

**RESOLUTION 22- \_\_\_\_\_**

**APPROVING REVISED JUDICIAL ADMINISTRATIVE FEE SCHEDULE**

**WHEREAS**, the Superior and Justice Courts in Cochise County wish to amend certain administrative fees adopted by Resolution 2004-106 and amended by Resolution 2008-024 and 2012-13; and

**WHEREAS**, due to a change in State law, the Justice Courts are no longer able to impose a suspension fee when a person defaults or fails to pay in a civil traffic matter; and

**WHEREAS**, a default in a civil traffic case causes additional, unnecessary work to be done by the Justice Courts, the cost of which was defrayed by the suspension fee; and

**WHEREAS**, the Justice Courts and Superior Court in Cochise County use the revenue generated by the administrative fees to supplement their general fund budgets and enhance services provided to the public; and

**WHEREAS**, A.R.S. § 11-251.08 authorizes a board of supervisors to adopt fee schedules for any specific products and services the county provides to the public to defray or cover the expense of the product or service for which the fee or charge is assessed,

**IT IS RESOLVED** that the Cochise County Board of Supervisors hereby adopts the Judicial Administrative Fee Schedule attached as Exhibit 1.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Ann English, Chair  
Cochise County Board of Supervisors

**ATTEST:**

\_\_\_\_\_  
Kim Lemons, CPPC  
Clerk of the Board

**APPROVED AS TO FORM:**

*Christine J. Roberts* 12/22/2021  
\_\_\_\_\_  
Christine J. Roberts, Esq.  
Chief Civil Deputy County Attorney

## EXHIBIT 1

### JUDICIAL ADMINISTRATIVE FEE SCHEDULE (Effective \_\_\_\_\_, 2022)

*Pursuant to Cochise County Resolution 22-\_\_\_\_\_*

Pursuant to A.R.S. § 11-251.08 (A), the Judicial Branch in Cochise County establishes certain administrative fees in order to defray costs associated with issuing and processing certain warrants, suspension of driving privileges in cases of default, petitions for conciliation/mediation, and to enhance court operations.

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

- 1.1 Authority.** Cochise 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 N.195.63 (December 18, 1995) the Attorney General determined that A.R.S. § 11-251.08 (A) authorized the Board of Supervisors to "establish fees for any specific products or services that the county provides to the public and to authorize courts to collect any established court-related fees."
- 1.2 Purpose.** It is the purpose of this administrative fee schedule to defray certain costs in the Justice Courts associated with the additional work related to issuing and processing numerous warrants, the suspension of driving privileges and the collection of penalties, fines, or sanctions on a time payment basis. It further establishes a Court Enhancement Fee to provide funds supplementing, but not supplanting, budgeted funds dedicated to staff and operational requirements of judges pro tem in superior court and for advancing court operations. The Court Enhancement Fund shall not be deemed to relieve the county of its funding responsibilities to the overall operation of the judicial branch.
- 1.3 Jurisdiction.** This fee schedule shall apply to all courts Superior and all Justice Courts in Cochise County.

- 1.4 Title.** This fee schedule shall be known as the Cochise County Judicial Administrative Fee Schedule.

## **SECTION 2: WARRANT, SUSPENSION, AND COURT ENHANCEMENT FEES**

- 2.1 Warrant Fee.** The Cochise County Justice Courts may collect a warrant fee of One Hundred Dollars (\$100) 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 or for failure to comply with court orders. This fee shall be added to the amount set forth in the arrest warrant.
- 2.2 Suspension Fee.** The Cochise County Justice Courts may collect a suspension fee of One Hundred Dollars (\$100) for each suspension of an Arizona driver's license privilege to drive in the State of Arizona which the court is required to issue as the result of a failure to pay a civil sanction or an out-of-state driver's license privilege as a result of failure to pay a civil sanction provided the state that issued the driver's license is a participant in the Non-Resident Violator Compact (NRVC), if a suspension of driving privileges is allowed by the law of the State of Arizona.
- 2.3 Default Fee.** The Cochise County Justice Courts may collect a default fee of One Hundred Dollars (\$100) for each default judgment the court is required to enter as the result of a failure to appear in a civil traffic matter.
- 2.4 Justice Court Enhancement fee.** The Cochise County Justice Courts may collect a court enhancement fee of Fifteen Dollars (\$15) which shall be assessed in addition to any fees associated with the filing of civil cases.
- 2.5 Superior Court Enhancement fee.** The Cochise County Superior Court may collect a court enhancement fee of Fifty Dollars (\$50) which shall be assessed in addition to any fees associated with any filing of civil, domestic relations, probate, and guardianship/conservatorship cases. This assessment shall be applied to any filing in the aforementioned categories subject to fees as established by A.R.S. § 12-284.

**2.6 Deposit of fees collected by Justice Court.** All warrant, suspension, default, and enhancement fees collected under this section shall be received by the Justice Courts in a manner consistent with the Arizona Supreme Court Accounting Standards. Sixty-five percent (65%) of the warrant, suspension, and default fees shall be deposited with the County Treasurer on a monthly basis for deposit into the Superior Court Enhancement Fund as established in Section 5.1. Thirty-five percent (35%) of the warrant suspension, and default fees shall be deposited with the County Treasurer on a monthly basis for deposit into each Justice Court's respective Enhancement Fund as established in section 5.2. Thirty-five percent (35%) of the Justice Court enhancement fees shall be deposited with the County Treasurer on a monthly basis for deposit into the Superior Court Enhancement Fund as established in Section 5.1. Forty-two percent (42%) shall be deposited with the County Treasurer on a monthly basis for deposit into the Justice Court Security Fund as established in Section 5.3 and twenty-three percent (23%) into each Justice Court's respective Enhancement Fund as established in section 5.2.

