

**City of Carson City
Agenda Report**

Date Submitted: December 20, 2013

Agenda Date Requested: January 2, 2014

Time Requested: 10 minutes

To: Mayor and Supervisors

From: Max Cortes, Court Administrator

Subject Title: For possible action: Action to approve the use of court funds generated from Nevada Revised Statutes (NRS) 19.0302 and 4.060 by civil filing fees in the First Judicial District Court and the Justice/Municipal Court for the remodeling of a third courtroom located on the third floor of the Carson City Courthouse.

Staff Summary: On November 13, 2013, the Court Administrator attended the Internal Finance Committee (IFC) meeting requesting approval for the First Judicial District Court and Justice/Municipal Court to use approximately \$123,600 of court funding pursuant to Nevada Revised Statutes (NRS) 19.0302 and 4.060 for the remodeling of a third courtroom. IFC advised that the funding would need to be approved by the Board of Supervisors.

The First Judicial District Court and the Carson City Justice/Municipal Courts are located in the same building. The District Court is on the third floor and has two courtrooms and the Justice/Municipal Court is on the second floor and has two courtrooms. Often times, the Justice/Municipal Court requests the use of the District Court courtrooms to conduct court proceedings that are not able to be heard on the court's regular calendar such as a day long and multiple day preliminary hearing and/or conflict cases that are required to be heard by another judge. Unfortunately, due to the number of trials and hearings being scheduled in the District Court, the courtrooms are often not available. When this occurs, the Jury Assembly Room is used. Due to the unavailability of hearing times on the Justice/Municipal Court's calendars, Small Claims cases are currently being heard weekly in the Jury Assembly Room.

The Jury Assembly Room has a make shift podium on rolling wheels which is used as the judge's bench. The public entrance is to the side of the judge's bench which is a security issue and can be disruptive if individuals enter the room in the middle of a proceeding. Seating consists of plastic green chairs and fold up tables are used for counsel and litigants. A CD recorder is being used to record court proceedings. *(See attached picture #1- Jury Assembly Room being used as a courtroom).*

Due to budgetary constraints, the unavailability of courtrooms and the urgency for court proceedings to be conducted, the Jury Assembly Room continues to be used as a courtroom. The First Judicial District Court and the Justice/Municipal Court have submitted multiple Capital Improvement Program applications for funding to build an additional courtroom. Due to the lack of funding in the Capital Improvement Program, the applications have not been approved.

Assembly Bill 65 (AB 65) was passed by the Nevada Legislature in 2009, amending NRS 19.0302 with respect to increasing civil filing fees in all District Courts and Assembly Bill 54 (AB 54) was passed by

the Legislature in 2013, amending NRS 4.060 with respect to increasing civil filing fees in all Justice Courts. Raising the civil filing fees provides funding to the State, Cities/Counties and to the Courts. The funding can statutorily be used for this project.

Although, this is a project Carson City is obligated to directly pay for, the First Judicial District Court Judges and the Carson City Justice/Municipal Court Judges appreciate the effect the economy downturn has had on Carson City and the General Fund. The judges have agreed to pool funds generated from NRS 19.0302 and NRS 4.060 from the Courts' portions and remodel the area for an additional courtroom that will be used by both courts.

Since the passage of AB 65, the District Court utilized the court's portion of the funding to remodel the Juvenile Court (30 year old building) in 2012-2013, at an estimated cost of \$90,000. Additionally, the District Court purchased new computers, printers, copiers for the employees working in the District Court Clerk's Office and the Juvenile Court and paid for remodeling at the Juvenile Probation Department for additional office space. The District Court also purchased new computers and office furnishings for the Juvenile Probation Department. The District Court's portion of AB 65 funding has also been allocated to CASA (Court Appointed Special Advocates) Program at a rate of \$25,000 annually which is permitted by statute. The \$25,000 is to assist the program's operating expenses.

The District Court continues to use AB 65 funding to improve the court's operations and for security needs. The District Court anticipates expending \$18,000 in 2014 to place Mylar screening on the windows of the courthouse to prevent individuals from seeing inside the building. The US Marshal performed a Security Assessment in 2006, and the windows were determined to be a potential security risk. The Mylar screening will also assist with retaining heat and cooling to reduce the energy costs for the courthouse.

