



MEMORANDUM

Date: March 20, 2015

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator

A handwritten signature in black ink, appearing to be "CHH", is written over the typed name "C.H. Huckelberry".

Re: **Communication from the Superior Court Presiding Judge Regarding Budget Issues**

I recently met with Presiding Judge Sally Simmons and was provided the attached March 18, 2015 memorandum regarding budget issues. Also attached is a March 17, 2015 memorandum to all Court employees from Judge Simmons and Juvenile Presiding Judge Kathleen Quigley regarding enacting budgetary restrictions.

The communication from Judge Simmons explains the position of the Court regarding possible budget reductions that would be imposed due to State cost transfers. These budget impacts are solely a result of State cost transfers to the County; and as Judge Simmons acknowledges, are disproportionately imposed on Pima County and disproportionately imposed on the Juvenile Court in their relationship with service impacts on the Arizona Department of Juvenile Corrections. This means, based on the number juveniles referred by Pima County to the State, we will pay several times more than our actual impacts on the State Juvenile Court system. Such is unfair, but has nevertheless been enacted by the State Legislature and signed into law by the Governor.

I appreciate the cooperation the Court is extending to the County regarding this matter and hope the planned budget reductions become unnecessary; either as a result of corrective legislation or litigation initiated by the County to correct this inequitable budget.

CHH/anc

Attachments

c: The Honorable Sally Simmons, Presiding Judge, Superior Court
The Honorable Kathleen Quigley, Presiding Judge, Juvenile Court
The Honorable Barbara LaWall, Pima County Attorney

*Superior Court of the State of Arizona
Pima County Superior Court*

110 West Congress
Tucson, Arizona 85701

HON. SARAH R. SIMMONS
Presiding Judge

TELEPHONE 520-724-3932
FAX 520-724-3934

MEMORANDUM

To: C.H. Huckelberry
From: Sarah R. Simmons, Presiding Judge
Date: March 18, 2015
Re: Budget Issues



I am attaching the memorandum which Judge Kathleen Quigley and I issued yesterday to all employees of Superior Court, including those at the Juvenile Court Center. As you requested, effective immediately, we instituted spending restrictions similar to those of the County.

We remain very concerned about the real impact of the directives county administration has issued recently. Our primary concern, of course, is for the effect the budget reductions will have on the Court's ability to perform its functions properly and efficiently, but we are nearly as concerned for the impact that the Court's reduced budget, and the potential elimination of programs as a result, will have on the County's overall budget.

As I have told you previously, the Court understands the County's changes to the budget process in which many positions and all budgeted vacancy savings were eliminated. We agree that this more accurately reflects the required FTEs and gives greater clarity to the budget. However, as a result of this change in process, as we anticipated, after eliminating many vacant positions and their funding the courts were left with an overall funding deficit in our budget submission. We were then advised that we would have to identify items in our budget to submit as a supplemental request to cover this deficit of approximately \$1.5 million dollars for each of Juvenile Court and Superior Court. In order to meet this requirement, each had to include in supplemental budget requests certain programs which have been funded by the County for several years and which are essential to the Courts' continued work, but which are not mandated functions. In Superior Court, these programs include Pretrial Supervision, Drug Court, Mental Health Court and the Eastside Probation office. In Juvenile Court, they include Family Drug Court, Mediation, Youth Recovery Court, Domestic Violence Alternative Center and GPS/Electronic monitoring. You have indicated that you do not intend to recommend approval of any supplemental budget requests to the Board of Supervisors. We interpret this information to mean that we will need to cut approximately \$3 million in current court programs from our budgets.

If these programs are not funded, the two Courts will be in compliance with the budgeting requirements and may still be able to perform all tasks they are mandated to perform. However, as will be explained at the budget hearings, the elimination of these programs is likely to cause both an increase in the jail population and an increase in the population of the detention center. With the elimination of the specialty courts, we also should expect recidivism rates to go up, along arrest rates for the Sheriff and other law enforcement agencies.

