

Onondaga County Comptroller's Office Report - Town of Camillus Justice Court

In 2011, the Onondaga County Comptroller's Office established the Consolidation, Shared Services and Integration (CSI)-Onondaga tax force, an initiative to assist local government officials in managing resources efficiently and effectively and, by doing so provide accountability for tax dollars spent to support government operations. Included in the CSI budget was a funded position for an auditor whose sole function would be to assist municipalities and quasi-governmental agencies identify opportunities for cost savings.

Background and Review Focus

With the potential retirement of one justice, the Town has asked for an assessment of the opportunities to save money within the Court system. Our review focused on elimination of one Judge due the potential retirement of one Judge. The remaining Judge has every intention of continuing in his current position.

Due to the election calendar, if the Town retains its justice, the election cycle begins with the passing of petitions in early June for the election in November. The purpose of our review is to give the Town Board guidance in evaluating whether elimination of a judicial position has merit on a preliminary basis and to determine what further evaluations would be needed.

There are several areas to consider in eliminating a judicial position. First, NYS allows for this elimination under law and thus but for following the process enumerated, the Town Board is left to examine the business decision which is accompanied by a cost benefit analysis. The benefits to the taxpayers are apparent, reduction in spending resulting in lower property taxes. The risk environment, including potential increased cost, decreased revenue stream and other risk is less apparent and difficult to measure.

Balancing savings to taxpayers with the rights of the accused must be considered in the fair administration of justice. Equally, the Town must protect its revenue stream as the Court system generates revenue for the Town through the imposition of fines upon defendants in all types of cases including Vehicle and Traffic infractions (V & T), criminal complaints and violations as well as fees generated in civil cases (small claims and landlord/tenant).

The judicial environment is ever changing and recent case law indicates the Courts are expanding the rights of defendants to have counsel present at all arraignments, putting financial pressure on Towns to process the arraignments equitably while keeping an eye on police and other overtime.

Each Town Court in Onondaga County has a different mix of caseload based on population and commercial activity. While a Judge is responsible for every case assigned, routine traffic infractions take much less judicial time than penal cases and civil trials. This mix must be considered in evaluating the appropriate number of Judges in a Court.

The analysis facing the Town Board is straightforward yet requires assumptions and judgments without measure at this time.

While there are several options, opportunities and constraints to be considered, we believe the final analysis will come down to one question:

Is the potential savings to the town in elimination of a judicial position (somewhere between \$27K and \$82K) greater than the risk of other cost increasing (increased salary for remaining judge, loss/decreased revenue stream, police OT)?

Town of Camillus Overview

The Town of Camillus is home to over 23,000 people, making it the sixth most populous town in Onondaga County. Governed by the Town Board consisting of the Supervisor and six Board members, Camillus occupies nearly 35 square miles of land, which includes Fairmount, Amboy-Belle Isle, Warners, and the Village of Camillus.

In 2011, the Town’s budgeted expenditures exceeded \$19 million including funds for general operations, police, highway maintenance, parks and recreation, planning and code enforcement, as well as funds for various fire protection, water, drainage, and sewer districts. Wages and employee benefits accounted for \$8.3 million (44%) while the remaining \$10.7+ million was earmarked for contracted services, equipment and debt service.

Out of the 19 towns in Onondaga County, the Town of Camillus ranked 3rd in 2009 in town tax levy per resident and 1st per thousand in assessed property value as illustrated in SCHEDULE A:

County of Onondaga			SCHEDULE A				
2009 Town Tax Levy - Per NYS Comptroller AUD							
RANKED	Tax Levy						
	Name	Population	Total Assessment	Amount	Per Resident (\$/Rank)	Per 1k Assessment (\$/Rank)	
	DeWitt	24,071	2,409,203,642	14,266,104	592.67	1	5.92
	Spafford	1,661	311,398,788	901,935	543.01	2	2.90
	Camillus	23,152	1,367,217,505	12,389,473	535.14	3	9.06
	Tully	2,709	249,618,497	1,250,477	461.60	4	5.01
	Marcellus	6,319	382,549,009	2,757,067	436.31	5	7.21
	Skaneateles	7,323	1,265,533,154	3,158,539	431.32	6	2.50
	Cicero	27,982	1,974,531,897	10,891,607	389.24	7	5.52
	Manlius	31,872	2,257,350,059	11,894,211	373.19	8	5.27
	La Fayette	4,833	311,963,035	1,744,703	361.00	9	5.59
	Otisco	2,561	155,362,030	905,801	353.69	10	5.83
	Fabius	1,974	109,236,537	691,778	350.44	11	6.33
	Salina	33,290	1,588,811,463	11,090,303	333.14	12	6.98
	Onondaga	21,063	1,235,326,843	6,932,620	329.14	13	5.61
	Geddes	17,740	828,662,776	5,336,375	300.81	14	6.44
	Van Buren	12,667	579,464,204	3,808,319	300.65	15	6.57
	Pompey	6,159	580,239,343	1,676,946	272.28	16	2.89
	Clay	58,805	3,169,974,564	15,475,739	263.17	17	4.88
	Elbridge	6,091	284,497,280	1,594,547	261.79	18	5.60
	Lysander	19,285	1,393,516,195	3,027,325	156.98	19	2.17
	Total/Avg:	309,557	20,454,456,821	109,793,869	354.68		5.37

