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VIRLYNN TINWELL
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

IN THE MATTER OF:	)	
	)	
THE APPOINTMENT OF MEMBER	)	**ADMINISTRATIVE ORDER**
TO THE FOSTER CARE	)	**99-42**
REVIEW BOARD	)	
	)	

WHEREAS, Tracy Macis has resigned from Mohave 01 Foster Care Review Board because of health reasons, there is a vacancy on Mohave 01 Foster Care Review Board;

IT IS ORDERED that Joan Schipper be appointed to serve on the Mohave 01 Foster Care Review Board from July 22, 1999 to the third Monday of January, 2001.

DATED this 27th day of July, 1999.

Hon. James E. Chavez, Presiding Juvenile Court Judge
Mohave County Superior Court

Original filed with the Clerk of the Superior Court in Mohave County.

FILED
TIME 4:40 PM
AUG 11 1999
VIRLYNN TINNELL
CLERK SUPERIOR COURT
BY: Tinnell DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

IN THE MATTER OF: ORDER MANDATING THE MOHAVE COUNTY BOARD OF SUPERVISORS TO ALLOCATE ADDITIONAL FUNDS FOR MOHAVE COUNTY JUDICIAL BRANCH OPERATIONS	ADMINISTRATIVE ORDER 99-43

The Mohave County Board of Supervisors ("Board of Supervisors") adopted a fiscal year 1999-2000 budget for Mohave County ("the Budget") on Monday, August 9, 1999. In the Budget, the Board of Supervisors has allocated insufficient funds for the operation of the judicial branch in Mohave County.

The judicial branch diligently has followed all relevant procedural steps in its attempt to obtain necessary funding from the Board of Supervisors. Indeed, the judicial branch has gone to extraordinary lengths to highlight its plight and to demonstrate to the Board of Supervisors why additional funds should be allocated for Court operations. Those efforts have been unsuccessful.

On June 30, 1999, the Board of Supervisors tentatively adopted the proposed FY1999-2000 budget submitted by the County Manager for the Superior Court. The recommended allocation was $1,905,326. This represents a cut of $209,347 -- approximately 10% -- from the baseline set by the Mohave County Finance Department for

the Superior Court's FY1999-2000 budget, and a reduction of $230,147 -- approximately 11% -- from the Superior Court's FY1998-1999 appropriation. On behalf of the entire judicial branch, the Superior Court made a presentation to the Board of Supervisors on June 30 (both in written and oral form), but to no avail; the Board of Supervisors did not alter the County Manager's original recommendation of funds for any of the courts and/or court departments.

One week later, prior to the adoption of the tentative Budget by the Board of Supervisors on July 9, 1999, the Superior Court again provided written justification for its request for increased funds. Again, the request went unheeded.

Finally, on August 6, 1999, the Superior Court once again requested that the Board of Supervisors reconsider its decision and allocate additional funds for all judicial operations in Mohave County; the Board of Supervisors ignored that request. As a result, the judicial branch has no remedy but to order the Board of Supervisors to increase the funding for judicial branch operations.

I. Background.

The following principles of law are unquestioned:

- The judicial branch of government is and must remain an independent and autonomous branch of government.
- The Supreme Court, such intermediate appellate courts as provided by law, the superior court, and justice courts all are part of an integrated judicial department in the State of Arizona.[1]
- The presiding judge in each county is vested by the Arizona Supreme Court with administrative responsibility for all courts in the county, be they the

[1] Arizona Constitution, Article 6 § 1.

superior court or justice courts, along with the operation of the clerk of court and other operations necessary for the administration of justice.[2]

- The presiding judge has authority to order that additional funds be provided to support the court system so long as such order is not arbitrary, capricious, or unreasonable.[3]

It is on the authority of these principles that the following order is entered.

II. Specific Budget Examples.

The Court has reviewed each of the specific line items set forth in Exhibit A. The Court finds that each line item is reasonable and is related to the effective administration of justice in Mohave County. It is therefore Ordered that each specific line item be funded as enumerated.

