

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-2

Urgent Routine *mt*

AGENDA DATE March 4, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Amend the Civil Limited Filing Fee Agreement with the Superior Court in Order to Receive Additional Revenue for the Court Alternative Dispute Resolution Program

STAFF RECOMMENDATIONS:

Authorize the Chief Executive Officer to finalize, and execute an amendment to the current agreement with the Superior Court for the Court Alternative Dispute Resolution Program to reflect the increase in fee revenue the Courts may receive from the Administrative Office of the Courts from \$3.00 to \$8.00 for Limited Civil Actions.

FISCAL IMPACT:

The Business and Professions Code provides for a Civil Limited Filing fee of \$300.00 of which the Administrative Office of the Courts currently return \$3.00 to the County for the Alternative Dispute Resolution Program. The amendment to the Contract will allow the \$3.00 to be increased to \$8.00. The Superior Court has projected that the increased revenue will generate an additional \$40,000 of estimated revenue each year for the Alternative Dispute Resolution Program. This is in addition to the current revenue of approximately \$80,000 received annually and will allow the Court to cover the current cost of the contract for Dispute Resolution Services, with Project Sentinel in the amount of \$100,000 and will allow them to consider increasing services provided.

BOARD ACTION AS FOLLOWS:

No. 2008-143

On motion of Supervisor Grover, Seconded by Supervisor O'Brien
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

On November 22, 2005 the Board of Supervisors authorized the Superior Court of California, County of Stanislaus, in cooperation with the Stanislaus County Bar Association, Humphrey's College and California Rural Legal Assistance (CRLA) to create an Alternative Dispute Resolution (ADR) program utilizing a community based mediation process. The item had been submitted to the Board of Supervisors for approval at the request of the Superior Court because subdivision (a) of the Business and Professions Code section 470. provides that the Board of Supervisors may establish a fee to support dispute resolution programs. The Business and Professions Code section 470.3(a) allowed fees of up to \$320.00 to be charged for the filing of the first paper in an unlimited civil action and 470.3(b) allowed fees up to \$300.00 in a limited civil action.

On December 5, 2005 Stanislaus County and Stanislaus County Superior Courts entered into an agreement that followed Business and Professions Code section 470.3 authorizing revenue of \$8.00 for filing the first paper in unlimited civil, family law and probation actions and up to \$3.00 for filing the first paper in limited civil actions to be returned to the Court Alternative Dispute Resolution Program.

Assembly Bill 145 repealed section 470.3, added section 470.5, and restructured the way Dispute Resolution Program fees are established in order to simplify the civil filing fee by combining the varied surcharges and add-on fees into one filing fee, so that the same fees would be charged for the same service across all 58 Counties. Under section 470.5 of the Business and Professions Code, the Court may now receive revenue of eight dollars (\$8.00) on both unlimited civil action and limited civil actions. While the Court has been eligible to receive the \$8.00 revenue in both unlimited and limited civil actions the Court's agreement with the County allows the Administrative Office of the Courts to return revenue of only \$3.00 in limited civil actions. The amending of the agreement will allow the Court to receive the increased revenue of \$8.00 in both unlimited and limited civil actions.

POLICY ISSUES:

Approval of this item to amend the agreement between the County of Stanislaus and Stanislaus County Superior Court will address the Board of Supervisor priorities of *Efficient delivery of public service and Effective partnerships* by ensuring all available funds are received to cover the cost and continue the Alternative Dispute Resolution Program.

STAFFING IMPACTS:

There are no staffing impacts associated with this item

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STAFFING IMPACTS:

There are no staffing impacts associated with this item.

**AMENDMENT TO AGREEMENT
BETWEEN THE COUNTY OF STANISLAUS AND THE STANISLAUS
COUNTY SUPERIOR COURT TO ESTABLISH THE STANISLAUS COUNTY
COURT ALTERNATIVE DISPUTE RESOLUTION PROGRAM**

THIS AMENDMENT to the Court Alternative Dispute Resolution Program is made and entered into on 3/4/08 by and between the County of Stanislaus, a political subdivision of the State of California (hereinafter referred to as "County"), and the Superior Court of California, County of Stanislaus (hereinafter referred to as the "Court").

RECITALS

WHEREAS, the parties previously entered into an agreement between the County of Stanislaus and the Stanislaus County Superior Court to establish the Stanislaus County Court Alternative Dispute Resolution Program on December 5, 2005 (the Agreement); and
WHEREAS, the parties now wish to amend that Agreement to modify certain of its terms as follows:

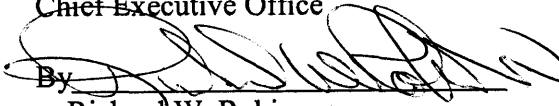
1. The County Board of Supervisors is authorized by the Business and Professions Code Section 470.5 to receive revenue of up to eight dollars (\$8.00) from the fee for filing the first paper in an unlimited civil, family law and probate actions and up to eight dollars (\$8.00) for filing the paper in limited civil actions seeking twenty five thousand dollars (\$25,000) or less, and to designate the additional revenue to fund an alternative dispute resolution program in accordance with Business and Professions Code section 465et seq.
2. All other terms and conditions shall remain the same.

In WINESS WHEREOF, the parties have executed this Amendment and agreed to be bound by its terms:

APPROVED

COUNTY OF STANISLAUS
Chief Executive Office

By


Richard W. Robinson
Chief Executive Officer

STANISLAUS COUNTY SUPERIOR COURT

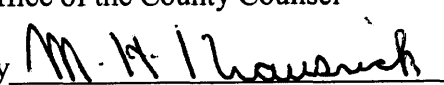
By


Executive Officer/Court Administrator

APPROVED TO AS FORM:

Office of the County Counsel

By


Michael H. Krausnick
County Counsel