NAVAJO COUNTY
ORDINANCE NO. 02-97

(Revised Sept 9, 2002)

JUSTICE COURT ADMINISTRATIVE FEES ORDINANCE

An ordinance adopted pursuant to A.R.S. § 11-251.08(A), establishing certain administrative fees for the Justice Courts in Navajo County in order to defray Court automation costs, costs associated with issuing and processing Failure to Appear warrants, and costs associated with collecting civil traffic sanctions in cases of default.

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 an administrative fee schedule whereby Navajo County may defray the actual costs of services provided by the Justice Courts in three subject areas where these costs are a burden to the taxpayers and should be borne by those individuals responsible for them: court automation; costs of issuing and executing Failure to Appear ("FTA") warrants; and costs of collecting sanctions and notifying the Motor Vehicle Department in civil traffic cases where the defendant defaults in payment.

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 Administrative Fees Ordinance.

SECTION 2: FEE TO DEFRAY COURT AUTOMATION COSTS

2.1 **Basis for Court Automation Fee.** The Justice Courts in Navajo County and the Navajo County Superior Court have established a coordinated plan for the automation of cases and cash-flow management. The Board of Supervisors has entered into an agreement with the Administrative Office of the Arizona Supreme Court to reimburse a prorated share of the costs associated with the annual maintenance and support of automation equipment and programs. The Court Administrator has performed an analysis of the number of cases closed in the Justice Courts and the Superior Court, as well as the annual cost of court automation, and has determined that a fee of $4.00 per case is required to help defray the actual cost of court automation. For criminal and civil traffic matters, this fee shall be imposed for each violation charged, regardless of whether multiple violations are charged on a single citation form and regardless of whether multiple charges are assigned a single case number by the Court.

2.2 **Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of $4.00 per case (or per violation charged, in the case of criminal and civil traffic matters) to be collected in cases filed in the Justice Courts. This fee shall be collected at the time of filing of each civil action filed by a private plaintiff; as part of the fines, fees and surcharges imposed in each

criminal action resulting in a conviction; and as part of the civil sanctions, fees and assessments in each civil traffic action in which 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 costs associated with the annual maintenance and support of court automation equipment and programs. 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 Court Administrator to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs associated with the maintenance and support of court automation equipment and programs. If appropriate, the Court Administrator shall recommend an upward or downward adjustment of the fee to the Board of Supervisors prior to the start of the next fiscal year.

SECTION 3: FEE TO DEFRAY COSTS ASSOCIATED WITH FTA WARRANTS

3.1 **Basis for FTA Warrant Fee.** The Justice Courts in Navajo County and the Navajo County Superior Court incur substantial costs in criminal (including criminal traffic) cases where the defendant fails to appear and an FTA warrant must be issued and processed. These costs are incurred by the Court and the Sheriff's Office. The Court Administrator has performed an analysis of these costs and has determined that they are approximately $150.00 per case.

3.2 **FTA Warrant Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of $150.00 per case to be collected in criminal cases filed in the Justice Courts in which an FTA warrant is issued. This fee shall be imposed in each criminal case in which an FTA warrant is issued. This fee may be waived only in cases of extreme financial hardship as determined by the Justice of the Peace, or in cases where the FTA warrant is quashed for good cause shown and the Justice of the Peace determines that a waiver is appropriate. All such fees shall be deposited monthly with the Navajo County Treasurer and deposited in the General Fund for the purpose of defraying costs associated with the issuance and processing of FTA warrants by the Justice Courts and the Sheriff's Office. 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.

3.3 **Annual Review.** The fee imposed by Section 3.2 shall be reviewed annually by the Court Administrator to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs associated with the issuance and processing of FTA warrants. If appropriate, the Court Administrator shall recommend an upward or downward adjustment of the fee to the Board of Supervisors prior to the start of the next fiscal year.

