

MEMORANDUM

**TO: Jody Klein, County Administrator
Members, Board of Supervisors**
FROM: Karen Ferrara, Court Administrator
DATE: November 16, 2004
RE: Proposed Judicial Administrative Fee Schedule

This serves to accompany the documentation submitted for an agenda item before the Board on November 23, 2004. Before you is the item of establishing an "Administrative Fee Schedule" for the superior and justice courts in Cochise County. This proposed schedule is the result of coordinated efforts among our judges and stems from the budget work sessions with you prior to the beginning of this fiscal year.

To briefly summarize the intent of this fee schedule, I offer the following:

Courts in Cochise County are among the last in Arizona to adopt and assess special fees tied to specific services (A chart of special fees assessed in other counties was submitted with the initial agenda package).

The adoption of this schedule and the collection of these fees will apply uniformly among the six justice courts and the superior court.

The monies collected will be applied to two established "special funds" and will be considered carry-over budgets, not going into the general fund and not reverting to the general fund at the end of a fiscal year.

The new fees are of four types (further described in the agenda package): a \$75 warrant fee, a \$50 driver's license suspension fee, an additional \$10 civil case filing fee in the justice courts and a \$40 civil case filing fee in the superior court. Of the warrant and suspension fees, 35% of monies collected will remain in a special fund for the respective justice court collecting those funds. The remaining 65% will be placed in the "Court Enhancement Fund". All additional civil case filing fees, justice and superior court generated, will be placed in the "Court Enhancement Fund".

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The "Court Enhancement Fund" is established for the purpose of sustaining the fifth pro-tem division of the superior court and to ultimately fund a sixth pro tem division of the superior court. This fund is not considered a blanket fund for all judicial budgetary needs.

In the budget process prior to the start of this fiscal year, the court requested the county to fund a sixth pro tem division. In the two prior fiscal years the court was able to fund a part time sixth judge, without dedicated staff, and depleted these funds at the close of last fiscal year. A fully staffed superior court division costs roughly \$325,000 per year, absent facilities, furnishings and fixtures. The general fund could not support this request (the court ceased a sixth division operation), hence the discussions to create special fees to build the necessary funding. Our initial projections are these special fees could generate as much as \$500,000 per year, and if successful, will generate sufficient monies to achieve our goals.

As to the special funds created for the justice court portions of the warrant and driver's license fees, our proposal recommends those funds be utilized for one-time capital needs, as opposed to funding additional personnel. Our projections suggest that these fees would generate anywhere from \$22,000 in the Bisbee Justice Court to \$83,000 in the Sierra vista Justice Court.

Lastly, also within the same agenda item for the board meeting on November 23, 2004 is a proposed fee schedule specific to the Bowie Justice Court. As the agenda package describes, the justice court in Bowie serves as the community's local copying and faxing center. These services are offered to the citizens of Bowie, but the court must have the approval of the Board of Supervisors to charge a nominal fee for such services.

Please don't hesitate to give me a call prior to the meeting if you need any further information.

Best regards,

Karen

cc: Tom Collins, Presiding Judge
Mike Herbolich, Presiding Justice of the Peace
Tim Dickerson, Justice of the Peace
Faye Coakley, Deputy Court Administrator