The Justice/Municipal Court has used NRS 4.060 funding for many years for technology, training, equipment, and office furnishings in lieu of the General Fund. With the passage of AB 54, additional funding will be available to assist with security needs and other court needs.

The area identified for the additional courtroom was originally planned for a courtroom when the courthouse was built in 1999. *(See attached picture #2 – Area being used by Clerk/Recorder's staff)* Remodeling is needed to construct the judge's bench, clerk and witness area, audience seating, well area for counsel, electrical and data configurations/outlets, furnishings, computers, paint, and carpet. *(See attached picture #3 – Design of new courtroom)*

Additionally, staff from the Clerk Recorder's Office is utilizing the area and will need to be relocated to the Clerk Recorder's Office located on the first floor of the courthouse. The remodeling costs for the Clerk Recorder's Office will also be paid for by court funds. Total project costs are estimated to be \$123,600. A grant has been submitted in the amount of \$35,002 for a Jefferson Audio Video System which is essential to record the court proceedings and has ADA functionality for the hard of hearing. If awarded, the match for the grant will be paid for from NRS 19.0302 and NRS 4.060.

Type of Action Requested: (check one)

Resolution

Ordinance

Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to approve the use of court funds generated from NRS 19.0302 and NRS 4.060 by civil filing fees in the District Court and Justice/Municipal Court for the remodeling of a third courtroom located on the third floor of the Carson City Courthouse.

Applicable Statute, Code, Policy, Rule or Regulation:

NRS 19.0302 Additional fees in civil actions: Special account for benefit of court; certain amount to be remitted to organization that operates legal services in larger counties.

1. Except as otherwise provided by specific statute and in addition to any other fee required by law, each clerk of the court or county clerk, as appropriate, shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the district court, other than those listed in paragraphs (c), (e) and (f), or on the transfer of any action or proceeding from a district court of another county, to be paid by the party commencing the action, proceeding or transfer \$99

(b) On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants..... \$99

(c) On the filing of a petition for letters testamentary, letters of administration or a guardianship, which fee does not include the court fee prescribed by NRS 19.020, to be paid by the petitioner:

(1) Where the stated value of the estate is \$200,000 or more..... \$352

(2) Where the stated value of the estate is more than \$20,000 but less than \$200,000 \$99

(3) Where the stated value of the estate is \$20,000 or less, no fee may be charged or collected.

(d) On the filing of a motion for summary judgment or a joinder thereto \$200

(e) On the commencement of an action defined as a business matter pursuant to the local rules of practice and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding thereto. \$1,359

(f) On the commencement of:

(1) An action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or

(2) Any other action defined as "complex" pursuant to the local rules of practice,

and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding..... \$349

(g) On the filing of a third-party complaint, to be paid by the filing party \$135

(h) On the filing of a motion to certify or decertify a class, to be paid by the filing party \$349

(i) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court..... \$10

2. Except as otherwise provided in subsection 4, fees collected pursuant to this section must be deposited into a special account administered by the county and maintained for the benefit of the court. The money in that account must be used only:

(a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff;

(b) To reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature; and

(c) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraphs (a) and (b), to:

(1) Acquire land on which to construct additional facilities for the district court or a regional justice center that includes the district court;

(2) Construct or acquire additional facilities for the district court or a regional justice center that includes the district court;

(3) Renovate or remodel existing facilities for the district court or a regional justice center that includes the district court;

(4) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the district court or a regional justice center that includes the district court;

(5) Acquire advanced technology;

(6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the district court or a regional justice center that includes the district court;

(7) In a county whose population is less than 100,000, support court appointed special advocate programs for children, at the discretion of the judges of the judicial district;

(8) In a county whose population is less than 100,000, support legal services to the indigent and to be used by the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent; or

(9) Be carried forward to the next fiscal year.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the clerk of the court or county clerk.