Justice Courts

The Camillus Town Court is administered by two judges, each with a clerk and part time administrative assistant. The Town Court provides financial and/or case data to the NYS Comptroller, the Town Board and the Unified Court System.

We reviewed three areas for comparison and consideration- local revenue retained by the town, expenditures to manage the court, and caseload. The latter broken down by category of case in order to evaluate potential time constraints upon the judge versus ministerial duties easily and more efficiently assigned to a clerk.

The NYS Comptroller Justice Court Fund provides revenue data, detailed by retention of funds to the State, County and Local or in this case the Towns.

Expenditures were obtained by reviewing Town budgets. Caseloads were obtained from the Courts directly.

Comparing data without sufficient underlying analysis may lead to erroneous conclusions. Further we do not wish to convey any negative inferences upon any other town court but believe the three areas of review are appropriate areas for preliminary financial comparisons. We caution there are also non-monetary issues requiring consideration.

Several factors affect revenue and caseload. We note the top revenue producing courts are either highly populated or have heavy traffic highways and roadways. While Camillus has the sixth highest population in the county it generates more revenue than Manlius with the third highest population. We believe this is due the mix of major highways in the town and its large commercial corridors.

Breakdown of Cases			
Town	V & T	Penal Law	Other
Camillus	83.3%	9.9%	6.8%
DeWitt	79.0%	14.0%	7.0%
Cicero	86.4%	9.6%	4.0%
Salina	82.5%	8.3%	9.2%
Clay	82.7%	10.4%	6.9%

The Camillus Town Court ranks number seven in gross revenue in 2010 behind several large municipalities and another straddling interstate 81, which we believe leads to increased revenue from Vehicle and Traffic infractions.

Town	Justice Court Funds 2010			
	State	County	Local	Total
Town of Salina	\$657,815	\$79,905	\$417,364	\$1,155,084
Town of Clay	\$518,764	\$42,965	\$490,586	\$1,052,315
Town of DeWitt	\$361,108	\$23,774	\$298,382	\$683,263
Town of Cicero	\$298,786	\$36,800	\$257,292	\$592,877
Town of Van Buren	\$365,791	\$14,774	\$175,446	\$556,010
Town of Lafayette	\$253,457	\$6,330	\$135,204	\$394,991
Town of Camillus	\$160,863	\$27,893	\$180,985	\$369,741

We note the Camillus Town Court is ranked fifth in local revenue retained from fines. While there are ethical and legal requirements involving the levy of fines we note the State of New York retains more than 50% of fines levied in every municipality ranked above Camillus. The Camillus Town Court retains more local revenue as a percentage than any other Court generating more gross revenue.

Town	Justice Court Funds 2010				% Total Funds Retain by Town	Started Cases
	State	County	Local	Total		
Town of Camillus	\$160,863	\$27,893	\$180,985	\$369,741	49%	4,851
Town of Clay	\$518,764	\$42,965	\$490,586	\$1,052,315	47%	N/A
Town of DeWitt	\$361,108	\$23,774	\$298,382	\$683,263	44%	8,177
Town of Cicero	\$298,786	\$36,800	\$257,292	\$592,877	43%	7,964
Town of Salina	\$657,815	\$79,905	\$417,364	\$1,155,084	36%	13,311
Town of Lafayette	\$253,457	\$6,330	\$135,204	\$394,991	34%	N/A
Town of Van Buren	\$365,791	\$14,774	\$175,446	\$556,010	32%	N/A

From an appropriation standpoint Camillus Town Court’s total budget for 2011 is \$163,846 and is less than local revenue retained. While we are reluctant to use the term “profitable”, it is clear Camillus Town Court’s revenue exceeds its expenditures. We note a large fluctuation on revenue from 2009 to 2010, over a \$50,000.00

drop, which does correlate to a drop in cases started. The budgeted appropriations for the Court have remained flat, even dropping slightly since 2008. Each Court Justice earns \$26,858.