SECTION 4: FEE TO DEFRAY COSTS ASSOCIATED WITH CIVIL TRAFFIC DEFAULTS

4.1 **Basis for Civil Traffic Default Fee.** The Justice Courts in Navajo County incur substantial costs in civil traffic cases where the defendant defaults in the payment of a civil sanction and the Court must take steps to collect the sanction and notify the Motor Vehicle Department pursuant to A.R.S. § 28-1080. The Court Administrator has performed an analysis of these costs and has determined that they are approximately $30.00 per case.

4.2 **Civil Traffic Default Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of $30.00 per case to be collected in civil traffic cases filed in the Justice Courts where the defendant defaults in the payment of a civil sanction. 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 deposited in the General Fund for the purpose of defraying costs associated with collecting civil traffic sanctions and notifying the Motor Vehicle Department pursuant to A.R.S. § 28-1080. 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.

4.3 **Annual Review.** The fee imposed by Section 4.2 shall be reviewed annually by the Court Administrator to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs associated with collecting civil traffic sanctions and notifying the Motor Vehicle Department. If appropriate, the Court Administrator shall recommend an upward or downward adjustment of the fee to the Board of Supervisors prior to the start of the next fiscal year.

SECTION 5: FEE TO DEFRAY COSTS ASSOCIATED WITH PARTICIPATION IN DEPARTMENT OF REVENUE=S LIABILITY SETOFF PROGRAM

5.1 **Basis for Setoff Program Participation Fee.** A.R.S. § 42-1122 authorizes the Arizona Department of Revenue to establish a liability setoff program whereby a taxpayer's income tax refund may be withheld to satisfy a debt owed to a court, including a Justice Court. The Department of Revenue imposes a participation fee of $9.00 for each item submitted to the setoff program.

5.2 **Setoff Program Participation Fee.** In order to defray the cost of participation by the Justice Courts in the liability setoff program established by the Arizona Department of Revenue, there is hereby imposed an administrative fee of $9.00 for each item submitted. This fee shall be imposed in each Justice Court case in which a submission is made to the setoff program in order to collect a debt owed to the Court and shall be payable by the party who owes the debt. All such fees shall be deposited monthly with the Navajo County Treasurer and deposited in the General Fund for the purpose of defraying costs associated with participating in the setoff program. 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.

5.3 **Automatic Increase or Decrease.** The fee imposed by Section 5.2 shall automatically increase or decrease with any corresponding increase or decrease in the participation fee charged to the Justice Courts by the Arizona Department of Revenue.

SECTION 6: SEVERABILITY

If any fee imposed herein is determined by a court of competent jurisdiction to be unenforceable in whole or part, the other fees imposed herein shall not be affected and shall remain fully enforceable.

DATE: 11/20/1997 TIME: 11:15 PAGE #: 0001 OF 0004 COUNTY RECORDER BY: BOARD OF SUPERVISORS FEE #: 1997 21140 **

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MICROFILMED
INDEXED

NAVAJO COUNTY RECORDER

RESOLUTION NO. 125-97

A RESOLUTION OF THE NAVAJO COUNTY BOARD OF SUPERVISORS, ADOPTING THE "NAVAJO COUNTY JUSTICE COURT ADMINISTRATIVE FEES ORDINANCE."

WHEREAS, A.R.S. § 11-251.08(A) authorizes the Board of Supervisors to adopt fee schedules for specific products and services the county provides to the public; and

WHEREAS, the Arizona Attorney General has 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"; and

WHEREAS, the Board of Supervisors finds that it is appropriate to adopt a fee schedule whereby the county may defray the actual costs of services provided by the Justice Courts in three subject areas where these costs are a burden to the taxpayers and should be borne by those individuals responsible for them: court automation; costs of issuing and executing Failure to Appear ("FTA") warrants; and costs of collecting sanctions and notifying the Motor Vehicle Department in civil traffic cases where the defendant defaults in payment; and

WHEREAS, the Court Administrator has performed an analysis of the administrative fee that will allow the county to defray the actual costs of services provided by the Justice Courts in these three subject areas; and

WHEREAS, the Board of Supervisors finds that the adoption of a fee schedule and ordinance for the imposition of these fees is an appropriate exercise of the Board's authority pursuant to A.R.S. § 11-251.08(A),

NOW, THEREFORE, the Board of Supervisors hereby resolves as follows:

1. **Adoption of the "Navajo County Justice Court Administrative Fees Ordinance."**

The "Navajo County Justice Court Administrative Fees Ordinance," Ordinance No. 97-02, is hereby adopted in the form attached hereto.