It is not necessary for the purposes of this Administrative Order to identify the rationale behind each specific line item. In written budget proposals, oral testimony, and correspondence, the judicial branch has identified adequate support for each line item. Further, the Court finds that each line item is properly charged to the County, either under law, specific statute, or the general statutory responsibility of the County to fund the superior and justice courts. It also should be noted that the Superior Court has reduced its request $260,452 from the original requested amount.

The Court will address a few of the larger Superior Court line items in this Order.

One of the most important aspects of this Administrative Order relates to the implementation of a court security program. The Mohave County courts are currently left largely defenseless in this age of increasing violence. The Courts are not willing to tempt fate with the lives and safety of Mohave County citizens. The Courts will hire two court security officers for the Mohave County Courthouse; arrange for contract security services

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2 Supreme Court Administrative Order 96-32.

3 *See, e.g., Mann v. County of Maricopa,* 104 Ariz. 561 (1969), and its progeny.

for the Justice Courts in Bullhead City, Kingman, and Lake Havasu City; and install appropriate security equipment in all Court facilities. The total cost to implement this security program is approximately $232,000.

A second aspect relates to personnel issues. More than one year ago, the Superior Court established a separate merit system for judicial employees in Mohave County. The Superior Court desired to hire a personnel manager and a secretary to oversee and implement this merit system, which the Court deemed necessary to protect and ensure the independence of the court system in Mohave County. After much deliberation, the Court and the Board of Supervisors agreed through resolution that the Court could retain such staff to be paid out of the Superior Court's budget. Shortly thereafter, however, the Board of Supervisors slashed the Courts' budget -- and the funds for this position. The Court has determined that a personnel manager is necessary to ensure that the Court is capable of attracting and retaining employees necessary to administer justice effectively in Mohave County. Expenditures relating to all additional personnel functions requested amount to approximately $127,000.

Further, funds are necessary to open and operate an additional pod of the new juvenile detention center. The facility is nearly completed, but insufficient funds have been allocated to operate it. Approximately $161,000 is ordered to fund the opening and operation of an additional pod, which the Court deems necessary to dispense justice in Mohave County and to provide for the safety of Mohave County citizens.

Additional aspects relate to expenses necessary to implement responsibilities imposed upon the Mohave County Court System by state law. For instance, the Superior Court entered into a contract with seven private attorneys to provide mandatory legal services to indigents in juvenile dependency cases. That two-year contract is unlikely to be renewed in FY2000 without additional funding. Thus, to provide these mandated services,

an additional allocation of approximately $37,000 is required. Additionally, Court-ordered investigations, which are also mandated by Arizona law, are estimated to cost approximately $12,000 more than the allocated amount. These costs are mandated by state law and must be funded.

Remaining line items are identified and summarized in the attached Exhibit A.

III. Conclusion.

Having exhausted all appropriate procedural opportunities to present these issues to the Board of Supervisors, and having been rebuffed at every point, the Court, acting under its authority as provided by the Arizona Constitution and Arizona Supreme Court Administrative Order 96-32, which allows for the oversight of the administration of justice throughout Mohave County, hereby Orders the Board of Supervisors, through the County Manager, along with those subject to their supervision and control, to increase funding to the judicial branch in Mohave County by $867,234 in accordance with the summaries set forth in Exhibit A and as provided through supportive administrative orders set forth in Exhibit B.

IT IS SO ORDERED this 11th day of August, 1999.

Honorable Gary R. Pope
Presiding Judge
Superior Court in Mohave County

ORIGINAL filed with the Clerk of Superior Court in Mohave County this 11th day of August, 1999.

STATE OF ARIZONA
COUNTY OF MOHAVE } ss:

I, VIRLYNN TINNELL, Clerk of the Superior Court of the State of Arizona in and for the County of Mohave do hereby certify the foregoing to be a full, true and correct copy of the original on file in my office.

