



Background

The City of Issaquah has been a Municipal Department of the King County District Court since 1973. As a Municipal Department, Issaquah had a good working relationship with the District Court for many years. King County has now informed Issaquah they will terminate the Municipal Department effective 12/31/04.

In February 2002 King County Executive Ron Sims notified the City of Issaquah and the other cities contracting with King County that the County was terminating Court Services effective January 1, 2005. King County is now willing to provide court services to all the cities at a significantly higher cost. In 2004 negotiations began between the City of Issaquah and King County regarding a new contract. The City of Issaquah was told they must sign a new interlocal agreement for court services which included the transfer of the operations of the Violations Bureau from the City to the County. Further negotiations indicate we may keep our violations bureau, but we may have to transfer revenue from the violations bureau to cover reconciliation costs.

The proposed Interlocal Agreement does provide cities with an option to continue services for two (2) years from January 1, 2005 until December 31, 2006. The suburban cities' negotiating team sought a long term agreement lasting four or more years. Under the proposed Court Agreement, the county is required to complete a District Court Operations and Facility Master Plan. Executive Sims and the Budget Director have stated that continuing court services is not in the best interests of the county; therefore, the future of contracting with King County is uncertain.

Pursuant to RCW's 3.46, 3.50, 3.62, and 39.34, Issaquah is required to provide court services to its citizens. Four ways to accomplish this are: forming a Municipal Court, forming a Municipal Department of the District Court, contracting with the County or contracting with another city. On July 19, 2004, the City Council was told of the need to do a feasibility study regarding the formation of a Municipal Court in Issaquah as an alternative to an interlocal agreement with King County.

The feasibility study was added to the July 21, 2004 Services Committee agenda for discussion. The City has contracted with the former Issaquah District Court Administrator to help with this study. The administration submitted AB#5211 requesting review of this issue and presentation of the study at the August 18th Services Committee meeting.

Cost Comparison

Under the *Proposed* Court Agreement King County is requiring all Cities to pay 100% of the costs for delivering court services. The 100% reimbursement for services includes salaries, benefits, facility rent, security costs, jury costs, translation costs, probation costs, and other miscellaneous costs for operations of the court. Additionally they are requesting a lump sum payment for technology improvements, a technology maintenance fee, and a fee for financial reconciliations.

Our current agreement with King County is a fixed percentage of court revenues; 75% is retained by the County and 25% is kept by the city. The County is proposing a split of 86% to be retained by the County and 14% given back to the City. However, an annual reconciliation is required to assure full cost recovery.

Fines and Forfeitures Revenue Split

The proposed court agreement allows the County to retain 86% of court revenue and for Issaquah to retain 14%. The agreement provides for initial six month reconciliation and thereafter the reconciliation will be performed annually. Issaquah will have to pay for any shortfall above 86% of revenue depending on the outcome of the annual reconciliation. The city will be billed if 100% of the County costs are not covered.

Annual Reconciliation

A reconciliation of actual costs and revenue will be performed yearly, with a year-end adjustment if cities have over-paid or under-paid (cities will receive a payment/credit or pay based on outcome of reconciliation) and revenue split will be adjusted if necessary. In 2004, cities will pay up to \$10,000 to cover actual costs to develop a reconciliation model. This provision creates uncertainty as to the true future costs of the proposed agreement.

Technology Payments

The proposed agreement requires the cities to make a one time proportionate payment of \$283,724 for improved court technology and then to pay a percentage of the \$37,000 per year for ongoing maintenance of the technology. Issaquah's cost is \$2,071 a year for five years.

Probation

Currently, King County provides probation services to the cities. The proposed agreement allows the County to terminate this service upon 6 months notice if they should decide to terminate the probation department.

