

### City of Fayetteville Item Review Form

2014-0028  
Legistar File Number

2-4-14  
City Council Meeting Date - Agenda Item Only  
N/A for Non-Agenda Item

Dena Stockalper

Submitted By

District Court

Department

Action Required:

A resolution approving a budget adjustment for the Fayetteville District Court in the amount of \$20,000.00 to recognize and appropriate revenue from the Court Automation Fund for automation and electronic equipment upgrades. The Courtroom upgrades will include two (2) TV/monitors, wireless HDMI for the monitors, computer upgrades, and a wireless keyboard/mouse. Additionally, two (2) printers, six (6) computer monitors, and several hard drive upgrades are requested for the clerk/support staff.

Does this item have a cost?  Yes

\$20,000.00

Cost of this request

\$20,000.00

Category or Project Budget

Court Automation

Program or Project Name

1010-0400-5210.00

Account Number

\$0.00

Funds Used to Date

Court Automation

Program or Project Category

\$0.00

Remaining Balance

General Fund

Fund Name

Budgeted Item?  No

Budget Adjustment Attached?  Yes

V20130812


Previous Ordinance or Resolution # 51-09

Original Contract Number: \_\_\_\_\_

Comments:

*Paul A. Beiler*  
*Paul A. Beiler for Dan Mann*  
*[Signature]*

01-17-14P01:01 RCVD


*[Signature]*  
*1/17/14*  


**CITY COUNCIL AGENDA MEMO**

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**To:** Mayor Lioneld Jordan  
Administrative Staff &  
City Council

**Thru:** David A. Stewart, District Court Judge

**From:** Dena Stockalper, Chief Clerk 

**Date:** January 17, 2014

**Subject:** Fayetteville District Court Budget Adjustment

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**PROPOSAL:**

Budget adjustment for the Fayetteville District Court in the amount of \$20,000.00 to recognize and appropriate revenue from the Court Automation Fund for automation and electronic equipment upgrades.

**RECOMMENDATION:**

The Courtroom upgrades will include two (2) TV/monitors, wireless HDMI for the monitors, computer upgrades, and a wireless keyboard/mouse. Additionally, two (2) printers, six (6) computer monitors, and several hard drive upgrades are requested for the clerk/support staff.

**BUDGET IMPACT:**

None

According to Arkansas state statute 16-13-704 funds collected by the District Court are deposited in a fund entitled District Court Automation to be used solely for district court-related technology.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION APPROVING A BUDGET ADJUSTMENT FOR THE FAYETTEVILLE DISTRICT COURT IN THE AMOUNT OF \$10,000.00 TO RECOGNIZE REVENUE FROM THE COURT AUTOMATION FUND FOR THE PURCHASE OF TECHNOLOGY UPGRADES INCLUDING COMPUTER MONITORS, HARD DRIVES, PRINTERS AND WIRELESS COMPONENTS

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment for the Fayetteville District Court in the amount of \$20,000.00 to recognize revenue from the Court Automation Fund for the purchase of technology upgrades including computer monitors, hard drives, printers and wireless components.

**PASSED and APPROVED** this 4<sup>th</sup> day of February 2014.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN, Mayor**

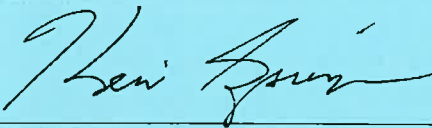
By: \_\_\_\_\_  
**SONDRA E. SMITH, City Clerk/Treasurer**

**City of Fayetteville, Arkansas  
Budget Adjustment Form**

<b>Budget Year</b> BY 2014	Division: Transportation Services Department: Transportation Services	<b>Request Date</b> 2/4/2014	<b>Adjustment Number</b>
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**BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION**

Purchases and upgrades for the Fayetteville District court which will include but not limited to the following items; 2 television monitors, wireless HDMI, computers, wireless keyboard/mouse, printer, computer monitors, and hard drive upgrades. Purchases and upgrades will be for office, staff and courtroom.