WITNESS my hand and seal of said Court this 11 day of August 19 99

Clerk/~~Deputy Clerk~~

EXHIBIT A

MOHAVE COUNTY COURT SYSTEM

FY 2000 BUDGET SUMMARIES

MOHAVE COUNTY COURT SYSTEM
FY 2000 BUDGET SUMMARY

COURT DEPARTMENT	ADDITIONAL AMOUNT TO BE FUNDED
Superior Court	$ 501,941
Clerk of Superior Court's Office	$ 49,571
Justice Court Administration	$ 940
Bullhead City Justice Court	$ 22,245
Kingman-Cerbat Justice Courts	$ 98,210
Lake Havasu City Justice Court	$ 29,271
Moccasin Justice Court	$ 4,146
Juvenile Detention	$ 160,910
TOTALS	$ 867,234

SUPERIOR COURT IN MOHAVE COUNTY
FY 2000 BUDGET SUMMARY

Budget Category	Adopted	Revised Requested	Additional Amount to Be Funded
Personnel	1,199,928	1,452,870	252,942
Supplies	32,811	30,900	(1,911)
Other Changes	654,586	839,850	185,264
Capital	20,404	86,050	65,646
TOTAL	1,907,729	2,409,670	501,941

SUPERIOR COURT IN MOHAVE COUNTY
FY 2000 BUDGET SUMMARY
ADDITIONAL AMOUNT TO BE FUNDED
BY LINE ITEM

ACCOUNT			ADDITIONAL AMOUNT TO BE FUNDED
401.10	Salaries/Wages	$	196,796
401.90	Market Adjustment		32,150
402.00	Employee Benefits		23,996
TOTAL PERSONNEL SERVICES			**252,942**
411.50	Data Processing Supplies		(1,678)
413.90	Miscellaneous Repair Supplies		(233)
TOTAL SUPPLIES			**(1,911)**
431.10	Legal Services		36,832
1.55	Mental Health Services/Examinations		800
431.80	Training Costs		5,192
431.90	Other Outside Services		8,099
431.92	Security Services		105,450
432.30	Postage		3,800
439.60	Repairs/Maintenance-Buildings		7,191
439.70	Grounds Maintenance		5,500
479.10	Court Costs/Investigations		12,200
479.13	Court Reporter Services-Courts		200
TOTAL OTHER CHARGES AND SERVICES			**185,264**
485.45	Library Books		22,146
485.95	Security Equipment		43,500
TAL CAPITAL OUTLAY			**65,646**
TOTAL		**$**	**501,941**

CLERK OF SUPERIOR COURT'S OFFICE
FY 2000 BUDGET SUMMARY

Budget Category	Adopted	Revised Requested	Additional Amount to Be Funded
Personnel	750,378	791,139	40,761
Supplies	15,702	17,412	1,710
Other Changes	74,553	79,653	5,100
Capital	500	2,500	2,000
TOTAL	841,133	890,704	49,571

JUSTICE COURT ADMINISTRATION OFFICE
FY 2000 BUDGET SUMMARY

Budget Category	Adopted	Revised Requested	Additional Amount to Be Funded
Personnel	70,331	70,331	0
Supplies	500	500	0
Other Changes	5,791	6,731	940
Capital	1,500	1,500	0
TOTAL	78,122	79,062	940

BULLHEAD CITY JUSTICE COURT
FY 2000 BUDGET SUMMARY

Budget Category	Adopted	Revised Requested	Additional Amount to Be Funded
Personnel	344,154	366,399	22,245
Supplies	6,001	6,001	0
Other Changes	35,607	35,607	0
Capital	1,280	1,280	0
TOTAL	387,042	409,287	22,245

KINGMAN-CERBAT JUSTICE COURTS
FY 2000 BUDGET SUMMARY

Budget Category	Adopted	Revised Requested	Additional Amount to Be Funded
Personnel	595,038	671,664	76,626
Supplies	11,136	15,620	4,484
Other Changes	58,000	63,400	5,400
Capital	0	11,700	11,700
TOTAL	664,174	762,384	98,210

LAKE HAVASU CITY JUSTICE COURT
FY 2000 BUDGET SUMMARY

Budget Category	Adopted	Revised Requested	Additional Amount to Be Funded
Personnel	89,288	118,459	29,171
Supplies	300	300	0
Other Changes	202,472	202,572	100
Capital	0	0	0
TOTAL	292,060	321,331	29,271