Proposed County Agreement for 2005:

100% Cost Recovery for 2005	Estimated	\$228,238.00
100% Cost Recovery for 2006	Estimated	\$239,650.00

Cost Recovery Includes the Following:

- District Court Program Budget Salaries & Benefits, Less Probation
- Non-Facility Costs / Non-Current Expense Overhead costs; Less Probation
- Current Expense Overhead
- Facilities & Security Costs for Contract Cities in Issaquah Division
- Reconciliation Costs
- One-Time Technology Costs - Electronic Court Records

Fines & Forfeitures - Revenue			
Source:	2003 Actuals	2004 Estimates	2005 Projected
Fines & Forfeitures to King County After Assessments	\$176,509	\$183,466	\$209,151
County's Portion	132,382	137,600	179,870
City's Portion	44,127	45,866	29,281
Violation Bureau Revenues to City After Assessments	67,000	76,850	87,600
Other Court Revenue	26,671	28,534	33,649
Total to the City	\$137,800	\$151,250	\$150,530

Revenue vs. King County Contract			
	2003 Actuals	2004 Estimates	2005 Projected
Total Revenue	270,180	288,850	330,400
Contract	206,910	*217,300	*228,200
Net to City	63,270	71,550	102,200

*The County provided Issaquah's costs for 2003 which was \$206,910. This estimate assumes a 5% increase in costs in 2004 and 2005.

Revenue vs. Municipal Court			
	2003 Actuals	2004 Estimates	2005 Projected
Total Revenue			330,400
Cost of Municipal Court			240,600
Net to City			89,800

Staffing

The City will be required to hire or contract for a municipal court judge, a full time court administrator, one full-time court clerk and one half time court clerk. There is no statutory requirement for a city to provide probation services. The Municipal Court Judge and court staff will perform any necessary court monitoring.

Qualifications of Judge

A municipal court judge must satisfy state law qualifications (RCW 3.50.040) and be a citizen of the United States and admitted to practice law in the State of Washington. The municipal court judge need not be a resident of Issaquah but must be a resident of King County.

Appointment vs. Election of Judge

A municipal Court judge that is less than a “full-time equivalent” is appointed by the City Mayor and must be confirmed by the City Council. A “full-time equivalent” is defined as “thirty-five or more hours per week of compensated time”. Issaquah requires judicial services of approximately 16-20 hours a week. Thus, this position will be an appointed position and not an elected position. The City Council may, by ordinance elect to have part time municipal court judges elected. In order to maximize the ability to recruit and retain the most qualified municipal court judge, it is not recommended that Council pursue this option.

Court Costs / Salary of Judge

The City Council must approve all court costs’ including the salary of the judge and staff, by adoption of the City’s 2005-2006 budget containing a court budget in such ordinance.

Judges Pro Tempore

The municipal court judge is authorized to appoint a Pro Tem judge to serve in his/her absence or disability.

Removal of Judge from Office

A municipal court judge may be removed from office under state law for “conviction of misconduct or malfeasance in office, or because of a physical or mental disability” rendering the judge incapable of performing his/her duties of office.

Jurisdiction of the Court

Issaquah Municipal Court will have exclusive jurisdiction over all traffic infractions and all criminal violations arising under the Issaquah City Code. The City will not have jurisdiction over civil small claims cases and such cases will still be handled by the King County District Court system. A person convicted of violating a criminal code may be

punished by a fine not to exceed \$5,000 and/or by a sentence not to exceed one year in jail. The municipal court judge will also have discretion to suspend or defer sentences and to utilize alternatives to incarcerations such as electronic home detention.

Right to Jury Trial

Jury trials are allowed in all criminal case, unless waived by the defendant. Jury trials are expressly not available for traffic infractions.

Pleadings, Practice and Procedure

Generally, the pleadings, practice and procedures for municipal courts are set forth in RCW 3.50.135 through 3.50.440.

Effective Date of Ordinance

The Ordinance should have an effective date of November 1, 2004. The reason for the delayed effective date is because RCW 3.50.040 requires the Mayor to appoint a municipal court judge within thirty (30) days of the effective date of the implementation ordinance forming the court.

