ORDINANCE 802

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 34.02 AND 34.04 OF CHAPTER 34 OF THE CODE OF THE TOWN OF PAYSON RELATING TO THE APPOINTMENT AND COMPENSATION OF MAGISTRATE COURT JUDGES PRO TEMPORE.

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

WHEREAS, in the past, the Council has approved the appointment of specific Magistrate Court Judges Pro Tempore; and

WHEREAS, the Council has approved compensation for such Judges Pro Tempore at a level equal to the compensation of the Payson Regional Justice Court Judges Pro Tempore; and

WHEREAS, the Town of Payson wishes to amend its Town Code provisions relating to the appointment and compensation of its Magistrate Court Judges Pro Tempore,

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

Section 1. That Section 34.02 (Magistrate Court Personnel and Manner of Appointment) of Chapter 34 of the Code of the Town of Payson is hereby amended and as amended shall read as follows:

34.02 MAGISTRATE COURT PERSONNEL AND MANNER OF APPOINTMENT.

(A) The Town Magistrate Court shall have a Town Magistrate, such Associate Magistrates <u>and/or Judges Pro Tempore</u> 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 <u>or Judges Pro Tempore</u> 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.

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FIRST READING AND PUBLIC HEARING

SECOND READING AND PUBLIC HEARING

(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 Town Magistrate may utilize Judges Pro Tempore who are judges, magistrates, or judges pro tempore of any other court in this state.

(~~E~~F) 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. Judges Pro Tempore shall be compensated at the same rate and in the same manner as judges pro tempore of the Payson Regional Justice Court.

Section 2. That Section 34.04 (Powers and Duties of Associate Magistrates) of Chapter 34 of the Code of the Town of Payson is hereby amended and as amended shall read as follows:

34.04 POWERS AND DUTIES OF ASSOCIATE MAGISTRATES AND JUDGES PRO TEMPORE.

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

Section 3. If any section, subsection, or portion of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council of Payson declares that it would have adopted this Ordinance and each section, subsection, or portion thereof, irrespective of the fact that any one or more sections, subsections, 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 _____, 2011, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____

Kenny J. Evans, Mayor

ATTEST:

Silvia Smith, Town Clerk

APPROVED AS TO FORM:

Timothy M. Wright, Town Attorney