

John Peck
Justice of the Peace

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Ms. Sharon Bronson, Chair
Members of the Board
Pima County Board of Supervisors

3 June 2016

In a May 19, 2016, memo to you, Judge Lisa Royal of Green Valley asked you to reconsider the county administrator's recommendation to deny supplemental funding to her court. In doing so, she chose to contrast certain line items in her court's budget with those of the Ajo Justice Court. As a result, the county administrator has asked the budget manager to request a review of our court's budget request, in spite of his earlier recommendation to approve it, and has suggested in advance of any facts, that the two courts' cost items simply be added together, divided by two and so apportioned.

Before going further, let me underscore what Judge Royal and I discussed before and what she told you in her April 19th budget presentation: the issue is not that the Ajo Justice Court is overfunded, but that the Green Valley Court may be underfunded. It is unfortunate that her May memo and the county administrator's quick response have confused that issue. Let me try to be brief but as clear as possible.

When I made my presentation to you in April on behalf of this court, I stated that this year's budget request was less than that approved for the 2014-15 budget, and less than a 1% increase over the current budget. That presentation to you summarily noted that we were requesting nearly \$12,000 less in personnel for the upcoming budget year, with specific justifications on other line-item areas. We made no request for supplementary funds. You, Madam Chair, and members of the board acknowledged at that time the difficult challenges of time and distance for our court, and the necessity of providing equitable services to the most rural of our county's citizenry.

That specific fact – *distance* – in large part tells the story of the difference in budgets. The Ajo Justice Court is 140 miles from Tucson, seven times the distance between Green Valley and Tucson. The roundtrip time for the former is nearly six hours, and one hour for the latter. This is important because it means any related transportation costs for staff training, conferences, meetings, facility services, support, etc. are concomitantly more expensive given the distance and, often, the necessity to spend the night. Not that all trips are confined to Tucson – the challenges exists with other destinations, as well. Among other things, this means the following:

- Each day a pro tem judge handles an Ajo calendar, the cost is approximately \$600 (travel, food, lodging, pay). Currently, a Superior Court judge pro tem travels once a month to Ajo to adjudicate juvenile cases. The annual base cost is \$7,200. Additionally, the cost for a pro tem judge to provide vacation coverage is \$1,100 for each of four two-day spots, for an annual

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base cost of \$4,400. These two items total \$11,600 and that figure does not include requisite benefits, taxes, etc., nor does it make provision for illness, conflicts or emergencies.

These are the "Other Judicial Services" referred to and questioned in Judge Royal's comparison and Mr. Huckelberry's memos.

- It is stating the obvious, but the "Repair & Maintenance" is a comparison between a 65—year-old freestanding and grandfathered structure in Ajo, and a new facility in Green Valley. There will, of course, be greater expenses for the former - \$11,000 alone this year. Factored into that is the mileage and time costs for Pima County Facilities to travel to Ajo - \$2,600 so far, this year. I don't know how Green Valley handles its waste disposal, but I wish we could also do it for zero dollars. Unfortunately, we have a single private hauler in the community and a landfill. Both set their own fees.
- Ajo's budget lumps in-state travel/training together for a total of \$14,000. Green Valley does not combine the two but if done, the figure apparently would be \$3,214. The Ajo court has an FTE of 11, compared to 8.5 in Green Valley, but Ajo's workforce includes two part-time trained security officers and a full-time adult probation officer, positions not found in Green Valley. Court employees must attend annual training to fulfill COJET requirements set forth by the state Supreme Court.

The fact that we have more employees, as well as the above-mentioned mileage and time requirements, in themselves automatically add significant weight in the comparisons cited.

As important, though, is the specialized type of training required. Our "new" adult probation officer – fully funded through this court – will have required \$3,000 in mandated training, with the requisite mileage costs, in 2015-16, and will continue to update his training in the coming fiscal year. We have recently hired an employee who will later this summer undergo intensive court-interpreter language-training at an estimated cost of \$4,800+, including tuition, housing, and per diem. Insofar as Ajo enjoys an extensive Spanish-language-speaking community, we have encouraged, supported, and paid for additional language training for front-staff personnel.

Staff training also includes that for passport processing, facilitating a MVD kiosk, and our community workshops in collaboration with the Chamber of Commerce.

These items respond to the "In State Training" referred to in the above-mentioned memos.

While not referenced in the Ajo/Green Valley comparison graph, it is important to acknowledge the meaningfulness of the "Lawyers" line item in the Ajo budget. At \$19,000, it is a proportionately significant figure, and it is also a significant difference between the two courts and their budgets.

Green Valley shows no similar line item or cost allocation because it is able to avail itself of the subsidized services of the Office of Court Appointed Counsel (OCAC) based in Tucson. Again, urban proximity has a weighty impact.

We do not have lawyers in Ajo, nor the use of OCAC services, and are required to contract with out-of-community attorneys in order to provide court-appointed defense for indigent individuals. We are fortunate to have a longstanding relationship with two attorneys – one in Gila Bend, 40 miles away, and the other in Casa Grande, 90 miles from Ajo. Between them, they provide a minimum of 12 court house hours each month (144 per year), in addition to the considerably greater number of out-of-court hours they expend on their Ajo cases. In cases we refer to the Superior Court, I appoint counsel from the Office of the Public Defender in Tucson.

