

DEPARTMENT: Superior Court BY: Michael Berest

PHONE: 966-2005

**RECOMMENDED ACTION AND JUSTIFICATION:** (Policy Item: Yes \_\_\_ No X)  
Approve the Agreement between the County of Mariposa and the Mariposa County Superior Court concerning the collection of fines for the County by the Court, reimbursement for collection costs to the Court by the County, and retention by the Court of various fees for which the related services are entirely provided by Court staff. This agreement is an expression in writing of the terms putting into action the Board resolution of October 8, 2002 concerning civil assessments and local fees. The agreement is attached to this action form, and has been reviewed and approved as to form by the County Counsel and Auditor-Controller.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

On October 8, 2002, the Board of Supervisors approved resolution 02-377 to authorize the Mariposa County Superior Court to retain a \$250 civil assessment fee and other service fees. A copy of this resolution is included.

**LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

- 1) Approve
  - 2) Provide alternative direction
- No alternative action is possible.

<b>COSTS:</b>	(X) Not Applicable	
A.	Budgeted current FY	\$ _____
B.	Total anticipated costs	\$ _____
C.	Required additional funding	\$ _____
D.	Internal transfers	\$ _____
<b>SOURCE:</b>	( ) 4/5ths Vote Required	
A.	Unanticipated revenues	\$ _____
B.	Reserve for contingencies	\$ _____
C.	Source description:	_____
Balance in Reserve for Contingencies, if approved: \$ _____		

**SPECIAL INSTRUCTIONS:**  
List the attachments and number the pages consecutively:

Agreement

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CLERK'S USE ONLY:** 429

Res. No.: 02-377 Ord. No. \_\_\_\_\_

Vote - Ayes: 4 Noes: \_\_\_\_\_

Absent: \_\_\_\_\_ Abstained: Berest

Approved  Denied

Minute Order Attached  No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: \_\_\_\_\_

ATTEST: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By: \_\_\_\_\_  
Deputy

**COUNTY ADMINISTRATIVE OFFICER'S RECOMMENDATION:**  
This item on agenda as:

\_\_\_\_\_ Recommended

\_\_\_\_\_ Not Recommended

\_\_\_\_\_ For Policy Determination

\_\_\_\_\_ Submitted with Comment

\_\_\_\_\_ Returned for Further Action

Comment: \_\_\_\_\_

\_\_\_\_\_

C.A.O. Initials: MW

**AGREEMENT BETWEEN MARIPOSA COUNTY SUPERIOR COURT AND  
COUNTY OF MARIPOSA CONCERNING COLLECTIONS AND  
DISTRIBUTION OF FINES, FEES, AND ASSESSMENTS**

**THIS AGREEMENT** is entered into on the most recent date below written, by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "County," and the Superior Court of the County of Mariposa, State of California, hereinafter referred to as "Court."

**WHEREAS**, pursuant to California Government Code §77001, et. seq., the State Legislature has adopted a statutory scheme whereby the Superior Courts of the State of California are independent of each County Government, and

**WHEREAS**, the statutory scheme permits trial courts and counties to enter into agreements wherein counties provide certain support services to trial courts, and

**WHEREAS**, County and Court desire to enter into an agreement concerning collection and distribution of fines, fees, and assessments;

**NOW, THEREFORE**, in consideration of the mutual covenants and promises hereinafter contained, the parties hereto agree as follows:

**1. DISTRIBUTION OF REVENUE COLLECTED BY COURT**

1.1 **LOCAL REVENUE DERIVED FROM CIVIL ASSESSMENTS.** Money collected pursuant to the imposition by civil assessments by the Court shall be retained 100% by the Superior Court and deposited into fund 039. This will not include any bails or fines collected concurrently with the civil assessments. Said bails and fines will be turned over in their entirety to the County for appropriate distribution.

1.2 **DISTRIBUTION OF FINES AND FEES.** Any other fines and fees collected by the Court and prior to this agreement turned over to the County for appropriate distribution will continue to be turned over, with the exception of fees listed in Section 1.3.

1.3 **LOCAL REVENUE DERIVED FROM FEES.** Money collected from the following Superior Court fees will be retained 100% by the Superior Court and deposited into fund 039:

- Fee for Returned Check;
- Photocopy Fee;
- Fee for Conservator Handbook;
- Forms Fee;
- Jury Deposit Fee;
- Law Library Copy Fee;
- Fee for Copies of Local Rules;
- Overages;



With a copy to: County Administrative Officer  
County of Mariposa  
P.O. Box 784  
Mariposa, CA 95338

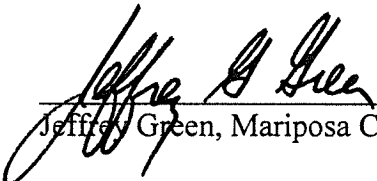
If to the Court: Presiding Judge  
Superior Court of California, County of Mariposa  
P.O. Box 28  
Mariposa, CA 95338

With a copy to: Court Executive Officer  
Superior Court of California, County of Mariposa  
P.O. Box 28  
Mariposa, CA 95338

## 6. FULL AGREEMENT

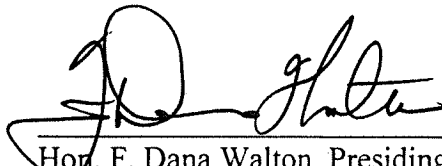
6.1 The Court/County Service Agreement consisting of 3 pages constitutes the entire agreement.

Approved as to form:

  
\_\_\_\_\_  
Jeffrey Green, Mariposa County Counsel


12-12-02  
Date

FOR THE COURT

  
\_\_\_\_\_  
Hon. F. Dana Walton, Presiding Judge

12/24/02  
Date

FOR THE COUNTY

  
\_\_\_\_\_  
Robert Stewart, Chairperson  
Mariposa County Board of Supervisors

12-12-02  
Date