You have directed Juvenile Court to cut an additional \$1,800,000 from its budget because of the costs for ADJC passed down from the state to the county. We know that Pima County has to absorb a disproportionately large share of the costs of ADJC from the state. On the other hand, we have been advised that Pima County is the

only county in which the Juvenile Court budget has been asked to absorb these costs. Other counties have taken the position that, since the amount is based solely on the county population rather than on any court action, the increased costs should be absorbed across the county budget. These cuts to the Juvenile Court budget make it increasingly likely that essential services will be affected, jeopardizing both the welfare of children and families and the public safety. Trial costs will also increase if mediation services are eliminated.

You also have asked that an additional 2% be cut from each budget for FY 16. For Juvenile Court the total reduction now total approximately \$3.7 million, roughly 15% of its general fund budget. For Superior Court, the total cuts will amount to approximately \$2.2 million, approximately 7% of its budget, including the budget for mandated services. We are very concerned that this level of cuts will jeopardize our ability to serve the public and will most likely result in further overall costs to the County as we are forced to cut services designed to reduce the jail population, to provide services to mentally ill people outside county facilities for the mentally ill, increase crime and put the public at greater risk. In addition, we face the very real possibility that both Superior Court and Juvenile Court will face further cuts to our probation departments from the state. However, we will comply, to the extent possible, if you deem it necessary.

We understand that the County has been placed effectively under siege by the budgetary decisions being made at the state level. We know that budget reductions will be necessary. We will do our part to achieve them, but ask that the courts are treated equitably with other county-funded entities.

cc: Hon. Kathleen Quigley, Juvenile Court Presiding Judge
K. Kent Batty, Court Administrator, Pima County Superior Court
Tina Mattison, Deputy Administrator, Pima County Juvenile Court Center

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HON. SARAH R. SIMMONS
Presiding Judge

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M E M O R A N D U M

To: Superior Court and Juvenile Court Judges and Employees
From: Judge Simmons and Judge Quigley *DW/KG*
Date: March 17, 2015
RE: Enacting Budgetary Restrictions

As has been reported in the media and documented in various memoranda from the County Administrator, the cuts in the State budget for next fiscal year (FY16) will hit Pima County very hard. In the last two weeks or so, Mr. Huckelberry has been explicit about the drastic impact of State budget cuts and cost shifts on the County budget, especially in FY16. He has directed County Departments and Appointing Authorities to immediately undertake a number of cost-saving measures this fiscal year in anticipation of the state expense shifts that will have significant impact on the County budget. Mr. Huckelberry has requested that the courts and other county entities headed by elected officials undertake similar reductions in their spending.

While the courts still may suffer additional cuts in the State portions of our budgets, we must take steps to help the County weather this new budget crisis. Therefore, the following fiscal restraints are put into effect immediately:

- Delaying the filling of all vacant positions for 90 days; any exceptions for essential positions must be approved by the Presiding Judge of Superior Court or the Presiding Judge of Juvenile Court or the Court Administrator or Deputy Court Administrator-Juvenile.
- Restricting the use of temporary help to only that deemed most necessary to carry out the business of the Court.
- Eliminating out-of-state travel funded from County general funds, unless deemed critical by one of the authorities listed above, and reducing in-state-travel to minimal levels (for example, attending State committee meetings via conference call, whenever possible.)
- Reinforcing existing restrictions on motor pool use and routing necessary travel more efficiently.
- Continuing to shift expenditures for technology-related purchases, where possible, to non-County funds.
- Limiting facilities improvements to only those deemed essential to delivering Court services.
- Using non-County funds, when possible, for certain expenditures normally made from County general funds.

Exceptions to the above restrictions, if any, must be approved by the presiding judge of the Court affected by the expenditure or by the appropriate court administrators designated above. If you have any questions about application of these restrictions, please contact one of the courts' administrators.

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Although we cannot anticipate what further financial hardships the County and the Court may experience, we believe these steps are necessary to ensure that the courts are preserving County funds to the extent feasible in the current fiscal year. As we move toward July 1, we will apprise you of further budget developments.

Thank you for your anticipated cooperation.