Responsibilities of the Court Administrator

The Court Administrator will be responsible for the management of court personnel. Duties include the oversight of daily court operations, development and implementation of policy and procedures, budget development, case-flow management, oversight of projects, grants, contracts, and other responsibilities as required.

Court personnel must have complete knowledge of DISCIS, the District Court Computer System.

Violations Bureau

The existing staffing would transfer to the Court.

Court Case Filings

Staffing is determined by case filings per F.T.E. Issaquah currently is filing approximately 900 criminal complaints and 4,000 infractions (of which 1/3 are paid to the violations bureau) per year. The amount of staff recommended in this study is consistent with the cases per F.T.E. with other courts.

Operational Issues

Potential Transportation Savings

Court hearings would be held in the conference room in the jail, this would save transportation costs and officer time. Driving prisoners to Issaquah District Court can take as long as ½ hour each way due to traffic. If court is in session the officers and prisoners often wait as long as 1 or 2 hours before they are seen by a Judge. If jail arraignments were held in the Jail Conference room, the city would have a savings of approximately \$10,000 per year. The Jail Conference room would accommodate court hearings. The Judge, a Clerk, the Prosecutor and Defense Attorney would conduct hearings in the jail in lieu of bringing prisoners across the street to Council Chambers, thus providing a higher level of security.

Court Security

Security at the Court building would be handled by the Issaquah Police Department using on-duty personnel. The customer service window would be built with a plexi-glass window. Panic buttons could be installed on the bench and in the clerk's area. Officers would be present on trial days. The saving in transport officer time would be transferred to court security.

Arraignments

Inmate arraignments and bail hearings would take place in the conference room in the jail with the Judge, Clerk, Prosecutor, and Public Defender present.



Level of Service Provided to City.

During the last two budget years, the County has reduced the District Court's budget by approximately \$2,000,000 resulting in the layoff of more than 50 court clerks and the closure of two court facilities. Issaquah places a high priority on providing customer services to citizens and therefore, service issues with the court are a concern. The proposed County Agreement specifies that the County cannot "materially" reduce services to contract cities below the existing level – even if the County further reduces the District Court's budget. In addition, the County is agreeing to ensure that some counter service is provided to the public at each court location. Currently, city staff and citizens find it difficult to speak to a live person on the phone. Many citizens find themselves in long lines for relatively simple counter service such as paying a ticket or arranging a court date.

Attempts to obtain documents from the King County Court to compile this study were difficult. I was unable to obtain requested documents from the Office of the Budget and Finance Director, the response from that office was "Due to the current staffing levels at District Court, we are unable to assist you with your information gathering".

Facility Closures in 2005

The County Agreement allows the closures of any District Court facility "in its sole discretion". Directly affected cities will have the ability to opt out of the contract, as well as be provided option to purchase or lease the facility or pay county costs to keep the facility open (it is expected that closures will not be proposed until completion of the Facility Master plan, which the County expected to finish in early 2005). It is of major concern that the County will keep the existing Issaquah District Court facility open for court service. Court closures are expected to occur in 2005.

Currently the City of Issaquah cases are heard at the Issaquah District Court facility. The County can change this arrangement at any time by directing Issaquah cases to another district court, such as Bellevue or Northeast District (Redmond). The closure of the Issaquah District Court facility would cause additional police and jail costs to the City.

Facility Costs

The establishment of Issaquah Municipal Court will require initial expenditures in 2004 and 2005 that will not be on-going. The administration has identified City Hall South (CHS) as a good location for the court. The Council Chambers will double as the courtroom. CHS will need to be remodeled to accommodate court personnel, court operations and court technology. These changes will be minimal.

Issaquah Municipal Court will need to be connected through JIS (Judicial Information System) to DISCIS, the state wide computer systems for District and Municipal Courts. The JIS system provides the backbone for effective administration of justice in Washington. It provides courts with case management, accounting, and reporting capabilities. It is also the tool that provides judges with information necessary to implement legislative policy with respect to public safety. The Administrator of the Courts (AOC) runs the JIS and works with courts that wish to connect to the JIS. Having enacted the necessary legislation to form a court, a formal request must be submitted requesting JIS access.