PASSED AND ADOPTED on November 17, 1997, at Holbrook, Navajo County, Arizona.

Jesse Thompson
Chairman, Navajo County Board of Supervisors

Attest:

Judy Jones
Clerk of the Board

Approved as to form:

Lance B. Payette
Deputy County Attorney

(Res # 125-97)

NAVAJO COUNTY
ORDINANCE NO. ~~97-02~~ 02-97

JUSTICE COURT ADMINISTRATIVE FEES ORDINANCE

An ordinance adopted pursuant to A.R.S. § 11-251.08(A), establishing certain administrative fees for the Justice Courts in Navajo County in order to defray Court automation costs, costs associated with issuing and processing Failure to Appear warrants, and costs associated with collecting civil traffic sanctions in cases of default.

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 an administrative fee schedule whereby Navajo County may defray the actual costs of services provided by the Justice Courts in three subject areas where these costs are a burden to the taxpayers and should be borne by those individuals responsible for them: court automation; costs of issuing and executing Failure to Appear ("FTA") warrants; and costs of collecting sanctions and notifying the Motor Vehicle Department in civil traffic cases where the defendant defaults in payment.

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 Administrative Fees Ordinance.

SECTION 2: FEE TO DEFRAY COURT AUTOMATION COSTS

2.1 **Basis for Court Automation Fee.** The Justice Courts in Navajo County and the Navajo County Superior Court have established a coordinated plan for the automation of cases and cash-flow management. The Board of Supervisors has entered into an agreement with the Administrative Office of the Arizona Supreme Court to reimburse a prorated share of the costs associated with the annual maintenance and support of automation equipment and programs. The Court Administrator has performed an analysis of the number of cases closed in the Justice Courts and the Superior Court over a four-year period, as well as the annual cost of court automation, and has determined that the actual cost of court automation on a per-case basis exceeds $1.00 per case.

2.2 **Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of $1.00 per case to be collected in cases filed in the Justice Courts. This fee shall be collected at the time of filing of each civil action filed by a private plaintiff; as part of the fines, fees and surchages imposed in each criminal action resulting in a conviction; and as part of the civil sanctions, fees and assessments in each civil traffic action in which 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 costs associated with the annual maintenance and support of court automation equipment and programs. 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 Court Administrator to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs associated with the maintenance and support of court automation equipment and

programs. If appropriate, the Court Administrator shall recommend an upward or downward adjustment of the fee to the Board of Supervisors prior to the start of the next fiscal year.

SECTION 3: FEE TO DEFRAY COSTS ASSOCIATED WITH FTA WARRANTS

3.1 **Basis for FTA Warrant Fee.** The Justice Courts in Navajo County and the Navajo County Superior Court incur substantial costs in criminal (including criminal traffic) cases where the defendant fails to appear and an FTA warrant must be issued and processed. These costs are incurred by the Court and the Sheriff's Office. The Court Administrator has performed an analysis of these costs and has determined that they are approximately $150.00 per case.

3.2 **FTA Warrant Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of $150.00 per case to be collected in criminal cases filed in the Justice Courts in which an FTA warrant is issued. This fee shall be imposed in each criminal case in which an FTA warrant is issued. This fee may be waived only in cases of extreme financial hardship as determined by the Justice of the Peace, or in cases where the FTA warrant is quashed for good cause shown and the Justice of the Peace determines that a waiver is appropriate. All such fees shall be deposited monthly with the Navajo County Treasurer and deposited in the General Fund for the purpose of defraying costs associated with the issuance and processing of FTA warrants by the Justice Courts and the Sheriff's Office. 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.