4. Each clerk of the court or county clerk shall, on or before the fifth day of each month, account for and pay to the county treasurer:

(a) In a county whose population is 100,000 or more, an amount equal to \$10 of each fee collected pursuant to paragraphs (a) and (b) of subsection 1 during the preceding month. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the clerk of the court or county clerk pursuant to this paragraph.

(b) All remaining fees collected pursuant to this section during the preceding month.

(Added to NRS by 2009, 2479; A 2011, 3652)

NRS 4.060 Fees for justice of the peace; disposition; special account for justice court; report to board of county commissioners.

1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed \$2,500..... \$50.00

If the sum claimed exceeds \$2,500 but does not exceed \$5,000..... 100.00

If the sum claimed exceeds \$5,000 but does not exceed \$10,000..... 175.00

In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, in which a notice to quit has been served pursuant to NRS 40.255..... 225.00

In all other civil actions..... 50.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed \$1,000..... \$45.00

If the sum claimed exceeds \$1,000 but does not exceed \$2,500..... 65.00

If the sum claimed exceeds \$2,500 but does not exceed \$5,000..... 85.00

If the sum claimed exceeds \$5,000 but does not exceed \$7,500..... 125.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions..... \$50.00

For every additional defendant, appearing separately..... 25.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention..... \$25.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution..... \$25.00

(g) For the issuance of any writ of restitution..... \$75.00

(h) For filing a notice of appeal, and appeal bonds..... \$25.00

One charge only may be made if both papers are filed at the same time.

(i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court \$25.00

(j) For preparation and transmittal of transcript and papers on appeal..... \$25.00

(k) For celebrating a marriage and returning the certificate to the county recorder or county clerk \$75.00

(l) For entering judgment by confession..... \$50.00

(m) For preparing any copy of any record, proceeding or paper, for each page \$.50

(n) For each certificate of the clerk, under the seal of the court..... \$3.00

(o) For searching records or files in his or her office, for each year..... \$1.00

(p) For filing and acting upon each bail or property bond..... \$50.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected pursuant to subsection 1 during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to \$5 of each fee collected pursuant to paragraph (k) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (p) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. Except as otherwise provided in subsection 7, the county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of each justice court within the county. The money in that account must be used only to:

(a) Acquire land on which to construct additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(b) Construct or acquire additional facilities or a portion of a facility for a justice court or a multi-use facility that includes a justice court;

(c) Renovate, remodel or expand existing facilities or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or a portion of a facility or the renovation, remodeling or expansion of an existing facility or a portion of an existing facility for a justice court or a multi-use facility that includes a justice court;

(e) Acquire advanced technology for the use of a justice court;

(f) Acquire equipment or additional staff to enhance the security of the facilities used by a justice court, justices of the peace, staff of a justice court and residents of this State who access the justice courts;

(g) Pay for the training of staff or the hiring of additional staff to support the operation of a justice court;

(h) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or for the construction, renovation, remodeling or expansion of facilities for a justice court or a multi-use facility that includes a justice court; and

(i) Pay for one-time projects for the improvement of a justice court.

↪ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

[12:94:1865] + [13:49:1883; BH § 2354; C § 2478; RL § 2015; NCL § 2946] + [13:49:1883; A 1885, 129; 1887, 76]—(NRS A 1959, 707; 1969, 408; 1973, 1677; 1975, 501; 1979, 1723; 1981, 468; 1983, 438; 1985, 1620; 1987, 496; 1989, 378, 581; 1991, 324, 1016, 1867, 1868, 1869; 1993, 1353, 1378, 1464; 1995, 563, 566; 1999, 2408; 2001, 2130, 2906, 3213; 2003, 227, 847; 2007, 885; 2011, 139; 2013, 1197, 2204)

Funding Source: NRS 19.0302 and NRS 4.060.

Supporting Material: Picture #1 Current Jury Assembly Room being used as a courtroom.
Picture #2 Area being used by Clerk/Recorder's staff. Picture #3 – Design of new courtroom.

