

## **NOTICE OF HEARING**

Notice is hereby given that on **MONDAY, NOVEMBER 18, 2024**, the Mohave County **Board of Supervisors** will hold their regular meeting. At this time, all interested persons may appear and be heard at **9:30 AM**, at 700 W. Beale Street, Kingman, Arizona, regarding the following item(s):

Evaluation of a request for changes to increase the fee from \$10.00 to \$20,00 to cover the justice courts' annual automation costs and approve the amendment of Mohave County ordinance 99-05, section 3.1 authorizing the increase.

Complete legal descriptions and proposals are on file with Mohave County Justice Courts, 524 W Beale Street, Kingman, Arizona, and the Mohave County website under News & Notices.

### **MOHAVE COUNTY BOARD OF SUPERVISORS**

Laura Skubal, Clerk of the Board

TODAY'S NEWS HERALD

**PUBLISH: SUNDAY, OCTOBER 27, 2024**

Invoice To: Mohave County Clerk of the Board  
ATTENTION: Laura Skubal  
P.O. Box 7000, Kingman, AZ 86402-7000



## Mohave County Request for Board Action

11/18/24 BOS  
MAY

**APPROVED**

**Date Submitted:**

9/4/2024

**BOS Meeting Date Requested: \***

9/16/2024

**Submitted By: \***

Laurie Allen

**Submitting Department: \***

Justice Courts

**Requested Board Action Type \***

Consent

**Summarize The Issue and Desired Action Clearly: \***

The Mohave County Justice Courts are requesting the Board of Supervisors set a public hearing during their regular meeting on November 18, 2024 to authorize the increase of the Court Enhancement Fee from \$10.00 to \$20.00. The fee increase will help defray the annual costs of computer leases for all the justice courts, and other court resources related to providing these services.

**Recommended Motion: \***

Set a public hearing on November 18, 2024 to discuss increasing the Court Enhancement Fee from \$10.00 to \$20.00 to help cover the justice courts annual automation costs and approve amendment of Mohave County Local Ordinance 99-05, section 3.1 authorizing the increase.

**Attach Backup Material**

CEF Increase Request Sept 2024.pdf

535.4KB

A Single PDF Only (maximum file size 100MB)

**Are there pages that require signatures? \***

Yes  No

**Does this create a New Grant or update an existing Grant? \***

Yes  No



MOHAVE COUNTY JUSTICE COURTS

(928) 753-0790 ext 4475

FAX (928) 753-8908

TO: Hon. Chairperson and Members of the Board

FROM: Laurie Allen, Limited Jurisdiction Court Administrator

DATE: August 28, 2024

RE: Court Enhancement Fee

**RECOMMEDATION:**

The Board of Supervisors approve amendment of Ordinance No. 99-05, Section 3.1 authorizing an increase of the Court Enhancement Fee (CEF).

**BACKGROUND:**

The Presiding Limited Jurisdiction Judge and the four elected Justice of the Peace request the Board of Supervisors authorize an increase for the Court Enhancement Fee effective January 1, 2025. The authority for this request arises out of A.R.S. 11-251.08 which states, "the board of supervisors may adopt fee schedules for any specific products and services the county provides to the public. Notwithstanding fee schedules or individual charges in statute, a board of supervisors may adopt an additional charge or separate individual charge."

The Court Enhancement Fee is currently \$10.00 per fine assessed. The proposal is to increase the fee by \$10.00 for a total of \$20.00. The fee increase will help defray the annual costs of computer leases for all justice courts, and other court resources related to providing these services. The fee also covers costs of courtroom video conferencing equipment, security equipment repair, office equipment and has partially funded several projects such as the courtroom addition at the Lake Havasu Court facility. The fee is collected by the Justice Courts and transmitted monthly to the Mohave County Treasurer's Office for deposit into the Court Enhancement fund.

The fee has not been increased since the fund was established in 1999. The court enhancement revenue has significantly decreased over the last few years due to several factors along with an increase in expenditures beyond our control. There has been an increase of approximately \$26,000 in Automation costs over the last two years. If the fee increase is not approved, the fee account will no longer be sustainable to fund the annual expenditures for FY26.

