



First Amended Notice Changing the Date of City Council's Consideration

This is the City's First Amended Notice, changing the date of the city council meeting for consideration of adoption of the proposed ordinance from July 9th, 2024 to August 13th, 2024.

Notice is hereby given that the Prescott City Council will consider and possibly adopt a new fee, the City Court Warrant Fee, at its regularly scheduled City Council meeting on August 13, 2024, at 3:00 pm located in the City Council Chambers at Prescott City Hall, 201 N. Montezuma Street, Prescott, AZ 86301. The new City Court Warrant Fee will become effective thirty (30) days after its adoption by the Prescott City Council.

City Council will be considering and possibly adopting the following fee in City Code 2-7-5.

- **City Court Warrant Fee: \$150.00**

The written report supporting the proposed fee is available on the City of Prescott's website, accessed through the following hyper-links:

https://prescott-az.gov/wp-content/uploads/2024/07/LGL-City_Court_Warrant_Notice-Amended-20240705.pdf

Copies of the aforementioned Schedule and Report have also been filed in the Office of the City Clerk, 201 N. Montezuma Street, Prescott, AZ, on the date of this posting.



TO: The Honorable Mayor and City Council

THRU: Tyler Goodman, Interim City Manager

FROM: Joseph Young, City Attorney

Date: May 10, 2024

Subject: Justification for City Court Warrant Fee

The City of Prescott, through the City Attorney's Office will be requesting City Council approval of a new City Court Warrant Fee at the July 9, 2024 Council meeting. If approved, this new fee would be effective August 9, 2024. There is not currently a warrant fee within the City Court. The addition of this fee is needed to help offset the costs associated with the issuance, processing, recording, and execution of warrants by the City Attorney's Office, Prescott Police Department, and the City Court.

Proposed City Court Warrant Fee: \$150.00 per warrant, following each Failure to Appear

Misdemeanor cases should be completely resolved under the Arizona Rules of Criminal Procedure in no more than 180 days. However, when defendants fail to appear, many resources are expended in issuing, processing, recording, and then executing the warrant.

To that end, the City is requesting approval of a City Court Warrant Fee of \$150.00 per warrant. Such a fee would be issued following every Failure to Appear for court. This fee would be added to the court costs, fines, and surcharges assessed to a defendant following a criminal conviction. The assessment would be divided between the City Attorney's Office, in the amount



of \$20.00, Prescott Police Department, in the amount of \$65.00, and the City Court, in the amount of \$65.00. This fee would be used to supplement current budgets and provide the flexibility necessary to obtain additional resources as needed.

The current criminal caseload is averaging 2,500 cases per year within the City Court. A warrant for failure to appear for a court hearing is issued at least once in approximately 20% of those cases. Each court day, staff must generate a Minute Entry for what transpired during the pre-trial conference. This Minute Entry is then distributed to the parties as well as notice given to the victims. When a defendant fails to appear for court, these procedures must still be accomplished, but the case is then suspended until that defendant is arrested on the warrant or appears before the judge. For each failure to appear that occurs, court staff must enter the warrant to be issued and Prescott Police Department, along with all other law enforcement agencies must go through the process of apprehending and arresting these offenders. That also includes the expense of transporting to jail and the processing that occurs while in jail. Many times, offenders will fail to appear for multiple court appearances resulting in multiple warrants being issued during the pendency of the case.

Until now, each department has endured the cost burden associated with these failures to appear. As we continue to see a rise in failures to appear, the costs associated grow as well. To that end, the City Attorney's Office is seeking to shift the financial burden back to the individual who created it. As a result, the monies generated from this fee would help facilitate the efficient and accurate disposition of cases within the City Court while offsetting the financial burden associated with failures to appear.