



# RESOLUTION No. 18-142

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF NEVADA AND THE NEVADA COUNTY SUPERIOR COURT AS ADOPTED BY RESOLUTION 16-330

WHEREAS, the Lockyer-Isenberg Trial Court Funding Act of 1997 fundamentally changed the relationship between counties and the local trial courts; and

WHEREAS, with implementation of this legislation, funding of trial court operations, as defined by the "California Rules of Court, Rule 810, Court Operations" generally became a State responsibility, with the exception of an annual county maintenance of effort payment paid to the State and set by legislation in 1997; and

WHEREAS, this legislation advised that each county and its local court enter into agreements for the continued provision of county services to the court, if both so wished; and

WHEREAS, since 1997, Nevada County and the Nevada County Superior Court have operated with separate informal written agreements for such services; and

WHEREAS, in 2008, the Nevada County Superior Court and Nevada County entered into its first Memorandum of Understanding; and

WHEREAS, in 2016 an updated Memorandum of Understanding was adopted; and

WHEREAS, with changes to the process that manages money collected by the Nevada County Superior Court that is due to the County of Nevada, an amendment to the current Memorandum of Understanding is warranted; and

WHEREAS, the County of Nevada and the Nevada County Superior Court have come to an agreement on these changes.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada, State of California, that the Board approves and the Chair of the Board of Supervisors be and is hereby authorized to execute, on behalf of the County of Nevada, an Amendment to the Memorandum of Understanding between the County of Nevada and the Nevada County Superior Court, pertaining to the addition of language to govern the Collection Bank Account for Criminal Fines, Penalties, and Forfeitures, estimated to be effective April 1, 2018.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 10th day of April, 2018, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER  
Clerk of the Board of Supervisors

By: 

  
Edward Scofield, Chair

4/10/2018 cc: CEO\*  
AC\* (Hold)

5/17/2018 cc: CEO\*  
AC\* (Release)  
NCSC

**AMENDMENT #1 TO MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF  
NEVADA AND THE NEVADA COUNTY SUPERIOR COURT**

**THIS AMENDMENT** is entered into by and between the County of Nevada ("County") and the Nevada County Superior Court ("Court"), and is effective April 1, 2018.

**WHEREAS**, the parties have previously entered into a Memorandum of Understanding for the period of July 1, 2016 through June 30, 2019 concerning the cooperative working relationship to effectively and efficiently implement state funding of trial court operations while preserving a mutually beneficial relationship; and

**WHEREAS**, the parties desire to amend the process that manages money collected by the Nevada County Superior Court that is due to the County of Nevada

**NOW, THEREFORE**, the parties hereto agree as follows:

1. This amendment shall be effective as of April 1, 2018.
2. That **Section II: Services to be provided to the Court by County of Nevada, second sub-section: AUDITOR-CONTROLLER SERVICES** shall be appended to include the following text:

Collection Bank Account for Criminal Fines, Penalties, and Forfeitures

- a. Bank Account Authorization - As authorized by California Government Code section 68085.9, the parties agree that the Court will deposit into a bank account, which has been established by the Judicial Council of California and which is separate from the County treasury, all money that is received by the Court and that is required by law to be deposited into the County treasury or with the County treasurer ("County Money").
- b. County Money includes, but is not limited to, Sections 24353, 68085, 68085.5, and 68101 of the Government Code and Section 1463.001 of the Penal Code. Money collected pursuant to Government Code section 68085.1 shall be deposited as provided in that section. The bank account has been approved by the Judicial Council's Administrative Director.
- c. Interest - As currently established, the interest accrued on the County Money will be apportioned 100% to the Court to offset the associated banking, administrative and collections costs.
- d. Payment to County - By the 45th day following the end of each calendar month and by the 30<sup>th</sup> day following June 30 of each fiscal year, the Court will transfer to the County treasury all County Money deposited during that month in this separate account.

- e. Payment Method - Each transfer will be made by EFT or ACH, dated no later than the applicable transfer date, or other transfer method agreed to by both parties.
  - f. A distribution report will be provided to County to support each payment.
3. That in all other respects the prior agreement of the parties shall remain in full force and effect except as amended herein.

APPROVED AS TO FORM:  
COUNTY COUNSEL

By: 


COUNTY OF NEVADA

By:   
Honorable Edward C. Scofield  
Chair of the Board of Supervisors

ATTEST:

By:   
Julie Patterson Hunter  
Clerk of the Board of Supervisors

COURT:

By:   
Honorable B. Scott Thomsen  
Presiding Judge