The main expenses paid from the Court Enhancement Fund are the annual computer costs and additional services provided to court staff and the public. The Justice Courts have a JCEF fee account which all revenue received is paid to computer costs, leaving a balance that the Court Enhancement Fund is responsible to cover. The figures below represent the CEF revenue collected and the CEF balance due to Automation expenses over the last five years:

<b>Fiscal Year</b>	<b>Revenue Collected (CEF)</b>	<b>Automation Expenditure (CEF)</b>
2020	\$94,849	\$70,812
2021	\$66,800	\$58,861
2022	\$59,080	\$76,408
2023	\$77,494	\$74,601
2024	\$73,266	\$78,590
<i>Projected FY25</i>	<i>\$73,000</i>	<i>\$100,571</i>

**ALTERNATIVE:**

The only alternative to this proposal would be to keep the Court Enhancement Fee at the current level and thereby relinquish the ability to fund necessary and/or mandated court services or equipment that is needed to maintain the current court services being provided.

**MOHAVE COUNTY  
ORDINANCE NO. 99-05**

**JUSTICE COURT ADMINISTRATIVE FEE SCHEDULE  
AND JAIL COST RECOVERY ORDINANCE**

**An ordinance adopted pursuant to A.R.S. 11-251.08 (A), establishing certain administrative fees for the Justice Courts in Mohave County in order to: defray costs associated with issuing and processing Failure to Appear warrants; enhance court operations; assess defendants costs associated with collecting delinquent fines and restitution; and recovery of actual costs of incarceration.**

**SECTION 1: AUTHORITY/PURPOSE/JURISDICTION/TITLE**

- 1.1 Authority.** Mohave County is authorized by Section 11-251.08 (A) of the Arizona Revised Statutes to adopt fee schedules for specific products and services the county provides to the public. In Arizona Attorney General's Opinion No. 195-63 (December 18, 2005), the Attorney General determined that A.R.S. 11-251.08 (A) authorizes the Board of Supervisors to "establish fees for any specific products or services that the county provides to the public and to direct Justice Courts to collect any established court-related fees."
- 1.2 Purpose.** It is the purpose of this ordinance to establish an administrative fee schedule whereby Mohave County may defray certain costs associated with the additional work related to issuing and processing numerous Failure to Appear warrants and photo radar citations in the Justice Courts. It further establishes a Court Enhancement Fee to provide funds supplemental to budgetary funds for advancing court operations in areas of technology, court security, and programs designed to improve court efficiency. This ordinance also provides for the recovery of the actual per diem costs of incarceration as the result of a person being convicted and sentenced to a term of incarceration in the Mohave County jail by a Justice of the Peace.
- 1.3 Jurisdiction.** This ordinance shall apply to all Justice Courts in Mohave County.
- 1.4 Title.** This ordinance shall be known as the Mohave County Justice Court Administrative Fee Schedule Ordinance.

## SECTION 2: FEES

- 2.1 Warrant Fee.** The Mohave County Justice Courts shall collect a warrant fee of one hundred twenty dollars (\$120.00) for each warrant a court is required to issue as the result of a Failure to Appear, which includes any failure to appear at a scheduled, or otherwise required court appearance. This fee applies to all forms and types of warrants and shall be added to the amount set forth in the arrest warrant.
- 2.2 Civil Fee.** The Mohave County Justice Courts shall collect a civil fee of (\$10.00) for each Small Claim and Eviction filing and answer filed into the court and (\$20.00) for each Civil Case filing and answer filed into the court.
- 2.3 Photo Radar Fee.** The Mohave County Justice Courts shall collect a photo radar fee of twelve dollars (\$12.00) for each photo radar citation processed by the court.
- 2.4 Deposit into general fund.** All fees collected under this section shall be received by the Justice Courts in a manner consistent with the Arizona Supreme Court Accounting Standards and deposited with the Treasurer on a monthly basis for deposit into the county general fund.
- 2.5 Annual Review.** The fees imposed by Section 2 shall be reviewed by the Court Administration to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs associated with the processing of warrants or photo radar citations. If appropriate, the Court Administrator shall recommend an upward or downward adjustment of the fee to the Boards of Supervisors prior to the start of the next fiscal year.

