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VIRLYNN TINNELL  
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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MOHAVE

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

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

1 the Superior Court's FY1999-2000 budget, and a reduction of \$230,147 -- approximately  
2 11% -- from the Superior Court's FY1998-1999 appropriation. On behalf of the entire  
3 judicial branch, the Superior Court made a presentation to the Board of Supervisors on June  
4 30 (both in written and oral form), but to no avail; the Board of Supervisors did not alter the  
5 County Manager's original recommendation of funds for any of the courts and/or court  
6 departments.

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

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

15 **I. Background.**

16 The following principles of law are unquestioned:

- 17 • The judicial branch of government is and must remain an independent and  
18 autonomous branch of government.
- 19 • The Supreme Court, such intermediate appellate courts as provided by law,  
20 the superior court, and justice courts all are part of an integrated judicial  
21 department in the State of Arizona.<sup>1</sup>
- 22 • The presiding judge in each county is vested by the Arizona Supreme Court  
23 with administrative responsibility for all courts in the county, be they the  
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1 Arizona Constitution, Article 6 § 1.

1 superior court or justice courts, along with the operation of the clerk of court  
2 and other operations necessary for the administration of justice.<sup>2</sup>

- 3 • The presiding judge has authority to order that additional funds be provided  
4 to support the court system so long as such order is not arbitrary, capricious,  
5 or unreasonable.<sup>3</sup>

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

7 **II. Specific Budget Examples.**

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

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

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

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

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25 <sup>2</sup> Supreme Court Administrative Order 96-32.

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

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

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

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

21 Additional aspects relate to expenses necessary to implement responsibilities  
22 imposed upon the Mohave County Court System by state law. For instance, the Superior  
23 Court entered into a contract with seven private attorneys to provide mandatory legal  
24 services to indigents in juvenile dependency cases. That two-year contract is unlikely to be  
25 renewed in FY2000 without additional funding. Thus, to provide these mandated services,  
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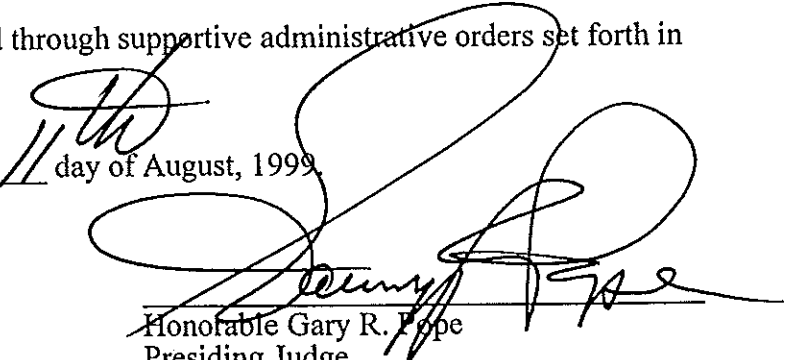
1 an additional allocation of approximately \$37,000 is required. Additionally, Court-ordered  
2 investigations, which are also mandated by Arizona law, are estimated to cost  
3 approximately \$12,000 more than the allocated amount. These costs are mandated by state  
4 law and must be funded.

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

6 **III. Conclusion.**

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

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


17  
18   
19 Honorable Gary R. Pope  
20 Presiding Judge  
21 Superior Court in Mohave County

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

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26 STATE OF ARIZONA } ss:  
COUNTY OF MOHAVE

I, VIRLYNN TINNELL, Clerk of the  
Superior Court of the State of Arizona  
in and for the County of Mohave (s)  
herely certify the foregoing to be a  
full, true and correct copy of the  
original as it lies 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
<b>TOTALS</b>	<b>\$ 867,234</b>

**SUPERIOR COURT IN MOHAVE COUNTY  
FY 2000 BUDGET SUMMARY**

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



**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
<b>TOTAL PERSONNEL SERVICES</b>	<b>252,942</b>
411.50                      Data Processing Supplies	(1,678)
413.90                      Miscellaneous Repair Supplies	(233)
<b>TOTAL SUPPLIES</b>	<b>(1,911)</b>
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
<b>TOTAL OTHER CHARGES AND SERVICES</b>	<b>185,264</b>
485.45                      Library Books	22,146
485.95                      Security Equipment	43,500
<b>TOTAL CAPITAL OUTLAY</b>	<b>65,646</b>
<b>TOTAL</b>	<b>\$            501,941</b>

**CLERK OF SUPERIOR COURT'S OFFICE  
FY 2000 BUDGET SUMMARY**

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

**JUSTICE COURT ADMINISTRATION OFFICE  
FY 2000 BUDGET SUMMARY**

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

**BULLHEAD CITY JUSTICE COURT  
FY 2000 BUDGET SUMMARY**

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

**KINGMAN-CERBAT JUSTICE COURTS  
FY 2000 BUDGET SUMMARY**

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

**LAKE HAVASU CITY JUSTICE COURT  
FY 2000 BUDGET SUMMARY**

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

**MOCCASIN JUSTICE COURT  
FY 2000 BUDGET SUMMARY**

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

**JUVENILE DETENTION  
FY 2000 BUDGET SUMMARY**

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



**EXHIBIT B**

**ADMINISTRATIVE ORDERS IN**

**SUPPORT OF MOHAVE COUNTY SUPERIOR COURT**

**ADMINISTRATIVE ORDER 99-43**



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

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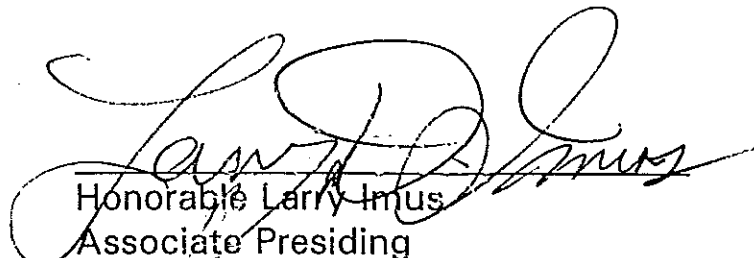
99-43

)

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

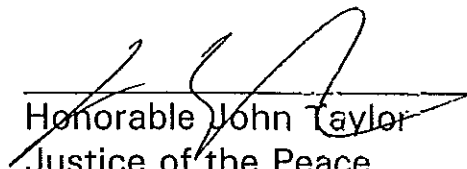
IN THE MATTER OF:                    )  
  )  
  )  
FY 2000 BUDGET                        )  
\_\_\_\_\_                                  )

ORDER IN SUPPORT OF:  
  
ADMINISTRATIVE ORDER  
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 11<sup>th</sup> day of August, 1999.

  
\_\_\_\_\_  
Honorable John Taylor  
Justice of the Peace  
Cerbat Justice Court Precinct

IN 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 10<sup>th</sup> day of August, 1999.

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

**IN THE MOCCASIN JUSTICE COURT PRECINCT  
IN AND FOR THE COUNTY OF MOHAVE**

<b>IN THE MATTER OF:</b>	)	<b>ORDER IN SUPPORT OF:</b>
	)	
	)	<b>ADMINISTRATIVE ORDER</b>
<b>FY 2000 BUDGET</b>	)	<b>99-43</b>
<hr/>	)	

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

**THEREFORE, IT IS ORDERED** that increased funding in the amount of \$4,146 be allocated to the FY 2000 Moccasin Justice Court general fund budget.

DATED this \_\_\_\_\_ day of August, 1999.

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Honorable I. McKay Heaton  
Justice of the Peace  
Moccasin Justice Court Precinct

(Original signed Order to follow.)