

TERM OF COMMISSION: December Session of the November Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
Deputy County Clerk Ashley Williams

The budget meeting of the County Commission was called to order at 3:39 p.m.

SUBJECT: Circuit Court 1998 Proposed Budget

Commissioner Stamper explained that the Circuit Court had delivered a budget to the Budget Officer and County Commission earlier this year. The Commission, he said, had questioned three facets of that budget:

First, he said, was the level of County General Revenue and the annual Court's operational costs. Secondly, whether or not the court's computer system upgrade to meet the level of the state's 2004 system was the responsibility of the County or the state. Third was a trend in the proposed Juvenile Bill 474 that could require the County to continue the salaries of juvenile staff taken over by the state and fixed at a cap of \$600,000.

Court Administrator Bob Perry asked for clarification of the memo written to Judge Frank Conley that referred to the County's concern about the computer upgrade and a legislative remedy for the juvenile court. We received, he said, one request from the Commission asking us to consider reducing our request. He said they did, by \$74,000. He asked if there were specific budget items they were to remove. He also asked the Commissioners if they had had the opportunity to review the memo from the Missouri Court Automation Committee.

Commissioner Stamper asked if it was the memo that Mr. Perry had authored on the Missouri Court Automation Committee stationery.

Mr. Perry explained he happened to chair that committee.

Mr. Perry said that when the bill was passed authorizing a \$7 fee, the intent was to generate additional funds to assist in the development of a statewide judicial information system. The general assembly did not want to mandate new data processing expenditures for counties, nor did they want to supplant any existing rate of expenditures for Circuit Court operations. He said they had been in operating automation since the early 1970s and that the County Commission has always been supportive of those efforts through the budget process. Whether there was a 2004 project at this time or not, he said, would not significantly influence the funds needed to upgrade the system. The civil system, he said, which was purchased several years ago is maxed out. In fact, he said, last year they were concerned they wouldn't be able to make it through 1997. The response time is inferior and at this point to upgrade the system would cost around \$50,000.

The banner system that will be available to courts statewide, which the Court is scheduled to receive in 1998, has no software costs. There are conversion costs, he said, but the Court believes those costs will be less than what it would take to upgrade the system.

Commissioner Stamper said that some counties are interpreting the memo to read that no new costs to counties would be incurred, an implication, he said, that there would be no new costs to counties incurred. He said by purchasing new hardware to run the system then there is indeed a new cost to counties. Commissioner Stamper said it was his understanding that the intent of the committee was that there would be no cost to counties and they were currently researching that issue to see if it was part of the bill or the intention of the committee.

Mr. Perry asked if Commissioner Stamper wanted him to speak from a local standpoint.

Commissioner Stamper said yes, keeping in mind that Mr. Perry is a key player at the state level as well.

Mr. Perry said that the additional revenue is to develop the statewide system in partnership, funding-wise, with counties. The replacement of PCs can be viewed as new equipment, but he argued, it is really replacing the equipment, like you would replace a copy machine, fax machine or filing cabinet. Boone County has already received equipment and software that will tie in with the state worth approximately \$60,000. The state, he explained, will pay for the hardware and associated equipment and software to create a statewide system, but the connection and hardware needed in the office has always been viewed as a County responsibility.

Commissioner Stamper said if the counties were to be partners with the state, there would have been a county representative on the committee.

Mr. Perry said that the legislature sets forth the committees.

Commissioner Stamper said it was hard to feel like a partner when you don't have any representation.

Commissioner Vogt clarified that the Court viewed these costs at replacements costs, not additional costs to the County, and at nor more than normal replacement costs might be.

Mr. Perry said that they have tried to make it through 1997 and would have liked to have received the Banner system in 1997, but it wasn't available. Windows 95, he said, they would want even without the 2004 system.

Judge Conley said that in September they received correspondence regarding this issue and were asked to review the budget to see if they could make some changes that would enable the request to be honored as necessary. He said they went through the budget and it was their understanding they were making those changes in order to accomplish this acquisition. He said he realized the request was larger than they normally ask, but they are taking advantage that he state will bring the 2004 project to Boone County, if they want it. Judge Conley said they made the \$73,000 in changes because they ranked the computer system as a priority. He said it was his understanding they had resolved this particular problem.