3.3 **Annual Review.** The fee imposed by Section 3.2 shall be reviewed annually by the Court Administrator to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs associated with the issuance and processing of FTA warrants. If appropriate, the Court Administrator shall recommend an upward or downward adjustment of the fee to the Board of Supervisors prior to the start of the next fiscal year.

SECTION 4: FEE TO DEFRAY COSTS ASSOCIATED WITH CIVIL TRAFFIC DEFAULTS

4.1 **Basis for Civil Traffic Default Fee.** The Justice Courts in Navajo County incur substantial costs in civil traffic cases where the defendant defaults in the payment of a civil sanction and the Court must take steps to collect the sanction and notify the Motor Vehicle Department pursuant to A.R.S. § 28-1080. The Court Administrator has performed an analysis of these costs and has determined that they are approximately $30.00 per case.

4.2 **Civil Traffic Default Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of $30.00 per case to be collected in civil traffic cases filed in the Justice Courts where the defendant defaults in the payment of a civil sanction. 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 deposited in the General Fund for the purpose of defraying costs associated with collecting civil traffic sanctions and notifying the Motor Vehicle Department pursuant to A.R.S. § 28-1080. 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.

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SECTION 5: SEVERABILITY

If any fee imposed herein is determined by a court of competent jurisdiction to be unenforceable in whole or part, the other fees imposed herein shall not be affected and shall remain fully enforceable.

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NAVAJO COUNTY RECORDER

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WHEREAS, A.R.S. § 11-251.08(A) authorizes the Board of Supervisors to adopt fee schedules for specific products and services the county provides to the public; and

WHEREAS, the Arizona Attorney General has 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; and

WHEREAS, the Board of Supervisors finds that it is appropriate to adopt a fee schedule whereby the county may defray the actual costs of services provided by the Justice Courts in three subject areas where these costs are a burden to the taxpayers and should be borne by those individuals responsible for them: court automation; costs of issuing and executing Failure to Appear ("FTA") warrants; and costs of collecting sanctions and notifying the Motor Vehicle Department in civil traffic cases where the defendant defaults in payment; and

WHEREAS, the Court Administrator has performed an analysis of the administrative fee that will allow the county to defray the actual costs of services provided by the Justice Courts in these three subject areas; and

WHEREAS, the Board of Supervisors finds that the adoption of a fee schedule and ordinance for the imposition of these fees is an appropriate exercise of the Board's authority pursuant to A.R.S. § 11-251.08(A),

NOW, THEREFORE, the Board of Supervisors hereby resolves as follows:

1. **Adoption of the "Navajo County Justice Court Administrative Fees Ordinance."**

The "Navajo County Justice Court Administrative Fees Ordinance," Ordinance No. 97-02 is hereby adopted in the form attached hereto.

PASSED AND ADOPTED on November 17, 1997, at Holbrook, Navajo County, Arizona.

Jesse Thompson
Chairman, Navajo County Board of Supervisors

Attest:

Judy Jones
Clerk of the Board

Approved as to form:

Lance B. Payette
Deputy County Attorney

(Res # 125-97)

NAVAJO COUNTY
ORDINANCE NO. ~~97-02~~ 02-97

JUSTICE COURT ADMINISTRATIVE FEES ORDINANCE

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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 an administrative fee schedule whereby Navajo County may defray the actual costs of services provided by the Justice Courts in three subject areas where these costs are a burden to the taxpayers and should be borne by those individuals responsible for them: court automation; costs of issuing and executing Failure to Appear ("FTA") warrants; and costs of collecting sanctions and notifying the Motor Vehicle Department in civil traffic cases where the defendant defaults in payment.

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 Administrative Fees Ordinance.

SECTION 2: FEE TO DEFRAY COURT AUTOMATION COSTS

2.1 **Basis for Court Automation Fee.** The Justice Courts in Navajo County and the Navajo County Superior Court have established a coordinated plan for the automation of cases and cash-flow management. The Board of Supervisors has entered into an agreement with the Administrative Office of the Arizona Supreme Court to reimburse a prorated share of the costs associated with the annual maintenance and support of automation equipment and programs. The Court Administrator has performed an analysis of the number of cases closed in the Justice Courts and the Superior Court over a four-year period, as well as the annual cost of court automation, and has determined that the actual cost of court automation on a per-case basis exceeds $1.00 per case.

