

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Approve Court Enhancement Fund fee increase and amendments to Article 6-3 and the Municipal User Fee Schedule	STAFF PRESENTER: Crystal McCreery, Court Administrator CASE NUMBER: None OTHER PRESENTER: None
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PROPOSED ACTION:

1. ADOPT ORDINANCE NO. 2018-1386 AMENDING GOODYEAR CITY CODE ARTICLE 6-3 RELATED TO FEES ASSESSED BY THE MUNICIPAL COURT; PROVIDING FOR CORRECTIONS, SEVERABILITY AND AN EFFECTIVE DATE.
2. ADOPT RESOLUTION NO. 2018-1870 AMENDING THE MUNICIPAL USER FEE SCHEDULE BY REMOVING THE MUNICIPAL COURT FEES AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND PREVIOUS ACTIONS:

Article 6-3 of Goodyear City Code established the City Court's rules, guidelines and fees related to the Proceedings, Conduct and Management of the court. On April 27, 1998 Council adopted Ordinance 98-602 establishing a Court Enhancement Fund that is to be used exclusively to enhance the technological and security capabilities of the court. This fund shall be funded by an enhancement fee of \$10, which shall be applied by the city court on all fines, sanctions, penalties and assessments by the court.

In 2010, a comprehensive user fee study was conducted and City Council later approved the Goodyear Municipal User Fee Schedule with the adoption of Resolution 10-1357 on May 10, 2010 that incorporated a Default Fee of \$35 for failure to appear and pay a civil sanction and an Administrative Fee of \$100 for participation in counseling or diversion program. See Attachment 3 (Excerpt from Municipal User Fee Schedule). At the time the User Fee Schedule was adopted, the court fees referenced in Article 6-3 were not amended to be consistent with the Municipal User Fee Schedule.

STAFF ANALYSIS:

Pursuant to the adopted Municipal User Fee Schedule in 2010, Section 6-3-3 (Default Fee) and Section 6-3-6 (Administration) of the Goodyear City Code require amendment to keep the fees consistent with the approved User Fee Schedule.

In July 2017, the Supreme Court of Arizona issued Administrative Order 2017-15 ordering courts to comply with minimum security standards and related implementation recommendations. Pursuant to this Order and in order to sufficiently fund the state mandated security and technological capabilities, the Court is requesting an increase of the Court Enhancement Fund Fee referenced in Section 6-3-5 from \$10 to \$20. The Court Enhancement

Fund Fee was not incorporated in the approved Municipal User Fee Schedule and therefore requires Council approval for the increase. Approval of this increase will also require amendment of Subsection 6-3-5(B) to incorporate the increase.

In an effort to keep all court fees consistent, it is the Court's desire and recommendation that all Municipal Court Fees be authorized and maintained solely within the Goodyear City Code Article 6-3 and be removed from the Municipal User Fee Schedule. This will eliminate the need to maintain or revise fees in two locations.

FISCAL ANALYSIS:

The revisions to the Default and Administrative Fee in Article 6-3 are consistent with the current fees as previously established in the Municipal User Fee Schedule and do not represent fee increases.

Revenue from the Court Enhancement Fund Fee is currently averaging \$44,000 per fiscal year. This fund is currently supporting \$40,000 to supplement the Court Security Guard position and will be used to continue to support this position and other eligible expenses.

RECOMMENDATION:

Approve the Ordinance increasing the Court Enhancement Fund Fee increase to provide adequate supplemental funding for on-going security and technological needs of the Court and revise Article 6-3 to update the Municipal Court Fees. Approve the Resolution removing the Court Fees referenced in the Municipal User Fee Schedule to be maintained in Article 6-3 of the Goodyear City Code.

ATTACHMENTS:

- 1) Article 6-3 Blacklined Copy
- 2) Ordinance 2018-1386 Amending Article 6-3
- 3) Resolution 2018-1870 Amending Municipal User Fee Schedule
- 4) Excerpt from Municipal User Fee Schedule