Commissioner Stamper said that the Commission can take up anything it wishes.

Judge Conley he said he assumed the Budget Officer who drafted the correspondence was moving with direction from the Commission.

Commissioner Stamper said there was a global issue here. This Commission, he said, remains very, very concerned over a legislative bill that would basically tie up \$600,000 of general revenue money for unplanned, unidentified future expenditures of the juvenile program. If that is where this is headed, he said, then the Commission needs to address the amount of general revenue expenditures in Boone County.

Judge Conley argued that what has been referred to as House Bill 474 may or may not pass. Everyone, he said, thought it would pass last year and it didn't. He said he could not review a piece of legislature that might not pass. Judge Conley said they had no intention of taking a windfall approach should the legislature go through, but said they were hardly in a position to say what they would do with something that hadn't even happened.

Commissioner Stamper asked if the court en banc endorsed the law. If it goes to law, he said, it will be too late to do anything about it.

Judge Conley does not have a position on this piece of legislation, nor, he said, did he think they would. He said they don't normally speak in favor or opposition to bills. We just simply don't do that, he said.

Commissioner Stamper said that without too much vision, you could see where a county that has been more aggressive than any county in the state, would be concerned that an event of that nature could cause that county to be responsible to question where they were headed.

Judge Conley said he wasn't sure he had learned anything about the first issue. He said they made the adjustments requested and guessed they hadn't been sufficient.

Commissioner Stamper said the question they needed to resolve was whether or not this was a County responsibility.

Judge Conley asked if submitting a budget to upgrade the ATEC equipment would make the Commission more comfortable. Then, if it is decided the upgrade is not a mandate, then the County could honor the other upgrade request.

Commissioner Stamper reiterated that he wanted to resolve whether or not this is a county responsibility.

Mr. Perry said their position is that this is not a mandate to Boone County. Speaking from the position of chair of the Court Automation Committee, he said they tried not to mandate to the counties any expenses on the state development side of things. He said he had already explained that the \$7 fee does not generate all that much money. About \$35,000 a month right now. The state has spent \$4 million in planning to implement a statewide system. The contract for the case management system is about \$11 million and when you take the two together, he said, it adds up to \$18 million. This project, he said, will most likely cost the state \$100 million plus between fiscal years 1999 and 2004.

Commissioner Stamper said they were beginning to sense that in some circuits there would be no County investment, while in others there would be. He asked if Mr. Perry was aware that was part of the plan.

Mr. Perry explained that Montgomery County and Jackson County had no costs because they were pilot sites, as was the appellate division in St. Louis.

Commissioner Stamper asked if those who came to the program early had to bring their own equipment, but those who came later would have equipment provided.

Mr. Perry said that the counties who wish to be first need to come to the table with the money to take care of their local computer requirements.

Commissioner Miller asked if that wasn't a mandate to be able to be connected statewide.

Mr. Perry said that of the 45 judicial circuits only 11 or 13 could be implemented in 1998.

Commissioner Miller said she was talking about over the course of the project.

Mr. Perry said that as the benefits are seen, the courts will be lining up to take advantage of the system. It has efficiencies, better access for the public and the benefits will speak for themselves. He reminded the Commission that with the \$74,000 in reductions he did not believe the request was higher than some in previous years. They asked for over \$100,000 in 1997.

Commissioner Stamper said the fear of the Commission was with the juvenile bill and that the courts will mandate something that will create a permanent level of investment for the county. She said she appreciated their upgrades, but hoped that the court understood that the Commission's information sources there might be a law as to the types of expenditures that counties would bear.

Judge Conley said in a memo dated on September 11, 1997, from Auditor June Pitchford, a request was made for the court to implement the upgrade over a period of two years or to identify reductions in other areas to lessen the budgetary impact of the upgrade. The Commission, he said, did not identify a target amount. Judge Conley said the court had attempted to comply with those requests and was now being told that Ms. Pitchford did not have the authority to make that request and that the County Commission did not seek this information.

Commissioner Stamper said he appreciated their response, but that this was a process.

Judge Conley said that ten minutes ago the Commissioner had said the request was made by the Budget Officer and that the Commission had had nothing to do with that request to reduce this budget.

