Judicial Circuit operates the Normile Juvenile Justice Center, which can house up to 14 juvenile detainees and up to 16 children in the residential portion of the facility. The three counties in the 2nd Judicial Circuit had an unwritten agreement that their payments toward maintenance of effort would be used to discharge the indebtedness on the juvenile justice center. Title to the center, however, is held in the name of Adair County, where it is located. Many different entities outside the circuit have used the center for the housing of juveniles. Some of these juveniles are not being detained but, rather, are being housed due to their having been subjected to abuse or neglect. Surprisingly, the parties have not been able to provide the Commission with any agreement as to how the revenues and expenses of the juvenile justice center were to be handled by the three counties and the circuit. The juvenile center has historically generated revenue. These revenues have not been returned to general revenue. Thus, over the years, there have accumulated reserves, at times totaling over \$500,000. These funds are held by the treasurer of Adair County, which provides administrative oversight of the juvenile justice center. The circuit has claimed that the funds are needed for two reasons: (1) to pay for repairs that the center may immediately require,

5

and (2) to provide a "float" or reserve because the paying users of the center often make payment on a delayed basis. Even if those circumstances are true, the circuit does not assert that the current balance (approximately \$480,000.00) is needed for these purposes. Further, the right of the circuit to retain these funds from year-to-year is circumscribed.

In *Cape Girardeau County et al., vs. Circuit Court of the 32nd Judicial Circuit of Missouri*, Case No. 01-0061 (2002), the Commission held:

"The MOE (maintenance of effort) is the starting point of each participating jurisdiction's juvenile budget and it is a minimum level of funding for the affected juvenile court for each new year. Any unexpended balances, unless designated for some project or expense, should be returned to general revenue at the end of each fiscal year." (Emphasis added.)

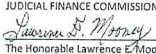
Here the Commission finds no evidence that the counties and circuit have agreed that the excess revenues generated by the juvenile center may accumulate from year-to-year without limit.² If the circuit reasonably requires funds for its judicial activities, its request should be addressed to this fund and not to the general revenue of the counties.

²The only document proffered by any party to address these reserves was offered by the circuit. This undated document does provide that certain expenses and reimbursements will flow through the account. It does not, however, allow the fund to retain these funds for some designated project or expense.

6

Based on the record and the memoranda of the parties and in light of the factors set out in section 50.640.2, the Commission finds the 2014 circuit court budget requests to Adair and Lewis Counties to be unreasonable.³

Dated this 15th day of October, 2014.

JUDICIAL FINANCE COMMISSION

 The Honorable Lawrence E. Mooney, Chair
 The Honorable Karen M. Miller
 The Honorable Rachel Bringer Shepherd
 The Honorable Paul Koeper
 The Honorable Eva Danney
 The Honorable David Evans
 The Honorable John J. Riley

³The Commission overrules all pending motions, including the motion to dismiss, as moot. The Commission also orders attorney's fees incurred by the circuit to be paid by the counties.

7

Continued on page 501

ATTEST: Sandra Collop
County Clerk

Stanley Roberts
Presiding Commissioner