The demand to appoint local counsel has increased. In 2014-15, the latest up-to-date Supreme Court report for Ajo shows that the non-traffic misdemeanors and failure-to-appear complaints – both traffic and non-traffic – more than doubled from the previous two-year measurement. A significant number of these so-called (A)2 felony cases require appointment of counsel. Our judicial productivity hours have increased, not decreased.

Out of respect for your time and patience, I will conclude this memo of response. A separate, more detailed review, prepared by our court administrator in response to a new request this week from Budget & Finance, is attached for your information.

I hope I have been able to clarify misperceptions, and demonstrate, substantively, that our budget has been proposed on the basis of reality and fact. Again, I do believe that Green Valley may deserve greater support, but not that the Ajo Justice Court deserves less. The quick reaction to simply “divide the baby” is neither equitable, reasonable nor reality-based. I am available for any further conversation.

With respect,

A handwritten signature in black ink, appearing to read "John Peck".

John Peck

cc: Honorable Kyle Bryson, Presiding Judge, Pima County Superior Court
Honorable Keith Bee, Presiding Judge, Pima County Consolidated Justice Courts
Honorable Lisa Royal, Presiding Judge, Green Valley Justice Court
Mr. C.H. Huckelberry, Pima County Administrator
Ms. Robin Brigode, Clerk of the Board
Ms. Yvette Montijo, Administrator, Ajo Justice Court

Operating Exp	AJO	GV	DIFF	Justification
5000 - OFFICE SUPPLIES	14,254	2,300	(11,954)	Printing supplies for 11 printers/cartridges/cost of file folders/general supplies
5008 - BKS SBSCPTN VDS	1,600	200	(1,400)	Cost of updated law books/reference resources for judicial use
5009 - LAW ENFCMNT SU	2,000		(2,000)	Judicial Security supplies/taser cartridges/ammo
5010 - R & M SUPPLIES	6,485	200	(6,285)	Supplies for building repairs for historical 65-year-old building; service from Tucson (Supplies)
5014 - APPAREL	1,000	200	(800)	Judge/Judicial Security /Judicial Staff/Probation uniform cost
5018 - OTH OPER SUP	100		(100)	Misc charges
5101 - OTH JUDICL SVC	15,636	2,750	(12,886)	Cost of Pro Tem Judge coverage including per diem/travel/overnight cost from Tucson
5103 - LAWYERS	19,049		(19,049)	Cost of appointed counsel defense for indigent individuals/depends on cases filed
5104 - EXPT WTN INTRPR	4,951	3,750	(1,201)	Alternative interpreter cost while new employee undergoes interpreter training
5116 - TELECOMM SVC	1,500		(1,500)	Radio equipment cost for Judicial Security/Probation
5138 - TRAINING IN AZ	14,000	400	(13,600)	Cost of training for 11 employees/travel cost (Including Adult Probation, Interpreter & Security)
5140 - TRAVEL IN AZ	-	2,814	2,814	All training/mileage cost for Ajo budgeted in line 5138
5142 - POSTAGE & FRGHT	3,095	1,800	(1,295)	Cost of outgoing mail, depending on workflow
5143 - PRNTG & MICRFLM	2,500	1,250	(1,250)	Cost to print bond & business cards, letterhead (GV actually requested \$3,000 for 2016-17)
5145 - SECURITY	0	0	0	N/A
5147 - LEASES & RENTAL	-	2,010	2,010	Ajo budgeted for this expense in line 5167: See below
5149 - R & M MACH & EQ	2,000	-	(2,000)	Building repairs for historical 65-year-old building; service from Tucson (Equipment)
5160 - CREDIT CARD FEE	3,500	700	(2,800)	Local bank credit card fees for machine and online payment module
5162 - ADVERTISING	250	-	(250)	Local newspaper cost for posting ads/job postings
5164 - JURY PAY	-	800	800	N/A
5200 - INTER SPL SV CR	-	(7,879)	(7,879)	?
5167 - RENT - OFF MACH	5,000		(5,000)	Cost of 1 postage machine & 3 copy machines
5203 - INTER SPL SV DR	3,000	500	(2,500)	Personnel/mileage costs for county building maintenance
5300 - PHONE INTERNET	8,800	6,878	(1,922)	Local telephone company cost for landlines, long distance calling, DSL
5301 - ELECTRICITY	10,000		(10,000)	Local utility company cost
5302 - WATER & SEWER	1,500		(1,500)	Local utility company cost
5303 - NATURAL GAS	500		(500)	Local utility company cost
5304 - WASTE RECYCLING	2,000	-	(2,000)	Cost of local waste/recycling control & local landfill fees
5305 - MILEAGE REIMBUR	3,607	100	(3,507)	Cost for travel using personal vehicles for meeting/conference purposes
5306 - MOTOR POOL CHG	20,000		(20,000)	County motor pool charges for two vehicles per year
5309 - DUES MEMBERSHPS	0	0	0	N/A

Highlighted areas reflect Judge Royal's specific comparisons