

ORDINANCE No 09-52

AN ORDINANCE OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA, CREATING THE POSITIONS OF TOWN MAGISTRATE AND ASSOCIATE MAGISTRATE OF THE DEWEY-HUMBOLDT MAGISTRATE COURT; DEFINING THE DUTIES, QUALIFICATIONS, AND COSTS THEREOF; PROVIDING FOR SUCCESSION AND JUDGES PRO TEMPORE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Whereas, the orderly adjudication of certain crimes and civil infractions is necessary to the efficient administration of justice within the Town; and

Whereas, the clearer establishment of offices, duties, and qualifications of the Magistrate Court is necessary for such orderly adjudication.

Now, therefore, be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt:

1. Town Magistrate. The Presiding Officer of the Magistrate Court shall be the Town Magistrate, who shall be appointed by the Town Council to a term of no less than two years. The Magistrate may be removed by the Council only for Cause during his/her term as Magistrate.
2. Associate Magistrate. The Town Magistrate may recommend to the Council the names of individuals qualified to serve as Associate Magistrate's for the Magistrate Court. Upon appointment, Associate Magistrates shall be subject to the assignment and direction of the Town Magistrate. Associate Magistrates shall serve for a term that exceeds the then current Magistrate's term by one year, subject to removal by the Town Council for any reason. All duly appointed Associate Magistrates shall be compensated per a fee established by the Town Council, and shall be considered contract employees of the Town of Dewey-Humboldt.
3. Powers and Duties. The powers and duties of the Magistrate shall include:
 - 3.1. The powers and duties set forth and conferred upon him/her under the provisions of the State Constitution and Statutes, this Code and the ordinances and resolutions of the Town.
 - 3.2. Managing the administration of the judicial and internal administrative functions of the town court, including the supervision of all judges and judicial and nonjudicial staff, who directly affect the operation of the court.
 - 3.3. Complying with the rules, policies and procedures established by the town in respect to personnel matters, as expressed in the Dewey Humboldt ordinances and codes, including, but not limited to, hiring, classification, salary administration, termination, grievance procedures, sick leave, overtime, vacation time and work hours.
 - 3.4. Adhering to state law and the policies and procedures of the town in budgeting

and expenditure procedures, including the procedures adopted for the purchase of equipment or supplies.

- 3.5. Keeping of a docket in which shall be entered each action and the proceedings of the Court therein.
- 3.6. Fixing and receiving all bond and bails and receiving all fines, penalties, fees and other monies as provided by law.
- 3.7. Establishing an effective system of proper payment and distribution of all fees, fines, penalties and other monies collected consistent with Arizona Statute and the Rules, Regulations and Orders of the Arizona Supreme Court and the Administrative Offices of the Arizona Supreme Court (the "AOC").
- 3.8. Preparing a schedule of criminal traffic violations listing specific bail for each violation.
- 3.9. Preparing of a schedule of civil traffic violations listing a specific fine and deposit for each violation.
- 3.10. Preparing of a schedule of criminal violations of Town Code, ordinances, and resolutions listing specific bail for each violation.
- 3.11. Preparing of a schedule of civil violations of Town Code, ordinances, and resolutions listing a specific fine and deposit for each violation.
- 3.12. Designating a person, a specific location and the hours which such person will be at the location to accept proper payments and deposits for civil violations for and on behalf of the court.
- 3.13. Collecting, safeguarding and accounting for all fines, sanctions, restitution and bond payments, which may come into the possession of the town court and transferring such public monies to the Town Treasurer, in accordance with State Law and procedures established by the Town Manager or the Manager's designee.
- 3.14. Preparing accurately and submitting on a timely basis, to the proper authority, all reports required to be submitted by statutes, court rule, administrative order, town charter, ordinances, or, as may be appropriate and necessary, the Town Council or Town Manager.
- 3.15. Assisting the Town Manager's Office in the preparation of monthly management information reports which summarize year to date statistics regarding the Town Court, key judicial functions, resource use and case management/resolution data.
- 3.16. Complying with all Town rules, regulations, policies and directives of the Town which are not inconsistent with the Constitution, State Law, Town Charter, Town Ordinance or administrative orders of the Supreme Court or lawfully delegated authority.

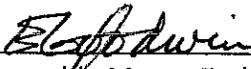
4. Qualifications. The Magistrate and all Associate Magistrates must be and remain members in good standing (active, inactive, or judicial) of the State Bar of Arizona, with at least five years of practice as an attorney or judicial officer.
5. Duties of Town Council and Town Manager. The compensation (in an amount to be determined by Council) and the Dewey-Humboldt pro rata portion of the annual "Judicial" membership fee of the State Bar, if any, shall be borne by the Town. All training required by the AOC for service to the Town of Dewey-Humboldt (pro rata) shall be paid for by the Town. The Town Council shall provide for the financial, physical, personnel and consulting requirements of the Town Court. The Town Council may adopt those additional orders and resolutions which are deemed necessary for the consistent implementation of this Ordinance. The duties and responsibilities of the Town Manager in respect to the Town Court shall include but are not limited to:
 - 5.1. Establishing such rules, regulations, policies and directives which are not inconsistent with the constitution, state law, town charter, town ordinances or administrative orders of the Supreme Court or lawfully delegated authority; as may be deemed reasonably necessary to the effective operation of the court as a part of the town government and to ensure that the personnel, budgeting and expenditure rules, regulations and requirements are followed by the town court.
 - 5.2. Providing for a system for the collection and safeguarding of all fines, sanctions, restitution and bond payments, which may come into the possession of the town court, and for transferring such public monies to the town treasurer.
6. Filling of Vacancies. In the event of the death, resignation, suspension or removal of a town judge, such vacancy may be filled for the unexpired term of office. The Town Council may suspend or remove a judge:
 - 6.1. For any reason authorized by law;
 - 6.2. Whenever the judge is unable to perform the duties of the office; or
 - 6.3. For failure to meet the minimum qualifications of the position.
7. Temporary Judges *pro tempore*. Notwithstanding anything to the contrary in this Ordinance, the Town Magistrate may appoint judges to serve on a temporary or "pro tempore" basis. Such judges shall be compensated on a contractual or hourly basis, shall not be eligible for any benefits, and shall be appointed for a term as set forth by the Town Magistrate.
8. Severability. The provisions of this ordinance are hereby declared to be severable, and if any section, sentence, clause, or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such decisions shall not affect the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the validity of any part thereof.

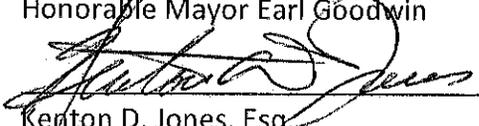
9. Emergency. As Arizona Statute mandates that the Town of Dewey-Humboldt maintain a municipal court and as the appointment of a Magistrate is essential to the ongoing and day-to-day operation of that Court and as no Magistrate is currently appointed to fill that position, an Emergency is declared to exist in regard to the implementation of the provisions of this Ordinance. Accordingly, this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force as of the date it is enacted.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 19th day of May 2009.



Judy Morgan, Town Clerk
Town of Dewey-Humboldt



Honorable Mayor Earl Goodwin


Kenton D. Jones, Esq.
Dewey-Humboldt Town Attorney

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