Prepared By	Legistar# / Date: 2014-0028 / 2/4/2014
	Legistar Title <u>District_Court_Budget_Adjustment</u>
Division Head	Budget & Information Management Use Only
 CITY\bfell 1/17/2014 4:32 PM Budget Director	Type:    A    B    C    D    E    P
	General Ledger Date _____
	Posted to General Ledger
	Initial          Date
	Checked / Verified
	Initial          Date

TOTAL BUDGET ADJUSTMENT		20,000	20,000	
		Increase / (Decrease)		
Account Name	Account Number	Expense	Revenue	Project.Sub Number
Minor equipment	1010.0400.5210.00	20,000		39012 . 901
Miscellaneous revenue	1010.0001.4999.00		20,000	.
				.
				.

(ii) Expenditures may be made for indirect expenses related to implementation of new court-related technology, including overtime pay, personnel or travel expenses, and technology-related supplies.

(c) A defendant who has been authorized by the court to pay a fine by installments shall be considered to have irrevocably appointed the clerk of the court as his or her agent upon whom all papers affecting his or her liability may be served, and the clerk shall forthwith notify the defendant thereof by ordinary mail at his or her last known address.

(d) "Ability to pay" means that the resources of the defendant, including all available income and resources, are sufficient to pay the fine and provide the defendant and his or her dependents with a reasonable subsistence compatible with health and decency.

**History.** Acts 1995, No. 1262, § 3; 2001, No. 1809, § 13; 2003, No. 1185, § 94; 2003, No. 1765, § 10; 2005, No. 1934, § 7; 2009, No. 633, § 8.

**Publisher's Notes.** For text of section effective January 1, 2012, see the following version.

**Amendments.** The 2005 amendment added present (b)(1)(B), (b)(1)(C), (b)(2)(B), (b)(3)(B)(ii) and (b)(3)(D) and (b)(3)(E) and made related changes; inserted "circuit" twice in (b)(2)(A); substituted "16-13-712" for "6-13-712" in (b)(3)(A); in (b)(3)(B)(i), inserted "collected in district court" "of the city in which the district court is located" and "district" twice; and inserted "of the county in which the district court is located" in (b)(3)(C).

The 2009 amendment, in (b), inserted "on the first day of each month" in

(b)(1)(A), inserted "and shall be authorized ... technology related supplies" in (b)(2)(B)(i), deleted (b)(2)(B)(iii), which read: "All expenditures from the circuit court automation fund shall be authorized, pursuant to the county accounting law, by the quorum court," inserted (b)(3)(D)(ii) and (b)(2)(E)(ii), redesignated the remaining text of (b)(3)(D) and (b)(3)(E), and substituted "and paid, under state laws governing the appropriation and payment of county or municipal expenditures" for "pursuant to state accounting law" in (b)(31)(D)(i) and (b)(3)(E)(i); and made related and minor stylistic changes.

**Effective Dates.** Acts 2003, No. 1185, § 94: Jan. 1, 2005, by its own terms.

#### CASE NOTES

##### Right to Appeal.

City could not rely on the application of this section to claim that defendants' appeal had to be dismissed for the failure of defendants to pay an appeal bond because, even though the court had the right

to order installment payments, nothing in this section authorizes a district court to demand payment of the fine as a prerequisite for taking an appeal to circuit court. *Velek v. State*, 364 Ark. 531, 222 S.W.3d 182 (2006).

#### 16-13-704. Installment payments. [Effective January 1, 2012.]

(a)(1) If the court concludes that the defendant has the ability to pay the fine, but that requiring the defendant to make immediate payment in full would cause a severe and undue hardship for the defendant and the defendant's dependents, the court may authorize payment of the fine by means of installment payments in accordance with this subchapter.

(2)(A) When a court authorizes payment of a fine by means of installment payments, it shall issue, without a separate disclosure



hearing, an order that the fine be paid in full by a date certain and that in default of payment, the defendant must appear in court to explain the failure to pay.