MOCCASIN JUSTICE COURT
FY 2000 BUDGET SUMMARY

Budget Category	Adopted	Revised Requested	Additional Amount to Be Funded
Personnel	201,072	201,072	0
Supplies	2,388	2,932	544
Other Changes	36,931	40,333	3,402
Capital	400	600	200
TOTAL	240,791	244,937	4,146

JUVENILE DETENTION
FY 2000 BUDGET SUMMARY

Budget Category	Adopted	Revised Requested	Additional Amount to Be Funded
Personnel	431,198	500,011	68,813
Supplies	32,409	46,294	13,885
Other Changes	150,458	156,030	5,572
Capital	3,200	75,840	72,640
TOTAL	617,265	778,175	160,910

EXHIBIT B

ADMINISTRATIVE ORDERS IN

SUPPORT OF MOHAVE COUNTY SUPERIOR COURT

ADMINISTRATIVE ORDER 99-43

IN THE BULLHEAD CITY JUSTICE COURT PRECINCT

IN AND FOR THE COUNTY OF MOHAVE

IN THE MATTER OF:	)	ORDER IN SUPPORT OF:
	)	
	)	ADMINISTRATIVE ORDER
FY 2000 BUDGET	)	99-43
	)	

As Justice of the Peace of the Bullhead City Justice Court Precinct, I concur with Mohave County Superior Court Administrative Order 99-43 as it pertains to the Bullhead City Justice Court.

THEREFORE, IT IS ORDERED that increased funding in the amount of $22,245 be allocated to the FY 2000 Bullhead City Justice Court general fund budget.

DATED this 10th day of August, 1999.

Honorable Gary Arend
Justice of the Peace
Bullhead City Justice Court Precinct

IN THE KINGMAN JUSTICE COURT PRECINCT

IN AND FOR THE COUNTY OF MOHAVE

IN THE MATTER OF:	)	ORDER IN SUPPORT OF:
	)	
	)	ADMINISTRATIVE ORDER
FY 2000 BUDGET	)	99-43
	)	

As Justice of the Peace of the Kingman Justice Court Precinct, I concur with Mohave County Superior Court Administrative Order 99-43 as it pertains to the Kingman/Cerbat Justice Courts and the Justice Court Administrator's Office.

THEREFORE, IT IS ORDERED that increased funding in the amounts of $98,210 and $940 be allocated respectively to the FY 2000 Kingman/Cerbat Justice Courts and Justice Court Administrator's Office general fund budgets.

DATED this 10 day of August, 1999.

Honorable Larry Imus
Associate Presiding
Limited Jurisdiction Court Judge
Kingman Justice Court Precinct

IN THE CERBAT JUSTICE COURT PRECINCT

IN AND FOR THE COUNTY OF MOHAVE

IN THE MATTER OF:	)	ORDER IN SUPPORT OF:
	)	
	)	ADMINISTRATIVE ORDER
FY 2000 BUDGET	)	99-43
	)	

As Justice of the Peace of the Cerbat Justice Court Precinct, I concur with Mohave County Superior Court Administrative Order 99-43 as it pertains to the Kingman/Cerbat Justice Courts.

THEREFORE, IT IS ORDERED that increased funding in the amounts of $98,210 be allocated to the FY 2000 Kingman/Cerbat Justice Courts general fund budget.

DATED this 11th day of August, 1999.

Honorable John Taylor
Justice of the Peace
Cerbat Justice Court Precinct

N THE LAKE HAVASU CITY JUSTICE COURT PRECINCT

IN AND FOR THE COUNTY OF MOHAVE

IN THE MATTER OF:	)	ORDER IN SUPPORT OF:
	)	
	)	ADMINISTRATIVE ORDER
FY 2000 BUDGET	)	99-43
	)	

As Justice of the Peace of the Lake Havasu City Justice Court Precinct, I concur with Mohave County Superior Court Administrative Order 99-43 as it pertains to the Lake Havasu City Justice Court.

THEREFORE, IT IS ORDERED that increased funding in the amount of $29,271 be allocated to the FY 2000 Lake Havasu City Justice Court general fund budget.

DATED this 10th day of August, 1999.

Michael C. Centofanti

Honorable Michael Centofanti
Justice of the Peace
Lake Havasu City Justice Court Precinct