2007-16550
Page 1 of 2
Requested By: BOARD OF SUPERVISORS
NAVAJO COUNTY RECORDER - LAURETTE JUSTMAN
06-22-2007 12:00 PM Recording Fee $0.00

N/C

NAVAJO COUNTY
ORDINANCE NO. 06 -07

JUSTICE COURT STAFFING FEE ORDINANCE

An ordinance adopted pursuant to A.R.S. § 11-251.08(A), establishing a fee for the Justice Courts in Navajo County in order to defray the costs of services provided by the additional clerical and prosecutorial staff required to keep pace with increased caseloads.

SECTION 1: AUTHORITY / PURPOSE / JURISDICTION / TITLE

1.1 **Authority.** Navajo County is authorized by Section 11-251.08(A) of the Arizona Revised Statutes to adopt fee schedules for specific products and services the county provides to the public. In Arizona Attorney General Opinion No. I95-63 (December 18, 1995), the Attorney General determined that A.R.S. § 11-251.08(A) authorizes the Board of Supervisors to "establish fees for any specific products or services that the county provides to the public and to direct Justice Courts to collect any established court-related fees."

1.2 **Purpose.** It is the purpose of this ordinance to establish a fee whereby Navajo County may defray the actual costs of services provided by the additional clerical and prosecutorial staff required to keep pace with increased Justice Court caseloads resulting from population growth in the county.

1.3 **Jurisdiction.** This ordinance shall apply to all Justice Courts in Navajo County.

1.4 **Title.** This ordinance shall be known as the Navajo County Justice Court Staffing Fee Ordinance.

SECTION 2: FEE TO DEFRAY STAFFING COSTS

2.1 **Basis for Justice Court Staffing Fee.** The Justice Courts in Navajo County, the Navajo County Attorney and the Navajo County Finance Department have determined that additional staffing is required to keep pace with increased caseloads resulting from population growth in the county. The fee established by this ordinance will not fully defray the costs of such additional staffing but is based on the salary and employee-related expenses for five Justice Court clerks, one misdemeanor prosecutor and one legal secretary. These costs have been determined by the Navajo County Finance Department to be $292,238 for Fiscal Year 2007/2008. Based on current caseloads, the fee required to offset these costs is $20.00 per civil case filing, $20.00 for each count on which the defendant is convicted in a criminal case, and $20.00 for each civil traffic violation as to which a judgment is entered in favor of the state.

2.2 **Fee.** Based on the analysis of the Navajo County Finance Department, there is hereby imposed a Justice Court Staffing Fee of $20.00 to be collected in cases filed in the Justice Courts. This fee shall be collected as follows: (1) from the plaintiff at the time of filing of each civil action, with the exception of cases filed in the Small Claims Division; (2) from the defendant as part of the fines, fees and surcharges imposed in each criminal action resulting in a conviction, said fee to be collected on each separate count of which the defendant is convicted; and (3) from the defendant as part of the civil sanctions, fees and assessments in

each civil traffic action in which a judgment is entered in favor of the state, said fee to be collected on each separate violation as to which a judgment is entered in favor of the state. This fee may be waived only in cases of extreme financial hardship as determined by the Justice of the Peace. All such fees shall be deposited monthly with the Navajo County Treasurer and held in a separate account for the sole purpose of defraying staffing costs as set forth herein. This fee shall not be subject to any fees or surcharges adopted by the State of Arizona and shall be in addition to any other fees adopted by the Board of Supervisors.

2.3 **Annual Review.** The fee imposed by Section 2.2 shall be reviewed annually by the Navajo County Finance Department to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs of staffing as set forth herein. If appropriate, the Finance Director shall recommend an upward or downward adjustment of the fee to the Board of Supervisors prior to the start of the next fiscal year.

2.4 **Effective Date.** The fee imposed by Section 2.2 shall be effective with cases filed in the Justice Court on or after July 19, 2007.

SO ORDAINED by the Navajo County Board of Supervisors at Holbrook, Arizona on June 19, 2007.

NAVAJO COUNTY BOARD OF SUPERVISORS

By _____
David Tenney
Chairman

ATTEST:

June Foard for Darlene Fraley
Darlene Fraley
Clerk

the Year. Earning honors as the
her of the Year was Lois Jeffers

FREE Testing/ Consultation
District Office: 3421 E. Calle Agassiz, Vail, AZ 85641

NOTICE OF PUBLIC HEARING

NAVAJO COUNTY BOARD OF SUPERVISORS

NEW $20.00 JUSTICE COURT FEE

At 9:00 a.m. on Tuesday, June 19, 2007, the Navajo County Board of Supervisors will hold a public hearing in the Board of Supervisors' Chambers at the Navajo County Complex, 100 East Carter Drive, Holbrook to consider the adoption of a Justice Court Staffing Fee Ordinance.

The Ordinance would impose a new $20.00 fee in all Justice Court cases (civil, criminal, traffic) to help offset the cost of additional legal, secretarial and clerical services required by the increase in Justice Court cases.

The public is welcome to attend and comment on the proposed new fee.

Published 5/25/07

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Darlene Fraley
Clerk