Town	Justice Court Local Fund Revenue 2010	Estimated 2010 Judge's Payroll	Payroll %
Town of Clay	\$490,586	\$70,880	14%
Town of Salina	\$417,364	\$74,797	18%
Town of DeWitt	\$298,382	\$76,584	26%
Town of Lafayette	\$135,204	\$37,140	27%
Town of Cicero	\$257,292	\$72,000	28%
Town of Camillus	\$180,985	\$53,716	30%
Town of Van Buren	\$175,446	\$55,748	32%

We attempted to compare the various Town Courts to each other based on expenditures but it was difficult to do so for several reasons. Without a full audit of each court we were unable to be certain each municipality was recording all expenses within the court budget or if there were expenses particular to a town. We do not believe the Camillus Justice Court budget is out of line with any budgets we did review.

Abolishing One Judicial Position

During the course of review we conferred with Office of Court Administration officials, reviewed various Town laws and interviewed Town Court personnel.

There are several legal and ethical considerations we were unable to measure in our review. We framed our analysis in cost benefit terms. There is a maximum savings of approximately \$82,000 by eliminating one judicial position. This calculation results from simply cutting the existing budget in half. We believe some combination of the two judicial courts could result from a more detailed audit, perhaps use of more clerical personnel or reduction of personnel while retaining both Judges. NYS law requires the Judge to establish the fine, we have no reason to project a reduction in caseload although we do note cases started reduced over 700 from 2009 to 2010. Both Judges handle the caseload fairly equally.

Eliminating one judicial position at a minimum would result in approximately a \$27,000 salary savings plus related benefits. This potential savings must be weighed against the potential risk, of which a more substantial audit may reveal the quantifiable risk, for our purposes we suggest the following cost/risk be considered:

1. Increased overtime from police with defendants awaiting arraignment
2. Reduction in revenue from delay or improper fine assessment
3. Increased workload and thus corresponding pay increase to remaining judge

Recommendations and Opinions

We believe the Town’s potential savings associated with eliminating one judicial position does not outweigh the risk. At a minimum we expect the remaining Judge to seek additional compensation to handle the additional workload, thus mitigating the savings.

Our analytical review displays no data would cause the Town Board to question the efficiency or effectiveness of the Camillus Court when comparing to similar town courts. In fact, as a percentage Camillus leads in retention of local revenue suggesting the caseload mixture requires more judicial time and intervention.

While residents are calling for tax reductions they also appreciate good service. It appears the Town Court is delivering its services within its allotted budget and generating more money than it spends. We were not made

aware of any complaints or criticism of timeliness of the court calendar or claims of undue hardships in receiving judicial assistance in a civil matter.

Our office would be willing to conduct a more in depth management audit geared to operational efficiencies with the two courts. Subject of our audit would be a more detailed review of the potential savings of sharing one or all required clerks. Removing judicial salary from the current budget leaves a remaining budget of approximately \$110,130 from which further efficiencies and savings may be obtained.

Other potential savings opportunities for the Town include a review of District Courts and merger with contiguous towns. Both of these subjects are well beyond our initial assessment and depending on revenue may or may not result in any savings to the town.

For illustration purposes only, the following chart indicates the potential savings from eliminating \$100,000 from the Court budget, again assuming no reduction in revenue. As calculated in the following chart, a \$100,000 reduction in tax levy equates to an annual savings of \$11.36 for a taxpayer with an assessed value of \$150,000.

Tax Reduction Projection Table						
<u>2011 Tax Levy</u>	<u>Levy Reduction</u>	<u>Rate</u>	<u>Taxable Value</u>	<u>Annual Savings</u>	<u>%</u>	
5,116,171	100,000	3.5189	150,000	11.36	2.1%	
5,116,171	200,000	3.4487	150,000	21.89	4.1%	
5,116,171	300,000	3.3786	150,000	32.40	6.0%	
5,116,171	400,000	3.3084	150,000	42.93	8.0%	
5,116,171	500,000	3.2383	150,000	53.45	9.9%	
5,116,171	600,000	3.1681	150,000	63.98	11.9%	
5,116,171	700,000	3.0980	150,000	74.49	13.8%	
5,116,171	800,000	3.0278	150,000	85.02	15.8%	
5,116,171	900,000	2.9577	150,000	95.54	17.7%	
5,116,171	1,000,000	2.8875	150,000	106.07	19.7%	