(B) In fixing the date of payment, the court shall issue an order which will complete payment of the fine as promptly as possible without creating a severe and undue hardship for the defendant and the defendant's dependents.

(b)(1)(A) In addition to the fine and any other assessments authorized by this subchapter, an installment fee of five dollars (\$5.00) per month shall be assessed on each person who is authorized to pay a fine on an installment basis.

(B) This fee shall be collected in full each month in which a defendant makes an installment payment.

(C) This fee shall accrue each month that a defendant does not make an installment payment and the fine has not been paid in full.

(2)(A)(i) One-half (½) of the installment fee collected in circuit court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by that office, for deposit in the Judicial Fine Collection Enhancement Fund established by § 16-13-712.

(ii) The other half of the installment fee shall be remitted by the tenth day of each month to the county treasurer to be deposited in a fund entitled the circuit court automation fund to be used solely for circuit court-related technology.

(B)(i) Expenditures from the circuit court automation fund shall be approved by the administrative circuit judge of each judicial circuit.

(ii) Funds in each county in a judicial circuit may be pooled for expenditure pursuant to a circuit-wide technology plan approved by the administrative circuit judge.

(iii) All expenditures from the circuit court automation fund shall be authorized, pursuant to the county accounting law, by the quorum court.

(3)(A) One-half (½) of the installment fee collected in district court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section, on a form provided by that section, for deposit in the Judicial Fine Collection Enhancement Fund established by § 16-13-712.

(B) The other half of the installment fee collected in district court shall be remitted by the tenth day of each month to the city treasurer of the city in which the district court is located to be deposited in a fund entitled the district court automation fund to be used solely for district court-related technology.

(C) In any district court which is funded solely by the county, the other half of this fee shall be remitted by the tenth day of each month to the county treasurer of the county in which the district court is located to be deposited in the district court automation fund to be used solely for district court-related technology.



(D) Expenditures from the district court automation fund shall be approved by a district judge and shall be authorized, pursuant to state accounting law, by the governing body or, if applicable, governing bodies which contribute to the expenses of a district court.

(c) Any defendant who has been authorized by the court to pay a fine by installments shall be considered to have irrevocably appointed the clerk of the court as his or her agent upon whom all papers affecting his or her liability may be served, and the clerk shall forthwith notify the defendant thereof by ordinary mail at his or her last known address.

(d) "Ability to pay" means that the resources of the defendant, including all available income and resources, are sufficient to pay the fine and provide the defendant and his or her dependents with a reasonable subsistence compatible with health and decency.

**History.** Acts 1995, No. 1262, § 3; 2001, No. 1809, § 13; 2003, No. 1185, § 94; 2003, No. 1765, § 10; 2005, No. 1934, § 7; 2007, No. 663, § 32.

**Publisher's Notes.** For text of section effective until January 1, 2012, see the preceding version.

**Amendments.** The 2007 amendment deleted "or city court" following "district court" in (b)(3)(A); deleted former (b)(3)(B)(ii) and (b)(3)(E); and made related changes.

**Effective Dates.** Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

#### CASE NOTES

##### Right to Appeal.

City could not rely on the application of this section to claim that defendants' appeal had to be dismissed for the failure of defendants to pay an appeal bond because, even though the court had the right

to order installment payments, nothing in this section authorizes a district court to demand payment of the fine as a prerequisite for taking an appeal to circuit court. *Velek v. State*, 364 Ark. 531, 222 S.W.3d 182 (2006).

##### 16-13-705. Personal checks.

(a) The court shall accept personal checks drawn in the favor of a designated official, as provided in § 16-13-709, in payment of any fine or associated charge assessed by the court if the person issuing the check furnishes satisfactory proof of residence in this state and if the personal check is drawn on a banking institution located in this state.

(b)(1) If any personal check offered in payment pursuant to this section is returned without payment, for any reason, a reasonable charge for the returned check, not to exceed the actual costs incurred by the court or designated agency, may be imposed to recover processing and collection costs.

