

ORDINANCE NO. 2001-24

AN ORDINANCE BY THE BOARD OF SUPERVISORS OF APACHE COUNTY, ARIZONA, GRANTING AUTHORITY TO ADOPT SCHEDULE OF FEES FOR COURT SERVICES PROVIDED TO THE PUBLIC BY APACHE COUNTY JUSTICE COURTS, ESTABLISHING THE APACHE COUNTY JUSTICE COURT COST RECOVERY FUND AND AUTHORIZING EXPENDITURES THEREFROM.

WHEREAS, the services provided by the Justice of the Peace Courts in Apache County, Arizona, hereinafter "Justice Courts," are consumed by easily identifiable members of the public, to-wit: litigants in Justice Court proceedings; and as a matter of public policy, the Apache County Board of Supervisors, hereinafter "Board," favors easing the burden on taxpayers by recovering all or part of the cost of processing cases in Justice Court from those who cause the expenditure; and

WHEREAS, based on the best available estimates, the Board finds that County wide the Justice Courts expend substantial monies processing each civil case and criminal case, which are not offset by the fees currently being collected.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Board of Supervisors of Apache County, Arizona, as follows:

ARTICLE 1 - AUTHORITY AND SCOPE

Sec. 100 This Ordinance is adopted pursuant to A.R.S. §11-251.05 and A.R.S. § 11-251.08 which authorizes the Board of Supervisors to adopt and enforce all ordinances necessary or proper to carry out the duties, responsibilities and functions of the county government and to adopt fee schedules for any specific services provided by the county to the public.

ARTICLE 2 - SHORT TITLE

Sec. 200 This Ordinance may be referred to as the "Apache County Justice Court Recovery Fund Ordinance."

ARTICLE 3- FEES

Sec. 300 A fee schedule shall be adopted by the Board to cover expenses for traditional Justice Court services provided to litigants by their utilization of the Justice of the Peace courts throughout Apache County.

Sec. 301 Such fee schedule will be identified as the Justice Court Recovery Fund Fee Schedule.

Sec. 302 The Board and Justice Court may revise the fee schedule as needed to keep current

with rising expenses to perform such Justice Court services.

- Sec. 303 The adoption or revision of a fee schedule shall not effect any change in this Ordinance.
- Sec. 304 In addition to all other fines, assessments and surcharges levied against a defendant who has been found guilty or pleaded guilty, responsible or no contest in a criminal or civil traffic case the Justice Court shall assess and collect from such defendant an Apache County Justice Court Recovery Fund Fee as shown in the fee schedule.
- Sec. 305 The judge may waive all or part of the Apache County Justice Court Recovery Fund Fee, the payment of which would work a hardship on the persons paying the fee or on their immediate families upon express written finding of such hardship.
- Sec. 306 In addition to all other fines, assessments and surcharges and filing fees levied in Small Claims Court and Justice Court Civil Division, individuals filing complaints and answers, the Justice Court shall assess and collect an Apache County Justice Court Recovery Fund Fee as shown in the fee schedule.
- Sec. 307 If a check that has been presented to a Justice of the Peace Court is returned by a payee bank for insufficient funds, the court shall assess a non-sufficient funds fee against the maker of the check as shown in the Justice Court Recovery Fund Fee Schedule.
- Sec. 308 In addition to all other fines, assessments and surcharges levied against a defendant who has been found guilty or pleaded guilty, responsible or no contest in a criminal or civil traffic case the Justice Court shall assess and collect from such defendant who fails to pay all fines, assessments and surcharges a Department of Revenue Liability Setoff Program fee as shown in the Justice Court Recovery Fund Fee Schedule. This fee is only applicable for Justice Courts who are participating in the Liability Setoff Program.
- Sec. 309 A fee assessed pursuant to the authority of this Ordinance shall constitute a lien in like manner as a judgment for money rendered in a civil action.

ARTICLE 4- ESTABLISHMENT OF A FUND

- Sec. 400 The Board of Supervisors hereby establishes the Apache County Justice Court Recovery Fund, hereinafter referred to as the "Recovery Fund," administered by Apache County, through the Finance Department, solely for the purposes provided by this Ordinance.
- Sec. 401 The Recovery Fund shall be used to fund projects to enhance services provided through the Justice Courts as agreed upon between the Board and the Justice Courts and reimburse the General Fund for expenditures related to the Justice

Courts.

