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## MEMORANDUM

TO: Honorable Chairman Ramón Valadez and  
Members of the Pima County Board of Supervisors

FROM: Barbara LaWall, Pima County Attorney 

DATE: May 14, 2013

RE: 2013/2014 Budget

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The 2013/2014 budget for the Office of the Pima County Attorney that has been recommended by the Pima County Administrator is necessary for public safety.

### SUPPLEMENTAL BUDGET REQUEST

For the past 16 years that I have been County Attorney, my office has always honored the Board of Supervisors' budgetary authority by expending no more than has been allocated to it. Moreover, throughout my tenure, I have done my best to obtain funding from grants and special revenues to reduce the amount that would have to be allocated to my department from the General Fund. In recent years, as much as a third of my departmental budget has been generated from grants and special revenues. I have done my best to operate the County Attorney's Office in a fiscally prudent fashion.

Unfortunately, due to the recession and federal budget cuts, my office has lost \$1.9 million in federal grants this year.

Without a General Fund supplement to my budget, I would have to cut personnel, which would reduce prosecutions and victim services, thereby reducing public safety and hurting the community.

In recognition of the importance of justice and law enforcement, the County Administrator has recommended a supplement of \$1.5 million for my office budget. While this will not make up the full amount of our lost grant revenues, it will provide sufficient funds for us to continue operations.

I have proposed an Early Case Disposition program that should enhance efficiency throughout the County's criminal justice system, including within my own office. This program, combined with the supplemental budget, will enable us to get the job done.

Honorable Chairman Ramón Valadez and  
Members of the Pima County Board of Supervisors  
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Accordingly, I urge the Board to adopt the supplemental budget for justice and law enforcement recommended by the County Administrator.

**COMPENSATION INCREASES**

The attorneys, victim advocates, and other staff in the County Attorney's Office are underpaid relative to their counterparts at local public law offices and private law firms. The budget allocated to my office does not provide sufficient funding to increase salaries sufficiently to keep pace with the market. Accordingly, I have been experiencing difficulty in hiring and retaining personnel.

The compensation increases recommended by the County Administrator for the 2013/2014 budget are a good start.

I recognize that fiscal responsibility may not afford the County the ability to pay our employees more at this time. Yet, it is imperative that we find a way in the future to do more to ensure that my office and other departments throughout the County will be able to compensate our well-performing staff commensurate with their value and comparably to what they can obtain elsewhere in the market. Otherwise, we will continue to have difficulty recruiting and retaining highly skilled personnel.

Thank you for the time and attention you invest in reviewing and approving the proposed budget.

cc: C.H. Huckelberry, Pima County Administrator



AGENDA MATERIAL  
Arizona Superior Court 521-13  
Pima County  
110 West Congress, 9<sup>th</sup> Floor  
Tucson, Arizona 85701

ITEM NO. RA6

*It is our purpose to provide the timely, fair and efficient administration of justice under law, in a manner that instills and sustains the public's confidence in the judicial system.*

## FY 2013-2014 Budget Executive Summary

### Overview

In establishing the mission statement above, the Superior Court articulated and recommitted to its underlying core values:

- Integrity
- Fundamental fairness in all that we do
- Independent, principled decision-making
- Professionalism and respect, courtesy and compassion
- Responsiveness to the public's needs
- A commitment to improvement, with openness to change and flexibility
- Hard work in a cooperative and rewarding environment.

The court remains anchored to that mission and those values, as it manages its resources through these financially-constrained times. Simultaneously, the court is committed to working cooperatively with the other branches of county government to do its part in the responsible stewardship of limited public funds.

The entire court consists of 53 judicial officers, including those assigned to the juvenile bench, and approximately 660 authorized employee positions assigned to Superior Court. Thirty of the judicial officers are retained judges; the others are judges *pro tempore*, commissioners and hearing officers. The court has not added a new judgeship since May 2006. In order to keep spending within authorized limits during the national fiscal crisis, we have found it necessary to maintain vacancies in 65-80 positions for several years.

While the long term trend in case filings has moved upward somewhat, cases filed last year were down slightly. The court's new case filings (excluding juvenile cases) totaled 22,979 in 2012, down 3% from 2011, while the court disposed of 24,487 cases in 2012.