**2.7 Deposit of fees collected by Superior Court.** All enhancement fees collected under this section shall be received by the Superior Court in a manner consistent with the Arizona Supreme Court Accounting Standards and shall be deposited with the County Treasurer on a monthly basis for deposit into the Superior Court Enhancement Fund as established in Section 5.1.

### **SECTION 3: TIME PAYMENT FEE**

**3.1 Justice Court Time Payment Fee.** The Justice Courts may collect a time payment fee in the amount of Twenty Dollars (\$20) from each person who pays a court ordered penalty, fine, or sanction on a time payment basis. A time payment basis shall be any penalty, fine, or sanction not paid in full on the date the court imposed the fine, penalty, or sanction.

**3.2 Deposit into Justice Court Enhancement Funds.** All time payment fees collected under this section shall be received by the Justice Court in a manner consistent with the Arizona Supreme Court Accounting Standards and shall be deposited with the County Treasurer on a monthly basis for deposit into the Justice Court's respective Enhancement Fund as established in section 5.2.

## SECTION 4: JUSTICE COURT SECURITY FEE

- 4.1 Justice Court Security Fee.** The Justice Courts may collect a Justice Court Security Fee of Twenty Dollars (\$20) per case, in each case in which a fine, penalty or forfeiture is imposed for any criminal, civil traffic, or county ordinance offense or violation.
- 4.2 Deposit into Justice Court Security Fund.** All Justice Court Security Fees collected under this section shall be received by the Justice Court in a manner consistent with the Arizona Supreme Court Accounting Standards and shall be deposited with the County Treasurer on a monthly basis for deposit into the Justice Court Security Fund as established in section 5.3.

## SECTION 5: COURT ENHANCEMENT FUNDS

- 5.1 Superior Court Enhancement Fund.** The Superior Court Enhancement Fund shall be established as a non-reverting special revenue fund. All Court Enhancement fees shall be used to supplement, but not supplant, budgeted funds dedicated to staff and operational requirements of judges pro tem in superior court and for advancing court operations. 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 County Treasurer on a monthly basis for deposit into the Court Enhancement Fund. Interest earned on fund monies shall be deposited into the fund.
- 5.2 Justice Court Enhancement Funds.** The Justice Court Enhancement Funds shall be established as a non-reverting special revenue fund for each Justice Court to provide the courts with supplemental funding for any expenditures as determined by the court. The utilization of each Justice Court's Enhancement Fund will be incorporated into each fiscal year's budget planning cycle. When the need to utilize local enhancement funds otherwise arises, each Justice of the Peace will submit a request for expenditure through the office of Court Administration for Presiding Judge review and approval and a request for approval to the Cochise County Board of Supervisors. Court Administration will be responsible for record keeping of any expenditure that occurs outside the normal budget process. The Enhancement Fund shall be used to supplement, but not supplant, budgeted funds. Interest earned on fund monies shall be deposited into the fund.

- 5.3 Justice Court Security Fund.** The Justice Court Security Fund shall be established as a non-reverting special revenue fund to provide the Justice Courts with supplemental funding for court security. The fund shall be administered by Court Administration and expenditures shall be as determined by the Presiding Judge and Justices of the Peace. The Justice Court Security Fund shall be used to supplement, but not supplant, budgeted funds. Interest earned on fund monies shall be deposited into the fund.

## **SECTION 6: PETITION FOR CONCILIATION/MEDIATION**

- 6.1 Petition for Conciliation/Mediation Services.** The Cochise County Superior Court may collect a fee of Sixty-Five Dollars (\$65.00) upon the filing of a Petition for Conciliation/Mediation services not associated with a domestic relations matter filed in the Superior Court.
- 6.2 Post Decree Mediation Services.** The Cochise County Superior Court may collect a fee of Thirty-Five Dollars (\$35.00) upon the filing of any post decree petition for custody or parenting time or to modify custody or parenting time or for other services provided by the Family Conciliation Court.
- 6.3 Deposit into Conciliation/Mediation Fund.** The fees shall be received by the court in a manner consistent with the Arizona Supreme Court Accounting Standards and deposited with the County Treasurer on a monthly basis for deposit into the Conciliation/Mediation Fund.

## **SECTION 7: WAIVE/SUSPEND/DEFER**

- 7.1 Waive, suspend, and defer fees.** Any Superior Court Judge, 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 as defined by the Federal Poverty Guidelines on the part of the defendant or in the interest of justice.

**JUDICIAL ADMINISTRATIVE FEE SCHEDULE**  
**(Effective \_\_\_\_\_, 2022)**

Justice Court Warrant Fee	\$100.00
Justice Court Suspension Fee	\$100.00
Justice Court Default Fee	\$100.00
Justice Court Enhancement Fee	\$15.00
Justice Court Time Payment Fee	\$20.00
Justice Court Security Fee	\$20.00
Superior Court Enhancement Fee	\$50.00
Superior Court Conciliation/Mediation Services Fee	\$65.00
Superior Court Post Decree Mediation Service Fee	\$35.00