Commissioner Stamper said this was not September and that they were trying to adopt a budget. He said they wanted to establish whether information and data collection is a state or county responsibility.

Judge Conley said the County Commission has every right to reject the request for computers and that they had the right to go somewhere else to see if it was a fair question. He said they have always had a spirit of cooperation with this Commission and the ones preceding. If it were not for that spirit, he said, they would not have the computer equipment they do today. He said they had been kind and generous to provide them with the information and the money to build a system they feel is one of the best in Missouri. It enables them, he said, to perform their tasks and that it was why they were number one in the state for the way they handle dockets and caseloads and number one for their handling of criminal dockets and how they get people through the court process and out. He said they were at a point where the docket is loaded and cannot be managed any more because they have run out of space. Judge Conley said they would either upgrade their antique system or buy onto the Banner system with the state of Missouri. One way or another, he said, they would have to do this and it seemed to him the wiser decision would be to go with the Banner system. He said he was curious as to why they were requested to reduce their budget in order to handle that kind of an expenditure.

Commissioner Stamper said the question came up as to who was responsible. He said they were proud of the accomplishments of the County and the court en banc, but were very concerned over a proposal that would engage \$600,000 of general revenue money from Boone County for undisclosed purposes. Even more of a concern, he said, is the message that sends to a county that invests more general revenue to court programs than any circuit in the state. He said it was a non-benefit for being aggressive. He said he thought the court could have an impact on that issue and the county could resume normal operations. Commissioner Stamper said he realized he was concerned with an issue that had not yet happened.

Mr. Perry said that each time the court has been requested to reduce budgets, they have done so and that they followed almost all the guidelines issued by the County Commission at budget time. He explained that from 1990 to 1996, expenditures have increased for the juvenile justice system. In 1995, he said, the County Commission funded and built the expanded Juvenile Justice Center and revenue during that time period increased by \$250,000. Net expenditures for the operation of the JJC from 1990 to 1996 with the expanded facility have increased only 3%. Mr. Perry said when they presented the County Commission with their plan to expand the JJC, they submitted a fairly comprehensive report that their ability to serve as a regional center would significantly offset the operational costs of an expanded facility. He said they had achieved that and he believed the County Commission would agree the expansion has been a success. He said they have people come to them with abused, neglected children, children violating the law and that they have to respond. We do not develop our business, he said. Mr. Perry said they had listed what they would foresee operationally, that it did not relate to personnel because if Bill 474 passes, the state will take over that funding. Over the next 5 years, he said, they would like to add two cars to their present fleet of 3. They would also like to establish one to two neighborhood satellite offices for referrals and caseloads. They need to continue to upgrade their case management system and expand the capacity of JJC, which was built to accommodate that growth. Mr. Perry said he hoped to see the Thirteenth Circuit and particularly Boone County to be the first to be accredited by the American Corrections Association for the standards honored in the delivery of services. But it costs money, he said, for the application of emerging technology. If the state were to pass a law that said they would have a basket of \$600,000 in addition to operating costs, Mr. Perry said they couldn't act wisely or move quickly enough to spend that money. That has not been our posture or our approach, he said. Mr. Perry said he felt confident that the court would not do business that way with the County regardless of the statute. He said he didn't know how much plainer he could be and that while he did not know what the legislature might do and if it had a bad affect, what could you do about it?

Commissioner Stamper said the bill is full of holes and with its current wording the courts would get \$600,000 and there would be no standards.

Even now, Mr. Perry said, if they can't spend it, they turn it back. He said he hoped they would not be viewed as doing business that way.

Commissioner Stamper asked for figures showing the office as it stands on its own. Mr. Perry replied that it would not look as favorable.

Mr. Perry said he accessed the judicial finance commission report and it showed that Boone County stood tall. He said they ranked eighth in the state in juvenile justice expenditures behind counties like Jackson, Green, St. Charles and Clay. He said they fell pretty much in line ranked according to the population of the circuit. He thanked the Commission for their contribution and said that he felt the kids they serve are deserving of what the circuit is providing to them.