Stricken language would be deleted from and underlined language would be added to present law.  
Act 282 of the Regular Session

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

As Engrossed: S2/18/13

## A Bill

SENATE BILL 307

5 By: Senators D. Johnson, J. Hutchinson  
6 By: Representatives *Vines*, Wright, Steel, Westerman  
7

### For An Act To Be Entitled

9 AN ACT CONCERNING FUNDING FOR COURTS AND COURT-  
10 RELATED SERVICES; TO AMEND THE ASSESSMENT,  
11 COLLECTION, AND REMITTANCE OF FUNDING FOR THE STATE  
12 ADMINISTRATION OF JUSTICE FUND; TO DECLARE AN  
13 EMERGENCY; AND FOR OTHER PURPOSES.  
14

### Subtitle

15 CONCERNING FUNDING FOR COURTS AND COURT-  
16 RELATED SERVICES; TO AMEND THE  
17 ASSESSMENT, COLLECTION, AND REMITTANCE OF  
18 FUNDING FOR THE STATE ADMINISTRATION OF  
19 JUSTICE FUND; TO DECLARE AN EMERGENCY.  
20  
21  
22  
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
25

26 SECTION 1. Arkansas Code § 9-9-205(a), concerning jurisdiction of  
27 adoption of minors, is amended to add a new subdivision to read as follows:

28 (4) A petition for adoption may not be asserted in a guardianship  
29 proceeding, but a separate action shall be filed, and the clerk shall assign  
30 a new case number and charge a filing fee unless the filing fee is waived  
31 under Rule 72 of the Arkansas Rules of Civil Procedure.  
32

33 SECTION 2. Arkansas Code § 9-15-202 is amended to read as follows:  
34 9-15-202. Filing fees.

35 (a)(1) The court, clerks of the court, and law enforcement agencies  
36 shall not require any initial filing fees or service costs.





As Engrossed: S2/18/13

SB307

1 (e) The county shall remit on or before the fifteenth day of each  
2 month all sums received in excess of the amounts necessary to fund the  
3 expenses enumerated in subsections (b) and (c) of this section during the  
4 previous month from the uniform filing fees provided for in §§ 21-6-403 and  
5 9-15-202, and the uniform court costs provided for in § 16-10-305 to the  
6 Administration of Justice Funds Section of the Office of Administrative  
7 Services of the Department of Finance and Administration, Administration of  
8 Justice Funds Section, for deposit in into the State Administration of  
9 Justice Fund.

10

11 SECTION 8. Arkansas Code § 16-10-308(c)(1)(B)(ii), concerning the city  
12 administration of justice fund, is amended to read as follows:

13 (ii) Except as provided in subdivision (c)(1)(B)(iii) of this  
14 section, for calendar years beginning 2006 2014 and each calendar year  
15 thereafter, an additional amount shall be added to the amount to be retained  
16 based upon the lesser of the average percentage increase in the Consumer  
17 Price Index for All Urban Consumers or its successor, as published by the  
18 United States Department of Labor for the two (2) years immediately preceding  
19 or the percentage rate of increase in collections of the State Administration  
20 of Justice Fund for the two (2) years immediately preceding.

21

22 SECTION 9. Arkansas Code § 16-13-704(b)(3)(E), concerning installment  
23 payments of fines is amended to read as follows:

24 (E)(i) In circuit court only, an installment fee of an additional five  
25 dollars (\$5.00) per month shall also be assessed on the first day of each  
26 month on each person who ~~is authorized to~~ is ordered to pay a fine on an  
27 installment basis with the additional five dollars (\$5.00) to be remitted to  
28 the collecting official to be used to defray the cost of fine collection.

29 (ii) In district court only, an installment fee of an additional  
30 five dollars (\$5.00) per month shall also be assessed on the first day of  
31 each month on each person who is ordered to pay a fine on an installment  
32 basis with the additional five dollars (\$5.00) to be remitted by the tenth  
33 day of each month to the Administration of Justice Funds Section of the  
34 Office of Administrative Services of the Department of Finance and  
35 Administration on a form provided by that section for deposit into the State  
36 Administration of Justice Fund.

