

**City of Fayetteville Staff Review Form**

**2018-0772**

**Legistar File ID**

**1/15/2019**

**City Council Meeting Date - Agenda Item Only**  
N/A for Non-Agenda Item

Dena Stockalper

12/21/2018

DISTRICT COURT (040)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

Budget Adjustment approval for the Fayetteville District Court in the amount of \$25,000.00 to recognize and appropriate revenue from the Court Automation Fund for automation and electronic equipment upgrades for Court servers, software, computers, and related technology equipment.

**Budget Impact:**

1010.040.0400-5210.00	General																														
Account Number	Fund																														
39012.901	District Court Automation																														
Project Number	Project Title																														
<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;"><b>Budgeted Item?</b></td> <td style="width: 10%; text-align: center;">Yes</td> <td style="width: 30%; border-bottom: 1px solid black;">Current Budget</td> <td style="width: 10%; text-align: right;">\$</td> <td style="width: 10%; text-align: right;">6,205.00</td> </tr> <tr> <td></td> <td></td> <td style="border-bottom: 1px solid black;">Funds Obligated</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">5,954.82</td> </tr> <tr> <td></td> <td></td> <td style="border-bottom: 1px solid black;">Current Balance</td> <td style="text-align: right;"><b>\$</b></td> <td style="text-align: right;"><b>250.18</b></td> </tr> </table>	<b>Budgeted Item?</b>	Yes	Current Budget	\$	6,205.00			Funds Obligated	\$	5,954.82			Current Balance	<b>\$</b>	<b>250.18</b>	<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%; text-align: center;">No</td> <td style="width: 30%; border-bottom: 1px solid black;">Item Cost</td> <td style="width: 10%; text-align: right;">\$</td> <td style="width: 10%; text-align: right;">-</td> </tr> <tr> <td><b>Does item have a cost?</b></td> <td></td> <td style="border-bottom: 1px solid black;">Budget Adjustment</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">25,000.00</td> </tr> <tr> <td><b>Budget Adjustment Attached?</b></td> <td style="text-align: center;">Yes</td> <td style="border-bottom: 1px solid black;">Remaining Budget</td> <td style="text-align: right;"><b>\$</b></td> <td style="text-align: right;"><b>25,250.18</b></td> </tr> </table>		No	Item Cost	\$	-	<b>Does item have a cost?</b>		Budget Adjustment	\$	25,000.00	<b>Budget Adjustment Attached?</b>	Yes	Remaining Budget	<b>\$</b>	<b>25,250.18</b>
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V20180321

**Purchase Order Number:** \_\_\_\_\_

**Previous Ordinance or Resolution #** \_\_\_\_\_

**Change Order Number:** \_\_\_\_\_

**Approval Date:** \_\_\_\_\_

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

**Comments:**



**TO:** Mayor Lioneld Jordan

**THRU:** William A. Storey District Judge 

**FROM:** Dena Stockalper, Chief Clerk   
Keith Macedo, Information Technology Director

**DATE:** December 14, 2018

**SUBJECT:** Budget Adjustment approval for the Fayetteville District Court in the amount of \$25,000.00 to recognize and appropriate revenue from the Court Automation Fund for automation and electronic equipment upgrades for Court servers, software, computers, and related technology equipment.

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**RECOMMENDATION:**

Budget Adjustment approval for the Fayetteville District Court in the amount of \$25,000.00 to recognize and appropriate revenue from the Court Automation Fund for automation and electronic equipment upgrades for Court servers, software, computers, and related technology equipment.

**BACKGROUND:**

The current Court server was purchased in 2006 and needs to be upgraded to improve performance, reliability, and security. The Court server will be replaced by a new server, SQL database software, server operating systems, and related server management software. The remaining funds will be utilized to fund the 2019 Court Technology scheduled replacements which include five (5) desktop computers and two (2) printers. Remaining funds will be utilized to purchase miscellaneous technology equipment to support Court staff and Court operations which may include video security enhancements, desktop phone replacements, and computer peripherals.

**DISCUSSION:**

The Automation Fund is supported by Arkansas Statue 16-13-704 which allows the Court to collect monies from installment payments. The Fund is to be used solely for the District Court for technology equipment, automation equipment, and related training.

**BUDGET/STAFF IMPACT:**

Fund are available within the Court Automation Fund to purchase the referenced technology equipment.

**Attachments:**

Staff Review Form, Staff Review Memo, Arkansas Statute 16-13-704, Budget Adjustment Form

(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 ( $\frac{1}{2}$ ) 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 ( $\frac{1}{2}$ ) 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.