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**AGENDA COVER MEMO**

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**AGENDA DATE:** January 19, 2011  
**Memorandum Date:** January 9, 2011

**TO:** LANE COUNTY BOARD OF COMMISSIONERS

**DEPARTMENT:** Office of County Administration

**PRESENTED BY:** Liane Richardson, Acting County Administrator

**AGENDA ITEM TITLE:** Justice Courts potential reorganization

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**I. MOTION** - I move that the Board eliminate the Florence and Central Lane Justice Courts, and enlarge the Upper Willamette Justice Court (Oakridge) to include all of Lane County except for Eugene.

**II. AGENDA ITEM SUMMARY.**

In February of 2010, Justice Sinclair, the Justice of the Peace for Central Lane Justice Court, announced her retirement. The Board of Commissioners asked the Governor to withhold making an appointment to that District so that the commissioners would have time to analyze the Justice Courts and see if there were any changes they wished to implement. There have been several conversations about reorganizing the Justice Courts since that time. This agenda item comes out of those conversations.

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

In 2010, the Board of Commissioners asked Governor Kulongoski to hold off on appointing a replacement for Justice Sinclair of the Central Lane Justice Court. Currently Lane County has 3 Justice Courts in operation; one in Oakridge (Upper Willamette Justice Court), one in Florence, and one in Springfield (Central Lane Justice Court). Historically, the Justice Courts have provided significant amounts of money to the general fund each year. However, in the last several years we have seen a decline in the amount of revenues they have brought in. With the decline in revenues and the difficulty in collecting some fines, the Board felt it was time to evaluate the courts again to see if there was a more fiscally responsible approach.

**B. Policy Issues** - Justice Courts provide our residents with a quick and more customer

friendly means to resolve minor issues. They also provide a streamlined process for truancy issues and other matters.

**C. Board Goals** - The Board has had a goal of outreach to all County residents, which is served by the existence of Justice Courts. The Board also has a goal to be fiscally responsible, especially as the available resources continue to decrease.



**D. Financial and/or Resource Considerations** - The County currently has two sitting Justices of the Peace. Judge Gary Carl has two years left in his term. His position in the Upper Willamette Justice Court is a part-time position. Judge Cindy Cable has four years left in her term. Her position in the Florence Justice Court is a part-time position. The open position at Central Lane Justice Court is a full-time position. That position is currently vacant. Oregon Law prohibits the County from reducing or eliminating the pay for a sitting Justice of the Peace during their term of office. Therefore, if either of the filled positions are eliminated, the sitting judge would still be eligible to be paid for the remainder of their term. Both Justices receive pay in the amount of \$24.49/hour.

Additionally, there is a lease for the facilities used in Oakridge that costs the County \$50,000 a year. The County pays rent for the Florence facilities as well. There are other costs associated with providing remote locations for the courts, including phones, duplication of equipment, and IS support.

If any of the courts remain open, it has become apparent that the supervisor position that was eliminated in the 2008 budget must be re-established, at least to some extent. A part-time supervisor position would be created.

Currently Oregon law provides that counties receive a higher portion of the fines that are generated from citations that are processed through Justice Courts than they do from citations that go through Circuit Courts.

**E. Analysis** - Central Lane Justice Court is the only court that has routinely been in the black. Both of the other courts typically do not bring in enough revenue to make them self-sustaining. Historically it has been Central Lane that has supported not only the other two courts, but has provided funding for traffic deputies and other funds that have gone into the General Fund. In recent years, this revenue has declined, but it still brings in more funds each year than it requires to sustain itself.

There have been no LCSO citations into the Upper Willamette Justice Court in several years due to the decline in deputies patrolling that area of the county. There has also been a decline in the number of citations going into the Florence Justice Court. The cost of overtime to send a deputy back out to Florence or Oakridge isn't worth the additional revenue the County receives from Justice Court citations. It's simpler and more cost effective for the deputy to cite into either Circuit Court or Central Lane.

The Circuit Court has a program called E-Cite, which uses the same software the Sheriff's Office uses. Citing cases into Circuit Court would eliminate duplicative data entry. This could save the Sheriff's department hundreds of hours of data entry time.

At this time, counties receive more money from citations that are processed through Justice Courts than they do on citations processed through Circuit Courts. That may change in the legislative session that is about to begin. If it doesn't change this session, it's likely that it will be changed in an upcoming session. However, at this time, Justice Courts still have the potential of being a source of revenue for counties.

One could argue that now is the time to simply pull the bandage off, quickly, and eliminate all of the Justice Courts. I will agree that there are many arguments in favor of just such an approach. However, I believe that if we can eliminate duplication,



streamline the process even further, and maintain as much flexibility as we can, it is still in the County's interest to have an operating Justice Court.

**F. Alternatives/Options**

1. **Eliminate the Florence and Central Lane Justice Courts. Expand the boundaries of Upper Willamette Justice Court to include all of Lane County except for the seat of the Circuit Court, which is Eugene.** This option would require the County to pay Judge Cable for the last four years of her term. The lease in Oakridge and Florence would be terminated, and all court operations would be moved to Springfield. A part-time supervisor position would be created to oversee court staff.
2. **Eliminate all three Justice Courts.** This option would require approximately 6 - 8 weeks to shut down the operation of the courts. The County would pay Judge Carl for the last two years of his term, and Judge Cable for the last four years of her term. The County would need to provide additional courtroom space to the Circuit Court to handle the additional citations. This would necessitate moving either a portion of the DA's Office or staff/personnel at DYS, and would likely require some capital expenditures.
3. **Eliminate Central Lane and Upper Willamette Justice Courts. Expand the boundaries of the Florence Justice Court to include all of Lane County except for Eugene.** This option would require the County to pay Judge Carl for the last two years of his term. The lease in Oakridge and Florence would be terminated, and all court operations would be moved to Springfield. A part-time supervisor position would be created to oversee court staff.
4. **Eliminate Florence and Upper Willamette Justice Courts. Expand the boundaries of Central Lane Justice Court to include all of Lane County except for Eugene. Ask the Governor to appoint a judge for the Central Lane Justice Court District.** The County would have to pay both Judge Carl and Judge Cable for the remainder of their terms. Leases in both Oakridge and Florence would be terminated. A part-time supervisor position would be created to oversee court staff.
5. **Leave all three courts in operation. Ask the Governor to appoint a judge for the Central Lane Justice Court District.** A part-time supervisor position would be created to oversee court staff. This option would cost the County the most money out of all of the options presented long term.