## SECTION 3: COURT ENHANCEMENT FEE

- 3.1 Court enhancement fee.** The Mohave County Justice Courts shall collect a court enhancement fee of twenty dollars (\$20.00) which shall be assessed in addition to any fine, sanction, or penalty imposed by a court. The court enhancement fee shall be collected pursuant to the Arizona Code of Judicial Administration Priority of Offender Payments. The court enhancement fee shall be received by the court in a manner consistent with the Arizona Supreme Court Accounting Standards and deposited with the treasurer on a monthly basis for deposit into the Court Enhancement Fund.
- 3.2 Court enhancement fund.** The Court Enhancement Fund shall be established as a fund account so designated with the County Treasurer for the purpose of receiving the court enhancement fee. Interest earned on fund monies shall be deposited into the fund. The court enhancement fund shall be used at the sole discretion of a Justice of the Peace of a single court to the limit of that court's available account balance, or collectively by two or more Justices of the Peace to the limit of their accounts with the

approval of the Presiding Limited Jurisdiction Court Judge or Associate Presiding Limited Jurisdiction Court Judge.

#### **SECTION 4: JAIL COSTS RECOVERY FEE**

- 4.1 Jail costs recovery fee.** The Mohave County Justice Courts may require any person who is convicted of a misdemeanor criminal offense and sentenced to a term of incarceration in the Mohave County jail, or any other facility authorized by law, to reimburse Mohave County for all or any part of the actual expenses the county has or will incur by reason of the incarceration. The maximum amount ordered for reimbursement under this section shall not exceed the number of days the misdemeanant is actually incarcerated, multiplied by the actual costs per day, including any part of a twenty-four hour period which shall be considered one day.
- 4.2 Factors to be considered.** A Justice of the Peace may determine the amount of incarceration costs to be paid based on the following factors:
- A.** The per diem per person cost of incarceration incurred by the county.
  - B.** The person's ability to pay all or part of the incarceration costs.
- 4.3 Deposit into general fund.** All fees collected under this section shall be received by the Justice Courts in a manner consistent with the Arizona Supreme Court Accounting Standards and deposited with the Treasurer monthly for deposit into the county general fund.

#### **SECTION 5: COLLECTION FEES**

- 5.1 Collection fees.** Any defendant who defaults in his or her obligation for the payment of monies owed or due Mohave County Justice Courts including, but not limited to, restitution, fines, surcharges, assessments, penalties, bond, costs and fees is liable for all costs of collection including attorney fees and costs and/or any fees and charges assessed by a collection agency that is licensed pursuant to Title 32, Chapter 9, Article 2, Arizona Revised Statutes, and that is engaged legally by contract or otherwise to act on behalf of the Mohave County Justice Courts for the purpose of collecting the aforementioned obligations. All such costs and fees, including legal fees and court costs related to collection, assessed by the collection agency shall be added to the sum or sums due from and chargeable to the defendant.

#### **SECTION 6: WAIVE/SUSPEND/DEFER**

- 6.1 Waive, suspend, and deferring fees.** Any Justice of the Peace, Justice of the Peace Pro Tempore, or Hearing Officer may waive, suspend, or defer payment of all or part of any

fee upon a determination of economic hardship on the part of the defendant, or in the interests of justice.

#### **SECTION 7: COMMUNITY SERVICE CONVERSION**

- 7.1 Community service conversion.** Any Justice of the Peace may convert all or part of any fee to community service time at a rate consistent with the court's community service program. Upon approval of the Judge, a court collections officer may convert all or part of any fee to community service time.

#### **SECTION 8: SEVERABILITY**

If any fee imposed herein is determined by a court of competent jurisdiction to be unenforceable in whole or in part, the other fees imposed herein shall not be affected and shall remain fully enforceable.

**ADOPTED** by the Board of Supervisors of Mohave County this 18th day of November 2024.

MOHAVE COUNTY BOARD OF SUPERVISORS

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Hildy Angius, Chairperson

Attest:

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Laura Skubal, Clerk of the Board