Much of the information on JIS is public record. However, JIS contains information that is confidential. For that reason, only court employees are given sufficient clearances to access all of the information necessary to run a court. Failure to abide by confidentiality requirements may result in access being revoked, and in an extreme case, access could be lost.

Installation of JIS can be costly and time consuming. AOC is not always able to assist a new court coming online with JIS. For that reason AOC asks that if a city is considering formation of a court or coming online with an existing court, that they be contacted early in the process. This notice may allow OAC to identify funds to assist in installation.

The City of Issaquah has sent AOC a letter advising them they are doing a study regarding forming a Municipal Court. Actual installation requires a formal request to AOC. If the City is in favor of operating a Municipal Court, the Mayor must request JIS connection in writing and a copy of the ordinance authorizing the court must be enclosed. Information about numbers of full time and part time court employees is also needed.

Start-Up Costs for Court Facility / Initial Expenditures From 2004 Budget	
Installation of printers, computers, phones, Recording Equip	\$18,600
Office Supplies & Inventory	\$3,000
Purchase phones; office furniture, filing cabinets	\$11,000
Remodel and re-key CHS	\$17,975
Miscellaneous Equipment	\$500
ADA Building Upgrades	\$4,650
Security metal detector & Wand detectors	\$5,575
Staffing for Court Admin; Court Clerk; Consultant	\$35,000
Total	\$96,300

Proposed Annual Operating Budget

Annual Court Staffing Costs	Salary	Benefits
Judge (Department Head, Exempt Position) Contract	\$50,000	\$0
Court Administrator (Deputy, Exempt Position)	70,000	\$26,000
Full Time Court Clerk (ASA position)	42,000	16,000
SubTotal	\$162,000	\$42,000
Total	\$204,000	

Annual Operations Cost	
Copiers, printers, fax	\$2,500
Office Supplies	\$3,000
Court Forms	\$4,000
Publications	\$500
Travel & Training	\$800
Memberships	\$600
Postage	\$3,000
Insurance	\$3,500
Total	\$17,900

Yearly Building Costs	
Janitorial Supplies	\$1,500
Custodial Services	\$8,700
Electrical	\$6,400
Water	\$900
Maintenance Service / Annual hrs	\$4,200
Sub Total	\$21,700
Less Prosecutor Revenue	-\$3000
Total	\$18,700

Total Estimated Annual Operating Costs of Municipal Court
\$240,600

<p align="center">Pro / Con King County Contract: \$228,380 (Estimated)</p>	<p align="center"><u>Issues for Consideration</u></p>	<p align="center">Pro / Con Municipal Court: \$240,600 (Proposed Annual Operating Budget)</p>
<p>Court liability would be assumed by the County.</p>	<p align="center">Court Liability</p>	<p>Court liability would be assumed by the City.</p>
<p>No impact on other city departments.</p>	<p align="center">Impact to Other City Departments</p>	<p>Operation of a Municipal Court would impact HR; Finance, Parks, IT and the Administration by adding 3 new employees, finance/court obligations, transfer of the learning lab, increase in IT responsibilities for court equip., add new operation to CHS (Parks Dept), creating a new city department.</p>
<p>A rise in future costs is guaranteed. As other suburban cities create independent courts or contract with other cities, the King County “pro rata” share to Issaquah would increase. Two cities have already dropped out of the current agreement. <i>The more cases we file, the more our costs for court services will increase.</i> With current population forecasts our case filings will increase.</p>	<p align="center">Future Costs</p>	<p>An increase in caseload would be mitigated with the increase in fines and forfeitures and could be absorbed to a threshold of current FTE’s, ie, economy of scale. There is also the possibility of future revenues by serving other smaller cities.</p>
<p>No impact on City Space.</p>	<p align="center">Use of City Space</p>	<p>The learning lab would be moved as would two current non-paying tenants. This would limit the use of CHS for other activities although it would create a small revenue from the prosecutor. The market value of the space used by the court is approximately \$21,800.</p>
<p>King County currently provides court security although it is factored into their total costs for service and is included in their billing to the cities.</p>	<p align="center">Court Security</p>	<p>The City would be responsible for Court security. Control over the court calendar scheduling would allow use of the transport officer and patrol officers as security during needed court hearings w/o incurring significant overtime costs. Jail arraignments will eliminate transport to court for Issaquah inmates, thus making the transport officer available.</p>