Those cases, and other court business, brought nearly 700,000 persons to the downtown courthouse in 2012. They included nearly 30,000 jurors and roughly 40,000 law library patrons. There is little doubt that the downtown courthouse is the busiest single building in the county. Certainly the second busiest must be the juvenile court building.

The court's criminal caseload began to increase in 2012. The total felony filings increased 7.5% from 5469 in 2011, to 5880 in 2012. As a consequence, the court's pending criminal cases increased 9%, from 3318 to 3626 cases.

In 2012 the court's pretrial services unit screened almost 26,000 defendants at jail intake and supervised more than 3800 felony defendants released to its oversight. Our adult probation department supervised an average monthly population of more than 5300 defendants and a total of more than 7500 defendants for the year. Staff completed more than 3800 presentence reports and oversaw nearly 154,000 hours of community restitution work done by probationers.

Total civil case filings, which peaked in 2009 at 10,123, declined again, from 9773 in 2011 to 8488 last year (13%). Civil cases pending at year-end have declined 11%, from 4212 in 2011 to 3728 in 2012.

The total number of family law cases filed in Pima County declined from 6968 in 2011 to 6594 in 2012. Within this group, child support (post decree) hearings totaled 17,136 in 2012, up 1% from 2011; and domestic violence hearings totaled 2760, a decrease of 7% from 2011. Family law cases pending at the end of 2012 totaled 3383, a 12% increase over 2011.

It must be noted that the court has experienced a very high rate of turnover in its judicial positions in the last two years. From January 2011 to today, we have had 19 vacancies in judicial positions, including 9 retained judges. Such turnover in the positions most important to the court's principal responsibilities has been a challenge to deal with, but we are doing so without significant impact on the court's overall case disposition rate.

The court's Family Center of the Conciliation Court provides mediation services, custody evaluations, child interviews and parenting coordination services, which are especially valuable tools in decision-making and settlement processes for complex family law cases. The center saw an increase of 14% in its services in FY12. Among those services, it conducted mandatory parenting classes for more than 4700 people in FY12 and handled 1,640 referrals for mediations in family law cases, while providing conciliation and counseling, as well as child advocacy, services.

These are but a few of the indicators of the scope of the Court's responsibilities, its workload and its impact on the community. This small sampling of data exemplifies the court's focus on its mission, consistently adhering to its core values and maintaining its service to the community even during difficult times. Following this budget

summary is a document that provides more detail about the court's recent accomplishments.

## **Financial Highlights**

### **General Fund**

For fiscal year 2013-2014, the Superior Court has submitted a budget totaling \$28,721,254. Its approved county budgets for the previous five years have ranged from \$27,759,183 in FY09 to \$28,612,014 in FY13, a variance of just 3%. By continually keeping its expenditures within the County's budget allocation to the court, it has demonstrated that its effectiveness at fiscal management in both good times and bad.

During the recession, in order to stay within its authorized budgets, the court has maintained a significant percentage of vacant positions. Over the last several years, that rate has varied between 10% and 13% of its total workforce, which means that employees carry heavier workloads. This has occurred, of course, during a period where employee salaries have not increased for several years. Although the county has made efforts to compensate employees for increases in their benefit costs and retirement contributions, those efforts have not fully covered the increased costs to employees. As a consequence, today we have employees working harder for fewer dollars than they were taking home years ago, while inflation during that time (in excess of 10%) has decreased their purchasing power still further.

This situation has begun to produce a secondary problem. As the economy is recovering in the private sector, high-caliber employees and those with special skills are beginning to leave for higher paying positions with other employers (including the county itself). An examination of comparable jobs demonstrates that court wages have fallen below current market rates for most of its positions. The court, therefore, has been working with county administration to address this problem as soon as possible.

### **Special Revenue Funds**

The FY14 budgets prepared for special revenue funds managed by the court total \$7,037,225, which is \$857,696 more than the previous year's total. This total includes the budget for the Fill the Gap Program, which provides funding for the Clerk of the Court, the Justice Courts, and the Superior Court. Other fee funds include probation fees, fees that help fund Conciliation Court and the law library and a local fee that helps support the court's technology investments. These special revenue funds have provided substantial support to a variety of court functions.