Sec. 402 All fees collected pursuant to this Ordinance shall be tendered to the Apache County Treasurer.

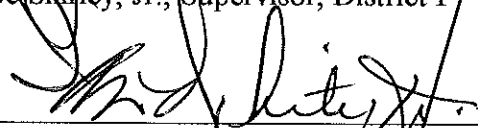
ARTICLE 5- EFFECTIVE DATE

Sec. 500 This Ordinance shall become effective thirty (30) days from the date of adoption by the Board.

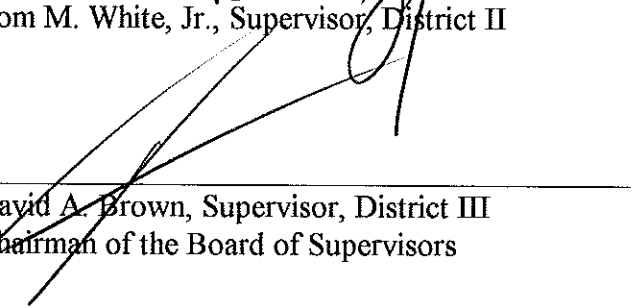
PASSED AND ADOPTED THIS 16 day of October, 2001, by the Board of Supervisor of Apache County, Arizona.



Joe Shirley, Jr., Supervisor, District I

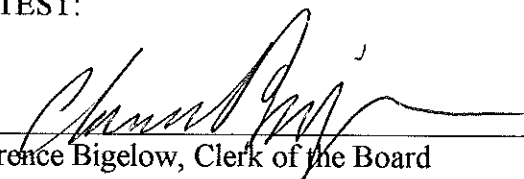


Tom M. White, Jr., Supervisor, District II



David A. Brown, Supervisor, District III
Chairman of the Board of Supervisors

ATTEST:



Clarence Bigelow, Clerk of the Board

APACHE COUNTY JUSTICE COURT RECOVERY FUND FEE SCHEDULE

WHEREAS, the Apache County Board of Supervisors, pursuant to A.R.S. §11-251.08 and Apache County Justice Court Recovery Fund Ordinance # _____, has authority to adopt fee schedules for specific services provided by Apache County to the public; and

WHEREAS, Notice of Public Hearing was published at least fifteen days prior to the public hearing, and public hearing was held on _____; and

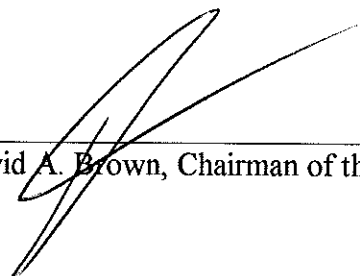
WHEREAS, the Apache County Justice Courts have provided a basis for the fees set forth below.

NOW, THEREFORE, the following fees are established and adopted for traditional Justice Court services provided to users of the Apache County Justice Court system to cover Justice Court services provided by the Apache County Justice Court system.

Apache County Justice Court Recovery Fee Schedule:


Small Claims Court	\$ 10.00
Justice Court Civil Division Claims	\$ 20.00
Traffic violations except A.R.S. §§: 28-661; 28-662; 28-664; 28-693; 28-708; 28-1381; 28-1383; 28-3473	\$ 10.00
Traffic violations in A.R.S. §§: 28-661; 28-662; 28-664; 28-693; 28-708; 28-3473(A)	\$ 50.00
Traffic violations in A.R.S. §§: 28-1381; 28-1383; 28-3473(B) & (C)	\$100.00
Misdemeanor Offenses (non traffic)	\$ 10.00
Non-sufficient Funds Check Fee	\$ 35.00
Liability Setoff Program Fee	\$ 15.00
Bench Trial	\$100.00
Jury Trial	\$300.00

PASSED AND ADOPTED this 16 day of October, 2001, by the Board of Supervisors of Apache County, Arizona.



 David A. Brown, Chairman of the Board

ATTEST:



 Clarence Bigelow, Clerk of the Board