



Board of Supervisors Memorandum

May 20, 2014

Ordinance Number 2014-____, Justice Court Cost Recovery Fees

Introduction

Pima County is authorized by A.R.S. § 11-251.08(A) to adopt fee schedules to defray the cost of products and services provided to the public by the County. The Board of Supervisors has previously established fees to defray the costs of certain specific services provided by the Pima County Consolidated Justice Court, such as fees related to default processing, deferred prosecution processing, continuance processing, collection fees, arrest warrant processing, and court automation fees.

The Consolidated Justice Court will incur annual costs of approximately \$1 million as a result of its occupancy of about 117,000 square feet of the new Pima County Public Service Center in Fiscal Year (FY) 2014/15. Given the demands on the County's General Fund, it has become necessary to defray these operating costs through a Court Operations Fee.

Proposed Ordinance

Attached to this memorandum is proposed Ordinance Number 2014-____, which would assess a \$20 fee in Pima County Consolidated Justice Court on each Complaint and Answer filed in a civil or forcible detainer (eviction) case and on the defendant in each adjudicated civil traffic case. These fees are expected to generate approximately \$1 million per year based on current caseloads and the collections rate on civil traffic adjudications. The Ordinance would become effective on July 1, 2014.

The Ordinance would increase civil case filing fees as follows:

	<u>Current fees</u>	<u>Proposed fees per the new Ordinance</u>
Civil Complaint	\$78	\$98
Civil Answer	\$37	\$57
Eviction Complaint	\$42	\$62
Eviction Answer	\$17	\$37

The Honorable Chair and Members, Pima County Board of Supervisors
Re: **Ordinance Number 2014-____, Justice Court Cost Recovery Fees**
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In civil traffic cases, the Arizona Legislature has imposed additional surcharges of 83 percent on each base fee or fine; which, when rounded up, will add a State surcharge of \$17 to the \$20 Court Operations Fee.

For some of the more common civil traffic infractions, the Ordinance would have the following impact:

<u>Common Traffic Fines</u>	<u>Initial Total</u>	\$20 fee (plus 83 percent State surcharge) \$37 total
Waste of Finite Resources	\$ 78.50	\$115.50
Speeding 1-10 over	\$176.50	\$213.50
Speeding 11-15	\$224.50	\$261.50
Speeding 16-20	\$243.50	\$280.50
No Registration (with proof after fact)	\$151.50	\$188.50
No license (with proof after fact)	\$91.50	\$128.50
No Insurance (with proof after fact)	\$151.50	\$188.50

Recommendation

I recommend approval of this proposed ordinance effective July 1, 2014 to generate approximately \$1 million annually to defray the costs of service to the public by the Pima County Consolidated Justice Court at the new Pima County Public Service Center.

Respectfully submitted,

C.H. Huckelberry
C.H. Huckelberry
County Administrator

CHH/mjk – May 7, 2014

Attachment

c: Ellen Wheeler, Assistant County Administrator

ORDINANCE NUMBER 2014-_____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA,
AMENDING PIMA COUNTY ORDINANCE NUMBER 1999-74, AS PREVIOUSLY
AMENDED BY ORDINANCES 2000-45, 2007-40, 2008-69, 2008-116, and 2009-28, BY
ESTABLISHING AN ADMINISTRATIVE COST RECOVERY FEE FOR SERVICES PROVIDED
TO THE PUBLIC BY THE PIMA COUNTY CONSOLIDATED JUSTICE COURT**

The Board of Supervisors of Pima County Arizona finds that:

1. Section 11-251.08(A) of the Arizona Revised Statutes authorizes the Board of Supervisors to adopt fee schedules to defray the cost of products and services provided to the public by Pima County.
2. The County adopted certain Cost Recovery Fees for Pima County Justice Court in Ordinance 1999-74. The Board subsequently amended the Cost Recovery Fee schedule by adopting ordinances 2000-45, 2007-40, 2008-69, 2008-116, and 2009-28.
3. The County has constructed the new Pima County Public Service Center in downtown Tucson, which will house the Justice Court and enable it to better serve the public.
4. It is in the best interest of the County to amend Ordinance No. 1999-74, as previously amended, to provide for a Court Operations Fee to help defray the Justice Court's costs in providing services at the new Public Service Center.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

SECTION 1. Pima County Ordinance 1999-74, as previously amended by ordinances 2000-45, 2007-40, 2008-69, 2008-116, and 2009-28, is amended as follows:

Section 1. The following fees are hereby established:

1. Default Processing Cost Recovery Fee

2. Deferred Prosecution Processing Cost Recovery Fee

3. Continuance Processing Cost Recovery Fee

4. Collection Fees

5. Arrest Warrant Processing Recovery Fee

6. Court Automation Services Fee

7. Photo Radar Citation Processing Fee

8. Court Operations Fee

A Court Operations Fee of \$20 is hereby imposed in order to defray a portion of the cost of providing Justice Court services to the public in the downtown Pima County Public Service Center. The fee must be paid by each person who files a complaint or an answer to a complaint in a civil or forcible detainer action in Pima County Justice Court, and by the defendant in each civil traffic case adjudicated in Pima County Justice Court.

SECTION 2. All the provisions of Ordinance 1999-74, as previously amended or amended by this Ordinance, remain in effect.

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications of this Ordinance that can be given meaning without the invalid provision.

SECTION 4. This Ordinance shall take effect from and after July 1, 2014.

PASSED AND ADOPTED by the Board of Supervisors of Pima County, Arizona, this _____ day of _____, 2014.

Chair
Pima County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:



Civil Deputy County Attorney
DANIEL JURKOWITZ