<p align="center">Pro / Con King County Contract: \$228,380 (Estimated)</p>	<p align="center"><u>Issues for Consideration</u></p>	<p align="center">Pro / Con Municipal Court: \$240,600 (Proposed Annual Operating Budget)</p>
<p>King County has indicated that their master plan will likely include court closures. No guarantee that Issaquah District Court will be our “local” court; our court services could be transferred to Redmond or Bellevue.</p>	<p align="center">Court Closures</p>	<p>No possibility of court closure; advantageous proximity to jail and police department.</p>
<p>The County has cut their court staff drastically. This has lead to endless phone trees and very long customer service lines. Many citizens complain about time spent in long lines for simple counter service such as paying a fine or turning in paperwork.</p>	<p align="center">Customer Service</p>	<p>A municipal Court would allow the City to provide a level of service not currently available with the County. CHS has easy freeway access as well as bus service and parking.</p>
<p>As our caseload increases these costs will also increase.</p>	<p align="center">Transportation Costs</p>	<p>With arraignments taking place in the jail, daily transportation to the court would be eliminated while maintaining a higher level of security.</p>
<p>No revenue generated with KC agreement, additionally, our costs will go up proportionately as other cities start their own courts.</p>	<p align="center">Agreements w/ Other Cities</p>	<p>Both the cities of Snoqualmie and Sammamish have indicated their interest in entering into an agreement for court services. While this is not in our 2005 court plans, interlocal agreements could be considered to off-set future caseload cost increases.</p>
<p>None.</p>	<p align="center">Start-Up Costs</p>	<p>There are start up costs associated with an independent municipal court estimated at: \$96,000.00</p>
<p>n/a</p>	<p align="center">Other City Services</p>	<p>Including the prosecutor’s office in the space plan for CHS it would allow easier access for the officers and IPD staff. This would save on staff time to “courier” documents to her office and on case preparation.</p>

Timeline

To compare the costs of the proposed agreement with King County and the costs of an independent municipal court an assessment of staffing, technology, facility and other requirements were evaluated and a tentative timeline established.

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| August 18, 2004 | Present feasibility study to Services Committee |
| August 19, 2004 | Present Agenda Bill #5211 to Clerks Office for 9/7/04 Council Agenda with the following update:

Option #1) Services Committee recommends administration move forward with AB to full council adopting an Ordinance creating a municipal court and requesting administration move forward with necessary staffing.

Option #2) Services Committee recommends administration enter into negotiations for an Agreement with King County for Court Service |
| September 7, 2004 | Adopt Ordinance creating an independent municipal court and direct city staff to immediately begin search for court staff and judge |
| September 8, 2004 | Request HR place ads in local papers and bar news advertising court and judicial positions |
| September 8, 2004 | Request Mayor to contact citizens to take part in oral interviews for selection of judge |
| October 15, 2004 | Hire Court Administrator |
| November 1, 2004 | Mayor appoints Judge |
| November 15, 2004 | Mayor asks council to confirm appointment of Judge |
| January 1, 2005 | Court in session |

Conclusion

Consultant's Recommendation

After considering the level of customer service, the uncertainty of future costs under the proposed agreement, possible facility closures, and the uncertainty of King County Court remaining in the court business, it is my recommendation that the Council proceed with the formation of Issaquah Municipal Court.