Judge Conley said he has chaired the presiding judges executive committee and was always appalled to hear about commissioners in other counties. He said they realized they have the right to mandate things, but they don't want to do that. He said they want to work with the Commission and that the decision regarding the computer budget was up to the Commissioners. Judge Conley said he could not demonstrate whether or not Bill 474 was mandated, but that they believed it wasn't, or they wouldn't be approaching the Commission. He said they either need to upgrade or go to a new system. We were asked to cut our budget, he said, and we did that. We cannot anticipate Bill 474.

Commissioner Stamper asked then why was the bill worded the way it was.

Judge Conley said they did not have anything to do with that.

Commissioner Stamper said, then they could engage in a discussion and say that Boone County is doing okay and does not need Bill 474. Whoever sits in the Commissioner's chairs, he said, will have to radically look at their approach to general revenue if the bill passes.

Judge Conley said it was his belief that it was the counties who were pushing to get juvenile employees off their payrolls.

Mr. Perry said that last year every representative voted in favor of the bill and only 24 voted against it in the House. He said he attended meetings with Commissioner Stamper and felt at that time they were communicating the same thing. He spoke on behalf of juvenile employees because they do not have a retirement plan and this bill would allow them to fall under the state umbrella. Mr. Perry said he would support a bill that provided for that. He said he was concerned because the state does not have a good track record in regards to providing personnel resources, but given the choice, he would raise his hand in favor of 474. Mr. Perry said he would work with the Commission trying to get the bill worded in a way they could agree to.

Commissioner Stamper said for the record, they believed their history and progress in Boone County that there is no need for on going maintenance. Their track record and level of local investment speaks for itself, he said.

Mr. Perry said for the record, they did not request the bill. He said it came out of the governor's commission on juvenile justice.

Commissioner Stamper then discussed the Public Works request for an additional Neighborhood Improvement District employee.

Ms. Pitchford said the NID coordinator facilitates that program and the County's general position was that over the long haul, costs should be recovered and charged back to the NID programs. She said they needed to decide how long was the long haul before it could be determined if costs were indeed being recovered. Ms. Pitchford explained that some of the administrators spend their time in indirect activities like cost issues, bonding issues and matters with the Commission, things that can't be charged back to a NID. Maybe, she said, the program should be left as is and the general revenue commitment should be expanded. Or, she said, they could attempt to recover more costs through amounts charged and assessed, or, some costs could be shifted to the Public Works budget. She asked for direction from the Commission.

Commissioner Miller said she thought those items were in the Public Works budget.

Commissioner Stamper said it makes sense to be part of the general revenue and not Public Works.

Commissioner Miller said it makes more sense to be in the Public Works budget.

Commissioner Vogt said they needed to try to recover all the costs, if possible.

Ms. Pitchford asked what approach they wanted to take with the sewer NIDs. She spoke with Tom Ratermann who informed her that the first sewer NID probably won't be completed until 1999. that suggests several investments and that the recovery of those costs are pushed to the future. She reminded the Commission that if the program is funded from the general revenue, they needed to remain aware of that issue.

Commissioner Vogt said that once the programs are running smoothly, the roads should begin clicking right along. Sewer NIDs, she said, are in their infancy.

Ms. Pitchford explained that Mr. Lister, NID Coordinator, charges his time to each NID project. But, she said, he worked on some legislation that never passed and it took a substantial amount of his time. In the long haul, she asked, if the Commission wanted to see all of those costs recovered, if so it would impact the costs to neighborhoods and currently the program is not designed to do that.

Commissioner Vogt said that legislation belongs to all tax paying citizens and those costs should not be passed onto the NID owners. Everything, though, she said, that is a cost to their project they need to pay for.

Ms. Pitchford, playing devil's advocate, said that one could argue that if the appropriate infrastructure had been required of the developer the owners would have paid for those.

Commissioner Miller agreed, but said it is easier to pay those costs up front rather than later.

Commissioner Stamper suggested they put this discussion on hold until they've had the time to look at the big picture.

Ms. Pitchford said she had looked into the staffing requests for facilities maintenance and compared their staffing ratio to that of the City of Columbia. She submitted documentation of her findings to the Commission.

Ms. Pitchford said the Commission needed to resolve the issues of recruiting to target senior citizens, information/newsletter, vehicle reimbursement, court automation, sheriff's positions, Human Resources rebudget request and Information Services issues.

The meeting adjourned at 4:49 p.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner