

ORDINANCE NO. 12-759

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE TOWN OF CHINO VALLEY, ARIZONA, TOWN CODE, CHAPTER 34: "COURT," GENERAL PROVISIONS SECTIONS 34.01: "MAGISTRATE COURT ESTABLISHED; JURISDICTION" AND 34.02: "PRESIDING OFFICER"

WHEREAS, During the evaluation process of the Town Magistrate, it was discovered by the Magistrate Evaluation Committee that the Town Code sections pertaining to the magistrate and magistrate court were inconsistent with current Arizona Revised Statutes, rules, magistrate court practices, and recommendations of the Arizona Supreme Court; and

WHEREAS, This Ordinance updates Town Code Sections 34.01 and 34.02 to bring the Code into alignment with the other regulations; and

WHEREAS, revisions to Section 34.02 will permit more latitude with regard to offering the Magistrate a two, three, or four year contract;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The text of Town Code, Chapter 34, "COURT," Section 34.01, entitled "MAGISTRATE COURT ESTABLISHED; JURISDICTION" is hereby deleted in its entirety and the following language substituted in its place:

CHAPTER 34 COURT

GENERAL PROVISIONS

§ 34.01 MAGISTRATE COURT ESTABLISHED; JURISDICTION

There is hereby established in the town a ~~Magistrate's~~ MAGISTRATE Court which shall have jurisdiction OVER all CASES ARISING UNDER this code.; ~~and jurisdiction concurrently with justices of the peace of precincts in which the town is located of violation of laws of the state committed within the limits of the town.~~ THE COURT SHALL HAVE JURISDICTION CONCURRENTLY WITH JUSTICES OF THE PEACE OF THE PRECINCT IN WHICH THE TOWN OF CHINO VALLEY IS LOCATED, OF VIOLATIONS OF THE LAWS OF THE STATE OF ARIZONA COMMITTED WITHIN THE LIMITS OF THE TOWN OF CHINO VALLEY.

Section 2. The text of Town Code, Chapter 34, "COURT," Section 34.02, entitled "PRESIDING OFFICER" is hereby amended as follows:

CHAPTER 34 COURT

GENERAL PROVISIONS

§ 34.02 PRESIDING OFFICER

(A) ~~Town Magistrate~~ PRESIDING MAGISTRATE

~~(1) The presiding officer of the Magistrate Court shall be appointed by the Council. The Magistrate shall serve for a minimum term of 2 years upon initial appointment. After the initial 2 year term, the Council may reappoint for subsequent terms of 2 or 4 years.~~ THE COUNCIL SHALL APPOINT A PRESIDING MAGISTRATE OF THE COURT WHO SHALL SERVE A MINIMUM TERM OF TWO (2) YEARS UPON INITIAL APPOINTMENT. THEREAFTER, THE COUNCIL MAY REAPPOINT THE PRESIDING MAGISTRATE FOR TERMS OF NOT LESS THAN TWO (2) NOR MORE THAN FOUR (4) YEARS. The beginning and end of ~~the EACH term is to~~ SHALL be specified at the time of appointment or reappointment. ~~During any such term, a Magistrate may be removed only for cause.~~ THE COUNCIL SHALL REMOVE THE PRESIDING MAGISTRATE ONLY FOR CAUSE, IN ACCORDANCE WITH THE ARIZONA CONSTITUTION AND ARIZONA LAW.

~~(2) The presiding officer of the Magistrate Court may appoint the qualified pro tem judges, ASSOCIATE MAGISTRATES, SPECIAL magistrates, and hearing officers as are deemed necessary for the efficient AND CONTINUING operation of the Court. THOSE PERSONS WHO ARE APPOINTED SHALL to provide services FOR THE COURT in the absence OR DISABILITY of the PRESIDING Magistrate or for AND IN those cases wherein the Magistrate may not act due to a change of judge. WHERE THE PRESIDING MAGISTRATE IS RECUSED FROM ANY MATTER OR PROCEEDING. by the Magistrate must be ANY ASSOCIATE MAGISTRATE OR SPECIAL MAGISTRATE SHALL BE A sitting or retired judge, judge pro TEMPORE, OR magistrate, or hearing officers, except that any other candidate for judge pro tem, magistrate or hearing officer not holding a judicial office must ANY HEARING OFFICER WHO DOES NOT MEET THE QUALIFICATIONS OF AN ASSOCIATE OR SPECIAL MAGISTRATE SHALL be approved by the Council prior to appointment by the Magistrate.~~

~~(3) Pro tem judges magistrates and hearing officers~~ ASSOCIATE OR SPECIAL MAGISTRATES AND HEARING OFFICERS appointed by the ~~Court~~ PRESIDING MAGISTRATE serve on a case-by-case basis or for specific periods of time as assigned ~~by the Magistrate~~. They may serve on a voluntary basis or are eligible for compensation from the "other professional services" account of the Court, subject to the policies and

rates of pay established by the Court.

Section 3. All other Chapters and Sections of the Town Code, not herein amended or abrogated, shall remain in full force and effect.

Section 4. If any provision of this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 26th day of June, 2012.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
Town Attorney