NAVAJO COUNTY
ORDINANCE NO. 03-11

(SUPERSEDING 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 attorney 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 attorney 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.

1.5 **Supersedes Prior Ordinance.** This ordinance supersedes and replaces Ordinance No. 06-07, dealing with the same subject matter, as of the effective date hereof.

1.6 **Effective Date.** This ordinance shall be effective as of July 1, 2011.

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, Public Defender and 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 eight clerical and attorney positions serving the Justice Courts. These costs have been determined by the Finance Department to be $352,801 for Fiscal Year 2011/2012. Based on current caseloads, the fee required to offset these costs is $30.00 per civil case filing, $30.00 for each count on which the defendant is convicted in a criminal case, and $30.00 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 $30.00 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.

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. Any such adjustment shall be set forth in a resolution duly adopted by the Board.

SO ORDAINED by the Board of Supervisors of Navajo County, Arizona, on May 10, 2011.

NAVAJO COUNTY BOARD OF SUPERVISORS

By David Tenney

David Tenney, Chairman of the Board

ATTEST:

Melissa W. Buckley

Melissa Buckley, Clerk of the Board

2011-08036
Page 1 of 3
Requested By: BOARD OF SUPERVISORS
Navajo County Recorder - Laurette Justman
05-24-2011 09:21 AM Recording Fee $0.00

RESOLUTION NO. 20-11

A RESOLUTION OF THE NAVAJO COUNTY BOARD OF SUPERVISORS, ADOPTING AND APPROVING A NEW JUSTICE COURT STAFFING FEE ORDINANCE TO SUPERSEDE AND REPLACE ORDINANCE NO. 06-07

WHEREAS, the Board of Supervisors is authorized by ARS § 11-251.08 to adopt fee schedules for specific products and services that Navajo County provides to the public; and

WHEREAS, by the adoption of Ordinance No. 06-07, effective July 1, 2007, the Board of Supervisors established a Justice Court Staffing Fee in the amount of $20, payable in civil, criminal and traffic cases filed in the Navajo County Justice Courts; and

WHEREAS, the Navajo County Finance Department has determined that the current fee of $20 will result in a shortfall of $112,113 in Fiscal Year 2011-2012 vis-a-vis the actual cost of $352,801 for salaries and employee-related expenses of clerical and attorney staff assigned to the Justice Courts; and

WHEREAS, the Finance Department has determined that an increase in the Justice Court Staffing Fee from $20 to $30, effective July 1, 2011, is required to defray the costs described in the preceding paragraph; and

WHEREAS, following a duly noticed public hearing held this date the Board finds that the recommended fee of $30 fairly and accurately reflects the actual costs of Justice Court staffing as described herein and that the attached Justice Court Staffing Fee Ordinance, Ordinance No.03-11 is in proper form and should be adopted to supersede and replace Ordinance No. 06-07,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the attached Justice Court Staffing Fee Ordinance, Ordinance No. 03-11, is hereby ADOPTED as an ordinance of Navajo County, Arizona, effective as of July 1, 2011 and superseding and replacing Ordinance No. 06-07 as of that date.

PASSED, ADOPTED AND APPROVED at Holbrook, Arizona on May 10, 2011.

NAVAJO COUNTY BOARD OF SUPERVISORS

By _____
David Tenney
Chairman of the Board

ATTEST:

_____
Melissa Buckley, Clerk of the Board