Summary of SC99010, *Board of Commissioners of the County of Franklin, et al. v. Twentieth Judicial Circuit of the State of Missouri by the Honorable I.I. Lamke, Presiding Judge*
Proceeding before the judicial finance commission
Argued and submitted September 15, 2021; opinion issued October 12, 2021

Attorneys: The county was represented by Timothy C. Sansone, Mark C. Piontek and Katrina L. Smeltzer of Sandberg, Phoenix & von Gontard PC in St. Louis, (314) 231-3332. The 20th circuit was represented by Heidi Doerhoff Vollett, Dale C. Doerhoff and Shelly A. Kintzel of Cook, Vetter, Doerhoff & Landwehr PC in Jefferson City, (573) 635-7977.

This summary is not part of the opinion of the Court. It is provided by communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: A board of county commissioners seeks this Court's review of the judicial finance commission's dismissal of the county's petition regarding a budget dispute over funding for the local circuit court's juvenile division. In a unanimous decision written by Judge George W. Draper III, the Supreme Court of Missouri affirms the commission's decision. The plain language of the maintenance of effort statute refutes the county's argument that the maintenance of effort is the only amount it can be compelled to pay. Additionally, the commission did not err in refusing to grant the county leave to amend its petition.

Facts: In its fiscal 2021 budget request to Franklin County, the 20th Judicial Circuit requested $637,458 for its juvenile division, including $52,108 for personnel services. The county's statutory maintenance of effort for 2021 was $333,523. When the county and the circuit court met to discuss the budget request, the county informed the circuit court it would provide only the statutorily required maintenance of effort funding for the juvenile division. After attempts to resolve the dispute were unsuccessful, the county placed the difference between the maintenance of effort and the requested juvenile division budget in escrow and filed a petition for review with the judicial finance commission. The county sought a declaration that it could not be compelled to allocate and pay more than the maintenance of effort amount. The circuit court moved to dismiss the petition, asserting the commission could not interpret the maintenance of effort statute and that the county failed to allege that any certain budget line item was unreasonable. The county opposed the motion and alternatively sought leave to amend its petition. The commission sustained the motion to dismiss and overruled the county's motion for leave to amend its petition. The county seeks this Court's review.

AFFIRMED.

Court en banc holds: (1) The plain language of section 211.393.6, RSMo, requires counties to meet their maintenance of effort payments as a minimum payment. The statute also provides there may be another separate budget section setting forth additional funding for other expenses. Accordingly, the county's assertion the maintenance of effort is the only amount it can be compelled to fund is incorrect.

(2) The commission did not fail to construe the county's petition liberally. The county presented a narrowly defined issue for the commission's review and failed to request evaluation of any discrete element of the funding requested in excess of the maintenance of effort. The county cannot now complain it meant to present additional or alternative issues for review. There was no indication the county sought to challenge the reasonableness of any budgetary item in excess of the maintenance of effort amount.

(3) The commission had the authority to dismiss the county's petition. This Court's operating rules indicate the commission is permitted to dismiss petitions for review even after the commission has accepted a petition for review.

(4) The commission did not err in denying the county leave to amend its petition. The county did not set forth any specific amendment it would make but offered only generalized statements that all parties knew the allegations that would be made; accordingly, the county failed to follow Court Operating Rule 12-7.09's procedure for filing the proposed amendments with the commission and offering them for submission. Additionally, the commission is tasked with resolving budgetary disputes within 90 days of the beginning of the fiscal year. The commission found that, even after multiple settlement conferences, it was unaware what items in excess of the maintenance of effort the county would seek to be found unreasonable and allowing an unknown amendment within weeks of the end of the first fiscal quarter would circumvent the regular budgetary process.