Prepared By: Max Cortes, Court Administrator

Reviewed By:

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David J. ...
 (District Attorney)

Michael ...
 (Finance Director)

Date: 12-20-2013

Date: 12/22/13

Date: 12-20-13

Date: 12-20-13

Date: 12/23/13

Date: 12/23/13

Date: 12/23/13

Board Action Taken:

Motion: _____

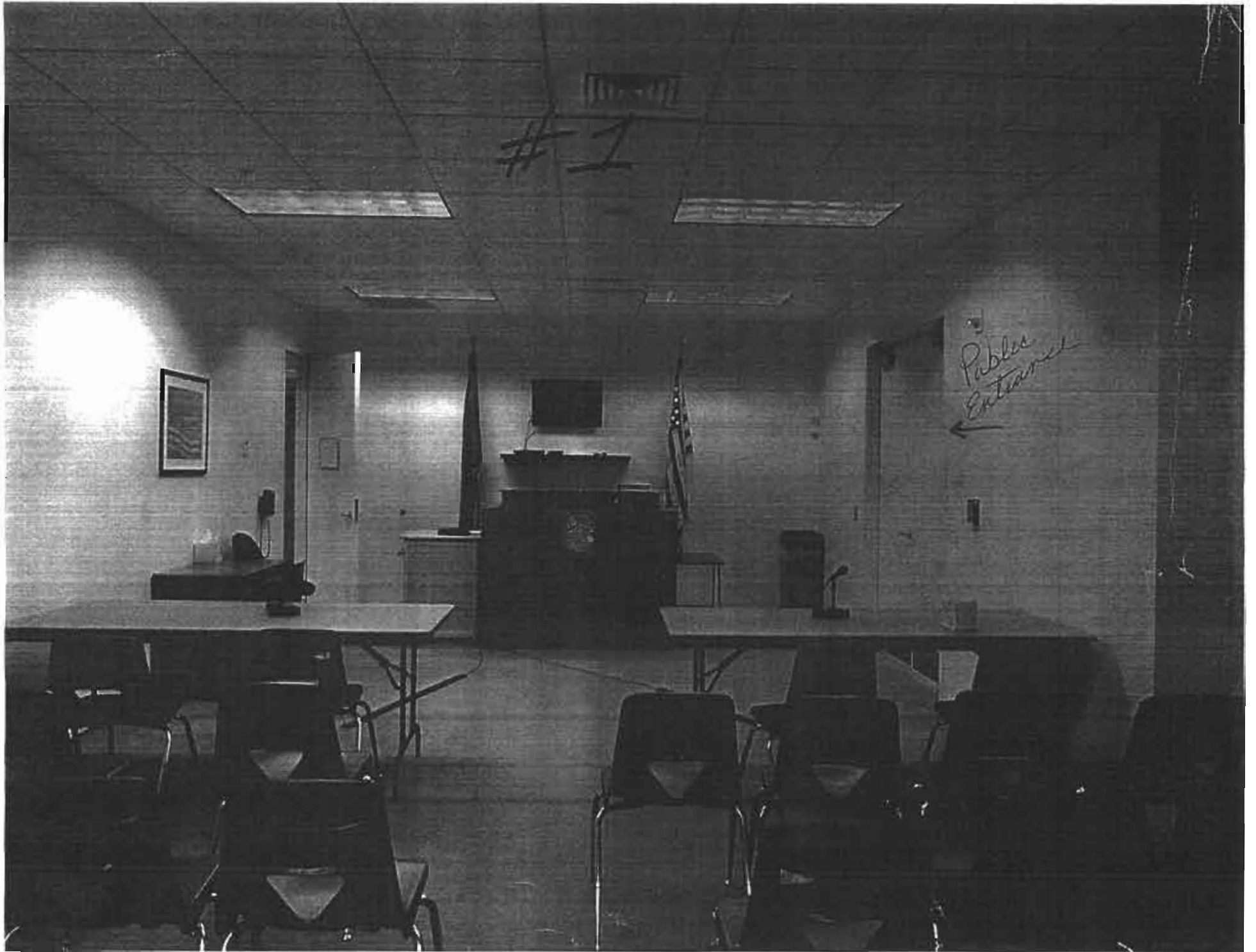
- 1) _____
- 2) _____

Aye/Nay

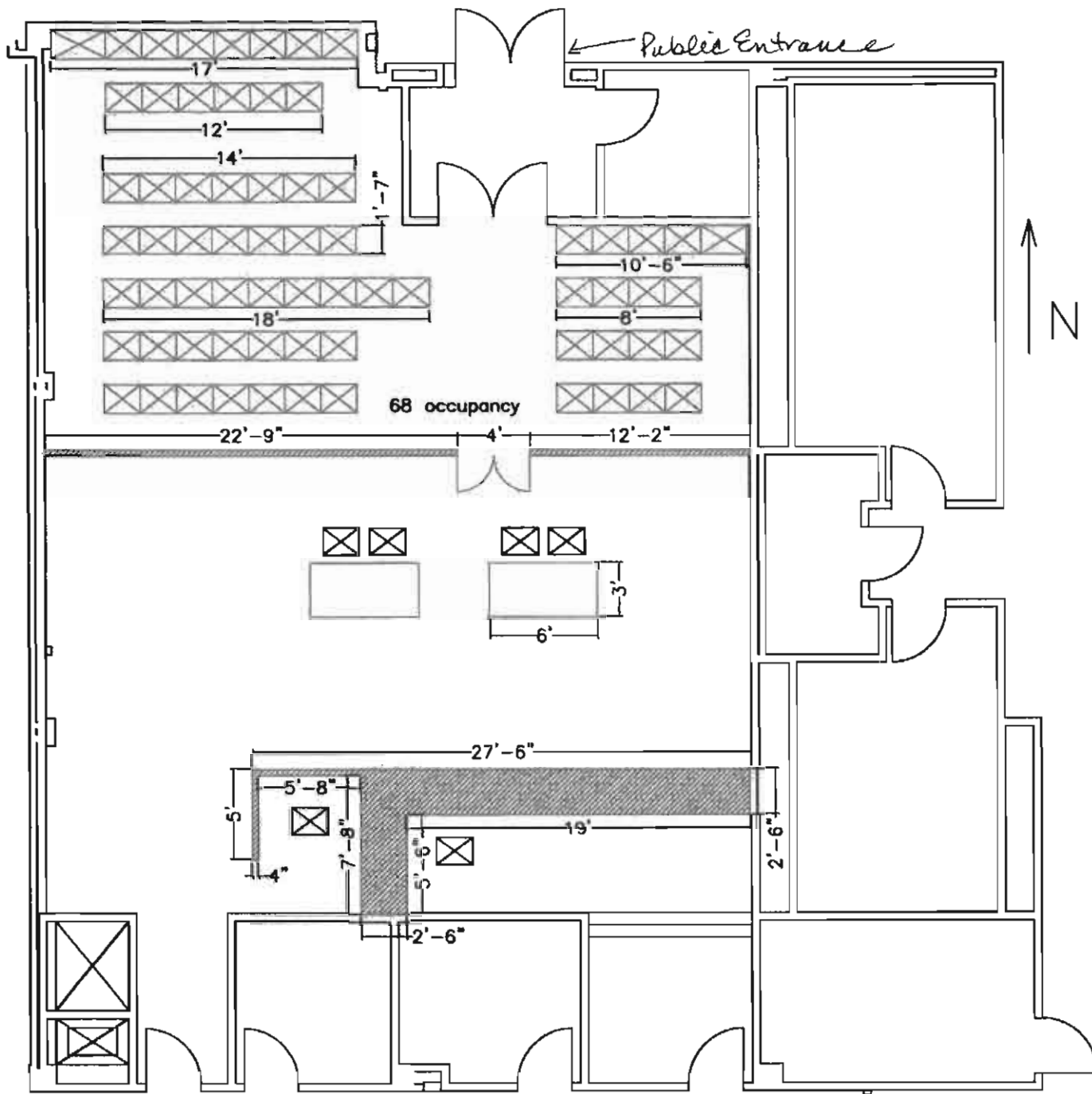
(Vote Recorded By)

#1

Public
Entrance
←







#3