Included among the expenses to be paid from these revenue funds is the cost of the state risk management premium for all court employees, including the Juvenile Court and the Clerk of Court. Several years ago, the Administrative Office of the Courts, in a budget-cutting effort, declared that those premiums should be paid from each

court's probation fee fund. To help fund this change, an increase was granted in the monthly fees charged to probationers. Unfortunately, that increase has been insufficient to offset the premium's cost; so the court uses general fund dollars to cover the shortfall.

### **State Funding and Grants**

The court will request a total of \$10,070,117 in state and grant funding for the coming fiscal year. These funds include \$9,022,366 in state funding for probation and just over \$1 million in various grants: for example, one that supports a domestic violence probation project in justice court; another that helps fund the salaries of *pro tempore* judges; and others that support various court programs.

Probation continues to be the most common sentencing sanction used by judges, with more than 2700 defendants referred for probation services last fiscal year. Over the past five years, roughly fifty-eight percent of those found guilty have been sentenced to probation, versus prison or jail. Because funding for probation field services comes primarily from the state appropriations and probation fees, these services are at risk if the state decides to make additional budget reductions.

### **Supplemental Package, Employee Compensation, General Increase**

As indicated previously, the court is deeply concerned that employee compensation has stagnated during the recent national fiscal crisis. In real dollars, thanks to inflation, their compensation has decreased. The court remains committed to ensuring that the salaries of its employees keep pace with the cost of living and are market-competitive. We have obtained considerable data which demonstrates that court salaries generally have fallen below the market, as is surely the case with many county salaries. Improving employee compensation should enable the court to increase its retention of skilled, qualified employees. Just as importantly, it should bolster the morale of hard-working employees.

Aside from market comparisons, we know that employees' compensation has eroded due to increases in the consumer price index (CPI) data, as reported by the U.S. Department of Labor's Bureau of Labor Statistics. That data indicates that consumer prices increased by 10.4% from calendar year 2008 to calendar year 2012:

2008	3.8%
2009	-.4%
2010	1.6%
2011	3.2%
<u>2012</u>	<u>2.2%</u>
<b>Total Increase</b>	<b>10.4%</b>

The court appreciates that the county has made one or two adjustments to compensate for employees' increased benefit costs and, importantly, the county general

fund has also absorbed some of those cost increases. However, the county's last general salary adjustment was in FY07/08.

While the court believes that county administration has dealt very successfully with difficult budget issues over the past 6 years, now is the time to address employee compensation by providing a general salary adjustment during FY14. This will begin to restore employees' earnings to their appropriate levels. Therefore, the court requests that the Board of Supervisors allocate funding for a salary increase of at least 3% for all eligible employees. From discussions with the County Administrator, we know that this issue is under his consideration, as well. We ask that the courts be included equally in whatever county-wide compensation increases the Board may grant.

At a Board of Supervisors meeting last fall, there was discussion of addressing employee compensation issues, during which it was proposed that the county develop a plan to improve employee salaries in a phased approach over the next few years. The court strongly supports such an approach, because it is clear that compensation generally has fallen much more than 3% behind appropriate market rates.

### **Supplemental Package, Employee Compensation, Selective Market Adjustments**

As indicated above, the court has performed research on the compensation of comparable positions throughout the state and county, which shows that court positions have fallen well behind when it comes to compensation. Although the general increase sought in the previous supplemental request would begin to address a number of those deficiencies, we have a number of positions that require larger increases more quickly in order to bring their compensation closer to the comparable market. It should be noted, however, that a larger across-the-board salary increase would alleviate the need to make this kind of adjustment at this time.

The probation officer and juvenile detention officer series of positions represent a set of classifications that are so far below the market that they need these additional adjustments. Consequently, and after consultation with the County Administrator, the court has developed a proposal for increasing salary ranges and pay across the classifications within these two series. This proposal, at the County Administrator's suggestion, is based on examining comparable positions in Maricopa, Pinal and Yuma counties, as they represent our primary competition for employees. Because the court has taken a conservative approach with its proposal, if accepted, at an estimated general fund cost for Superior Court of \$116,389, our new salary levels would still generally rank third among those four counties. [Note: The majority of adult probation and surveillance officer positions are funded through state grants or fee funds. In Juvenile Court the funding ratio is very nearly reversed.]

