

COCHISE COUNTY JUSTICE COURT PRECINCT 5

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Timothy B. Dickerson
Justice of the Peace

Leslie Sansone
Justice of the Peace Pro Tempore

Date: August 22, 2011

To: Judge Wallace Hoggatt
Presiding Superior Court Judge

From: Timothy B. Dickerson
Justice of the Peace

Subject: Request to use court enhancement funds to hire a part-time temporary employee

Cost: \$15,333, which includes benefits.

Summary of Request:

We request the use of \$15,333 in court enhancement funds to hire a part-time temporary employee. The employee would work 19 hours per week and would perform the following work: Transfer felony cases to superior court, review old files and correct errors so files may be either purged (destroyed) or referred to collection if money is owed, and purge files. The court lost two part-time temporary employees on July 15, 2011, which lead to this request.

Justification:

Is the position needed?

Our staffing level was increased from 12 to 14 in 2007, when the City of Sierra Vista agreed to pay \$100,000 per year to support operation of the court. The amount was calculated based on the cost of two clerks and a prosecutor.

We were decreased from 14 clerks to 12 in 2008 due to the budget cut. At about the same time, the creation of Early Resolution Court (ERC) increased our workload. I have several times described the increased workload imposed on the justice courts by ERC, so I will not repeat it here.

In the last couple of years, we were allowed to use our salary savings over the requested 10% reduction to pay for two, part-time temporary employees, approximately 20 hours per week each. The excess funds are due to our turnover and the funds saved between the departing employees last day and the time it takes to fill the position.

On July 15, 2011, we were informed that the funds from frozen vacancies, including our excess salary savings, were transferred to a contingency fund, which we cannot use. This meant that

there were no longer funds to pay the part-timers. We immediately eliminated one part-time position and the funds to pay the other one were exhausted on August 19, 2011.

Granting this request will allow us to bring back one of the part-time employees. Her duties are described below. The other part-timer entered tickets, and this work will have to be distributed among the 12 regular employees.

Are there sufficient enhancement funds to pay for the employee?

The current balance of our enhancement funds is \$189,000. We collected \$67,000 in 2010 and \$71,000 in 2011. We anticipate the court will incur some cost to implement e-citation, but we have ample funds to pay a part-time employee. If the funds were ever inadequate, the employee would be terminated.

Is the request allowed by the court enhancement fund ordinance?

Section 5.2 of the enhancement fund ordinance states the purpose of which the funds may be spent.

Section 5.2 of the original ordinance prohibited the justice courts from using enhancement funds to pay for personnel: “The Justice Court Enhancement Funds shall be established as a non-reverting revenue fund for each Justice Court to provide the courts with supplemental funding for any non-personnel related expenditures as determined by the court.”

In 2008, the justice courts requested changes to the ordinance, including the addition of the following provision to Section 5.2: “Funds may be used for project-specific temporary employee funding contingent upon prior approval by the Board of Supervisors.”

The ordinance adopted in 2008 did not include the exception for special projects, but it also did not contain the prohibitions against the justice court using enhancement funds to pay employees. Section 5.2 currently states: “The Justice Court Enhancement Funds shall be established as a non-reverting revenue fund for each Justice Court to provide the courts with supplemental funding for any expenditures as determined by the court.”

While the original ordinance did not anticipate the use of enhancement funds for personnel, no one at that time anticipated the budget cuts we have endured. The court’s current need is for personnel to adequately perform our workload. The part-time temporary person is justified as either the need for additional help beyond the 12 clerks paid with general funds or as an additional employee for a special project, that being the increased felony workload due to ERC and the correction and purging of files.

The employee will be a “special revenue funds” employee, as are common in other County departments.

What would the clerk do?

The clerk would do the same work she has been doing for the last 12 months. She will process the transfer of felony cases to superior court. It is important for the proper function of ERC that files are transferred to superior court on a timely basis.

Correcting and purging files is also important to the efficient operation of this court. Cases which contain errors cannot be referred to FARE, which limits our ability to collect on the cases. Purging files is necessary because we have limited storage space. Our file room is full and in 2010 we spent \$16,500 in enhancement funds to purchase an additional shelving unit for the Bisbee archives, because we had used our allotted space. If we do not purge files, we will need additional storage area. The correction and purging of files is necessary, but it is the type of work that goes undone when we are understaffed, because it is not as pressing as the day to day requirements of operating the court.

Why was this request not submitted as part of the normal budget process?

We were notified on July 15, 2011, that we had lost the funding which was paying our two part-time employees. I presented this request at our Judges' Meeting on August 16, for discussion.

How will the position be filled?

A clerk retired on August 1, 2010, and returned as one of the part-time employees. She will be used to fill this position. She has worked here for 9 years, so she can work without supervision or additional training.

Copy to: Karen Ferrara, Court Administrator
Faye Coakley, Limited Jurisdiction Court Administrator