

**SUBJECT**

Resolution 2010-001 Approving Revised Costs and Fees for Fort Collins Municipal Court.

**EXECUTIVE SUMMARY**

The Fort Collins Municipal Court assesses various costs and fees, in addition to fines and other penalties. According to the City Charter, these costs and fees are enacted by Council, upon recommendation of the Judge. Various costs and fees have been approved by resolution over the years. At this time, Judge Lane recommends making some minor changes: adding a Collection Fee, revising the applicability of the Did Not Pay Fee to expand it, changing references to promissory notes to instead refer to payment plans (as they are referred to in the Court's current computer software version), and changing the title of the Short Check Fee to "Returned Check Fee" to be more descriptive. The Traffic Calming Surcharge, adopted by Council by ordinance, has also been added to the list so that all costs and fees assessed by the Court are included.

**BACKGROUND / DISCUSSION**

A detailed description of the City's court costs and fees follows, including references to state statutes and rules, where applicable. All costs and fees are included, even if no change is proposed, in order to maintain an up-to-date list of all court costs and fees. This list was last revised by resolution in December 2005.

<b>Cost or Fee</b>	<b>Amount</b>	<b>When Applicable</b>	<b>Status</b>
Appeal Fee	\$200.00 deposit; \$3.00/transcript page assessed	When appeal is filed (cost of preparing record or transcript of proceedings must be paid in advance). Section 13-10-116, C.R.S.; Rule 237(b), Colorado Municipal Court Rules of Procedure (CMCRP); Rule 37(a), Colorado Rules of Criminal Procedure.	No change
Collection Fee	\$30.00	When defendant does not appear or pay and the case is referred to a collection agency	New fee; applies in lieu of compact, default, or Outstanding Judgment and Warrant fee and does not apply to Camera Radar/Red Light cases per state statute restrictions
Compact Fee	\$30.00	When defendant (with out-of-state driver's license) does not appear on a traffic case	No change
Continuance Fee	\$10.00	When defendant postpones the arraignment on a case more than once	No change

Cost or Fee	Amount	When Applicable	Status
Court Cost	\$25.00	When defendant enters a plea of guilty or no contest after arraignment, including deferred judgment cases, or is found guilty at trial	No change
Default Judgment Fee	\$30.00	When defendant (with Colorado driver's license) does not appear on a traffic case Per section 42-2-118(3)(c), C.R.S., half of this fee is remitted to the Colorado Department of Revenue by the Court.	No change
Deferral Cost	\$50.00	When defendant accepts a deferred judgment or deferred prosecution disposition	No change
Did Not Appear Fee	\$25.00	When defendant does not appear on or before a scheduled hearing date and time	No change
Did Not Comply Fee	\$25.00	When defendant fails to comply with condition(s) relating to an amended charge, deferred, or suspended penalty	No change
Did Not Pay Fee	\$25.00	When defendant does not pay or appear by the payment due date	Deleted reference to promissory note
Jury Fee	\$25.00	When adult defendant files a jury demand in a misdemeanor case Section 13-10-114(4), C.R.S.; Rule 223, C.M.C.R.P.	No change
Outstanding Judgment and Warrant Fee	\$30.00	When defendant fails to pay judgment or juvenile defendant does not appear. Per section 42-2-118(3)(c), C.R.S., half of this fee is remitted to the Colorado Department of Revenue by the Court.	No change
Parking Boot Fee	\$50.00	When vehicle is immobilized for non-payment of parking tickets	No change
Personal Service Cost	Actual cost of service (with a minimum established and revised as necessary by Police Services)	When defendant has to be located and personally served with a summons and complaint and later enters a plea of guilty or no contest to charge(s) or is found guilty at trial	No change

Cost or Fee	Amount	When Applicable	Status
Payment Plan Fee	\$25.00	When payment plan is created or revised to add an additional balance due	Changed from "Promissory Note Fee"
Returned Check Fee	\$25.00	When payment by check is returned by bank due to insufficient funds	Changed from "Short Check Fee"
Traffic Calming Surcharge	See City Code	See Section 1-15(g) of the City Code	No change but not previously listed with other costs and fees
Warrant Fee	\$50.00	When warrant is prepared due to failure to appear, pay or comply	No change
Witness Fee	\$5.00	When subpoenaed witness appears for trial and defendant is found guilty Section 13-10-111(4), C.R.S.	No change

In misdemeanor cases, defendants have the option of filing a Petition for Indigence to request that the Court waive costs and fees (not fines) due to their financial situation. Those petitions are reviewed by the Judge using the "Income Eligibility Guidelines" adopted by the Colorado Supreme Court and used by the County and District Courts. In the last year, the Court has seen a significant increase in the number of petitions filed (145 filed in 2008 and 377 filed in 2009, most of which were granted).

The costs and fees listed above are consistent with and, in some cases, slightly higher than those assessed by other Colorado Municipal Courts, according to annual surveys done by the Colorado Association for Municipal Court Administration (CAMCA). Based on that fact and the current state of the economy, the Judge does not recommend increasing the dollar amount of any existing costs and fees.

The new Collection Fee is intended to help offset the cost of using a collection agency for both the Court and Parking Services. It is set at \$30.00 because it will be assessed in lieu of the \$30.00 Compact Fee, \$30.00 Default Judgment Fee, or \$30.00 Outstanding Judgment and Warrant Fee when those fees are inapplicable by state statute.

Under the proposed resolution, the revised costs and fees would become effective immediately.

## **FINANCIAL IMPACT**

There is no cost to the City related to these changes. The changes will result in a nominal increase in revenues for the Court. The Parking Services Office estimates that it will collect approximately \$22,500 in revenue from the new "Collection Fee" in 2010.

## **STAFF RECOMMENDATION**

Staff recommends adoption of the Resolution.

RESOLUTION 2010-001  
 OF THE COUNCIL OF THE CITY OF FORT COLLINS  
 APPROVING REVISED COSTS AND FEES  
 FOR FORT COLLINS MUNICIPAL COURT

WHEREAS, Section 1 of Article VII of the City Charter provides that rules of procedure, costs and fees for the Fort Collins Municipal Court shall be enacted by the City Council upon recommendation of the Municipal Judge; and

WHEREAS, Municipal Judge Kathleen M. Lane has recommended an increase or other revision in certain costs and fees for cases in Municipal Court; and

WHEREAS, the City Council believes that the enactment of the revised costs and fees is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the following costs and fees are hereby enacted and shall be imposed, when applicable, in all cases filed in the Fort Collins Municipal Court and parking and civil violations, unless such cost is specifically waived by the Judge or Referee:

Appeal Fee	\$200.00 deposit; \$3.00/pg
Collection Fee	\$30.00
Compact Fee	\$30.00
Continuance Fee	\$10.00
Court Cost	\$25.00
Default Judgment Fee	\$30.00
Deferral Cost	\$50.00
Did Not Appear Fee	\$25.00
Did Not Comply Fee	\$25.00
Did Not Pay Fee	\$25.00
Jury Fee	\$25.00
Outstanding Judgment and Warrant Fee	\$30.00
Parking Boot Fee	\$50.00
Personal Service Cost	Actual cost of service

Payment Plan Fee	\$25.00
Returned Check Fee	\$25.00
Traffic Calming Surcharge	See City Code
Warrant Fee	\$50.00
Witness Fee	\$5.00

Section 2. That the costs and fees enacted herein shall take effect immediately.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 19th day of January A.D. 2010.

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Mayor

ATTEST:

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City Clerk