We feel it is necessary to address these positions separately for a number of reasons. First, they are positions that lie at the heart of public safety, while at the same time they endeavor to support the rehabilitation of defendants or detained juveniles; therefore, we need to attract and retain the best people we can for these jobs. Second,

the court invests a considerable amount of money in training these persons in the first two or three years of their employment with us so, when new officers leave after short tenures, we lose our monetary and personal investment in those officers, who take their skills to higher paying jurisdictions. Third, in addition to the poor comparability of our salaries to those in Maricopa, Pinal and Yuma, we generally rank in the bottom third of all Arizona counties in the compensation of such positions; we are not competitive across the entire state.



**Arizona Superior Court  
Court versus Market Information  
for Probation Officers**

Source: AZ Chief Prob Assn  
2013 Survey

	<u>Average Salary</u>	<u>Percent Difference</u>
<b>Pima County</b>	<b>\$43,284</b>	---
<b>Arizona Statewide Survey</b>	<b>\$48,766</b>	-12.7%
<b>Maricopa, Pinal, Yuma Counties</b>	<b>\$51,385</b>	-18.7%

	<u>Salary</u>	<u>Ranges</u>		<u>Percent Difference</u>
	<u>Minimum</u>	<u>Midpoint</u>		
<b>Pima County</b>	<b>\$35,044</b>	<b>\$43,805</b>	<b>\$52,566</b>	---
<b>Arizona Statewide Survey</b>	<b>\$38,318</b>	<b>\$51,035</b>	<b>\$63,752</b>	-16.5%
<b>Maricopa, Pinal, Yuma Counties</b>	<b>\$41,868</b>	<b>\$55,204</b>	<b>\$68,533</b>	-26.0%

Salary Information as of  
03/01/2013  
Summary Report as of  
05/14/13

**Arizona Superior Court  
Court versus Market Information  
for Surveillance Officers**

	<u>Average Salary</u>	<u>Percent Difference</u>
<b>Pima County</b>	<b>\$36,324</b>	---
<b>Arizona Statewide Survey</b>	<b>\$40,774</b>	-12.3%
<b>Maricopa, Pinal, Yuma Counties</b>	<b>\$44,139</b>	-21.5%

	<u>Salary      Range</u>			<u>Percent Difference</u>
	<u>Minimum</u>	<u>Midpoint</u>	<u>Maximum</u>	
<b>Pima County</b>	<b>\$30,219</b>	<b>\$37,773</b>	<b>\$45,328</b>	---
<b>Arizona Statewide Survey</b>	<b>\$32,732</b>	<b>\$40,152</b>	<b>\$47,614</b>	-6.3%
<b>Maricopa, Pinal, Yuma Counties</b>	<b>\$35,028</b>	<b>\$42,865</b>	<b>\$51,311</b>	-13.5%

Salary Information as of  
3/1/2013  
Report Summary as of  
05/14/13

**Arizona Superior Court  
Court versus Market Information  
for Detention Officers**

	<u>Average Salary</u>	<u>Percent Difference</u>
<b>Pima County</b>	<b>\$30,863</b>	---
<b>Arizona Statewide Survey</b>	<b>\$36,188</b>	-17.3%
<b>Maricopa, Pinal, Yuma Counties</b>	<b>\$40,269</b>	-30.5%

	<u>Salary Ranges</u>			<u>Percent Difference</u>
	<u>Minimum</u>	<u>Midpoint</u>	<u>Maximum</u>	
<b>Pima County</b>	<b>\$28,061</b>	<b>\$35,076</b>	<b>\$42,091</b>	---
<b>Arizona Statewide Survey</b>	<b>\$31,667</b>	<b>\$42,168</b>	<b>\$52,669</b>	-20.2%
<b>Maricopa, Pinal, Yuma Counties</b>	<b>\$34,528</b>	<b>\$42,174</b>	<b>\$50,373</b>	-20.2%