**IV. TIMING/IMPLEMENTATION**

**V. RECOMMENDATION** - It is my recommendation that the Board adopt Option #1. Given the uncertainty of the County's fiscal future, and the uncertainty of how the fine structure may be changed in this year's legislative session, it is my recommendation to keep the Justice Courts open in some fashion, while retaining as much flexibility as possible. By eliminating the two JOP districts that have four years left to their terms, the Board will be able to evaluate how the court is doing financially this fiscal year and next, and then make a determination as to whether or not to continue

with Justice Courts, or eliminate them entirely as of 2013. Otherwise, the Board would not have that option without being required to pay the salary of the sitting Justices of the Peace for the remainder of their terms until the end of 2015.

**VI. ATTACHMENTS**

1. Analysis of differences in funds received for citations filed in Circuit Court and Justice Courts
2. Fiscal review of Justice Courts

	Base Fine		Assmt		Offense		Assmt		Fac		County Rev if		Revenue Loss
	Fine	Unitary	Unitary	Surcharge	Fine	Assmt Cnty	Med Liab	Security	County	amount to	filed at Circuit	Revenue	
Class A	\$472.00	\$37.00	\$360.00	\$45.00	\$360.00	\$22.00	\$2.00	\$6.00	\$405.00	\$180.00	56%		
Class B	\$287.00	\$37.00	\$180.00	\$45.00	\$180.00	\$18.00	\$2.00	\$5.00	\$225.00	\$90.00	60%		
Class C	\$190.00	\$37.00	\$83.00	\$45.00	\$83.00	\$18.00	\$2.00	\$5.00	\$128.00	\$41.50	68%		
Class D	\$142.00	\$37.00	\$42.00	\$45.00	\$42.00	\$13.00	\$1.00	\$5.00	\$87.00	\$21.00	76%		

Maximum reduction per statute = 25%	Imposed Fine		Assmt		Offense		Assmt		Fac		County Rev if		Revenue Loss
	Fine	Amount	Unitary	Surcharge	Fine	Assmt Cnty	Med Liab	Security	County	amount to	filed at Circuit	Revenue	
Class A	\$354.00	\$37.00	\$242.00	\$45.00	\$242.00	\$22.00	\$2.00	\$6.00	\$287.00	\$121.00	58%		
Class B	\$216.00	\$37.00	\$109.00	\$45.00	\$109.00	\$18.00	\$2.00	\$5.00	\$154.00	\$54.50	65%		
Class C	\$143.00	\$37.00	\$43.00	\$45.00	\$43.00	\$13.00	\$1.00	\$4.00	\$88.00	\$21.50	76%		
Class D	\$107.00	\$37.00	\$7.00	\$45.00	\$7.00	\$13.00	\$1.00	\$4.00	\$52.00	\$3.50	94%		

Attachment 1



LANE COUNTY  
 ANALYSIS OF JUSTICE COURTS  
 FISCAL YEARS 01/02 THROUGH 09/10

	FY02	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10
<u>Florence Justice Court</u>									
Program Generated Revenue	192,707	167,790	161,831	141,553	141,098	129,028	88,328	116,510	77,974
Program Operating Expenses	272,006	264,022	184,292	171,269	187,551	166,563	176,579	174,661	194,498
Program Generated Net	(79,300)	(96,233)	(22,461)	(29,717)	(46,453)	(37,534)	(88,252)	(58,151)	(116,523)

<u>Oakridge Justice Court</u>									
Program Generated Revenue	187,162	177,264	244,970	225,452	165,925	115,841	72,017	100,360	87,031
Program Operating Expenses	253,496	273,519	221,510	220,534	238,231	208,579	217,858	226,727	238,214
Program Generated Net	(66,334)	(96,255)	23,460	4,918	(72,306)	(92,738)	(145,841)	(126,367)	(151,183)

<u>Central Lane Justice Court</u>									
Program Generated Revenue	2,119,321	2,330,196	2,309,354	2,442,424	2,614,246	2,639,764	2,086,065	2,695,481	2,199,852
Program Operating Expenses	677,349	760,645	843,721	881,384	1,025,434	1,105,986	1,088,527	1,176,642	1,111,533
Program Generated Net	1,441,972	1,569,551	1,465,633	1,561,040	1,588,812	1,533,777	997,538	1,518,840	1,088,319

<u>TOTAL Justice Courts</u>									
Program Generated Revenue	2,499,189	2,675,250	2,716,155	2,809,428	2,921,269	2,884,633	2,246,410	2,912,352	2,364,858
Program Operating Expenses	1,202,851	1,298,187	1,249,522	1,273,187	1,451,215	1,481,128	1,482,964	1,578,030	1,544,245
Program Generated Net	1,296,338	1,377,063	1,466,632	1,536,241	1,470,053	1,403,505	763,446	1,334,322	820,613

*Attachment 2*