

**RESOLUTION NO. 2358**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 34.02 THROUGH 34.04 OF CHAPTER 34 OF THE CODE OF THE TOWN OF PAYSON, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.**

WHEREAS, pursuant to A.R.S. §22-402, the Town of Payson has established a Magistrate Court; and

WHEREAS, the Town of Payson wishes to amend its Town Code provisions relating to its Magistrate Court,

**WHEREAS**, such amendment may be enacted by reference, pursuant to A.R.S. § 9-802,

**NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY RESOLVE AS FOLLOWS:**

Section 1. That Sections 34.01 through 34.04 (Magistrate Court) of Chapter 34 of the Code of the Town of Payson are hereby amended, are declared to be a public record as amended, and as amended shall read as set forth in Exhibit A, attached hereto and made a part hereof by this reference as though set forth in full at this point.

Section 2. If any section, subsection, sentence, clause, phrase or portion of Resolution Number 2358 is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of Resolution Number 2358. The Town Council of Payson declares that it would have adopted Resolution Number 2358 and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this \_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
F. Robert Edwards, Mayor

APR 03 2008 G.2

ATTEST:

APPROVED AS TO FORM:

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Silvia Smith, Town Clerk

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Samuel I. Streichman, Town Attorney

#### 34.01 ESTABLISHMENT; JURISDICTION.

There is hereby established in the Town a Magistrate Court which shall have jurisdiction of all violations of this Code and jurisdiction concurrently with the justice of the peace precincts in which the Town is located of violations of the laws of the State committed within the territorial limits of the Town.

#### 34.02 MAGISTRATE COURT PERSONNEL AND MANNER OF APPOINTMENT.

- (A) The Town Magistrate Court shall have a Town Magistrate, such Associate Magistrates as may be needed from time to time, a Court Clerk, and other Court staff as may be necessary.
- (B) The Town Magistrate, and any Associate Magistrates shall be qualified by training and experience to perform the powers and duties described in this Chapter.
- (B) The Mayor and Common Council shall appoint a Town Magistrate for a term of two years. During such term, the Town Magistrate may only be removed for cause.
- (C) The Mayor and Common Council may appoint one or more Associate Magistrates for a term of two years. During such terms, Associate Magistrates may only be removed for cause.
- (D) The Court Clerk and any other Court staff shall be appointed by the Town Magistrate and shall serve at the pleasure of the Town Magistrate.
- (E) The Mayor and Common Council shall from time to time fix the amount and manner of payment for the compensation of the Town Magistrate and Associate Magistrates.

#### 34.03 POWERS AND DUTIES OF THE TOWN MAGISTRATE.

The Town Magistrate shall have the following powers and duties:

- (A) Be the presiding officer of the Magistrate Court.
- (B) All powers and duties set forth and conferred upon the Magistrate under the provisions of the Arizona State Constitution, the Arizona Revised Statutes, this Code and the ordinances and resolutions of the Town.

### **Exhibit A to Resolution 2358**

- (C) The keeping of a docket (in written or electronic form) in which shall be entered each action and the proceedings of the court therein.
- (D) The responsibility for fixing and receiving civil traffic deposits, all bonds and bails, and receiving all fines, penalties, fees, civil traffic sanctions and other monies as provided by law.
- (E) Payment of the Town's portion of all fees, fines, civil traffic sanctions, penalties and other monies collected by the court to the Town's Chief Fiscal Officer.
- (F) Submitting a bi-annual report to the Council summarizing court activities.
- (G) Preparation of a schedule of traffic violations not involving the death of a person, listing specific bail and civil traffic deposits, for each violation.
- (H) Designation of a deputy, other than a law enforcement officer, and a specific location at which the deputy shall, during hours when the court is not open, set the amount of bail and civil traffic deposits, in accordance with the foregoing schedule, and collect bail and civil traffic deposits, or accept proper bail bonds in lieu thereof, for and on behalf of the court.

#### 34.04 POWERS AND DUTIES OF ASSOCIATE MAGISTRATES.

The Associate Magistrates shall, under the direction of the Town Magistrate exercise the powers and duties listed in section 34.03(B).

### **Exhibit A to Resolution 2358**