2.2 **Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of $1.00 per case to be collected in cases filed in the Justice Courts. This fee shall be collected at the time of filing of each civil action filed by a private plaintiff; as part of the fines, fees and surchages imposed in each criminal action resulting in a conviction; and as part of the civil sanctions, fees and assessments in each civil traffic action in which 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 costs associated with the annual maintenance and support of court automation equipment and programs. 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 Court Administrator to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs associated with the maintenance and support of court automation equipment and

programs. If appropriate, the Court Administrator shall recommend an upward or downward adjustment of the fee to the Board of Supervisors prior to the start of the next fiscal year.

SECTION 3: FEE TO DEFRAY COSTS ASSOCIATED WITH FTA WARRANTS

3.1 **Basis for FTA Warrant Fee.** The Justice Courts in Navajo County and the Navajo County Superior Court incur substantial costs in criminal (including criminal traffic) cases where the defendant fails to appear and an FTA warrant must be issued and processed. These costs are incurred by the Court and the Sheriff's Office. The Court Administrator has performed an analysis of these costs and has determined that they are approximately $150.00 per case.

3.2 **FTA Warrant Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of $150.00 per case to be collected in criminal cases filed in the Justice Courts in which an FTA warrant is issued. This fee shall be imposed in each criminal case in which an FTA warrant is issued. This fee may be waived only in cases of extreme financial hardship as determined by the Justice of the Peace, or in cases where the FTA warrant is quashed for good cause shown and the Justice of the Peace determines that a waiver is appropriate. All such fees shall be deposited monthly with the Navajo County Treasurer and deposited in the General Fund for the purpose of defraying costs associated with the issuance and processing of FTA warrants by the Justice Courts and the Sheriff's Office. 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.

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SECTION 4: FEE TO DEFRAY COSTS ASSOCIATED WITH CIVIL TRAFFIC DEFAULTS

4.1 **Basis for Civil Traffic Default Fee.** The Justice Courts in Navajo County incur substantial costs in civil traffic cases where the defendant defaults in the payment of a civil sanction and the Court must take steps to collect the sanction and notify the Motor Vehicle Department pursuant to A.R.S. § 28-1080. The Court Administrator has performed an analysis of these costs and has determined that they are approximately $30.00 per case.

4.2 **Civil Traffic Default Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of $30.00 per case to be collected in civil traffic cases filed in the Justice Courts where the defendant defaults in the payment of a civil sanction. 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 deposited in the General Fund for the purpose of defraying costs associated with collecting civil traffic sanctions and notifying the Motor Vehicle Department pursuant to A.R.S. § 28-1080. 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.

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2.2 **Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of $4.00 per case (or per violation charged, in the case of criminal and civil traffic matters) to be collected in cases filed in the Justice Courts. This fee shall be collected at the time of filing of each civil action filed by a private plaintiff; as part of the fines, fees and surcharges imposed in each

criminal action resulting in a conviction; and as part of the civil sanctions, fees and assessments in each civil traffic action in which 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 costs associated with the annual maintenance and support of court automation equipment and programs. 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.

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3.2 **FTA Warrant Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of $150.00 per case to be collected in criminal cases filed in the Justice Courts in which an FTA warrant is issued. This fee shall be imposed in each criminal case in which an FTA warrant is issued. This fee may be waived only in cases of extreme financial hardship as determined by the Justice of the Peace, or in cases where the FTA warrant is quashed for good cause shown and the Justice of the Peace determines that a waiver is appropriate. All such fees shall be deposited monthly with the Navajo County Treasurer and deposited in the General Fund for the purpose of defraying costs associated with the issuance and processing of FTA warrants by the Justice Courts and the Sheriff's Office. 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.

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SECTION 4: FEE TO DEFRAY COSTS ASSOCIATED WITH CIVIL TRAFFIC DEFAULTS

4.1 **Basis for Civil Traffic Default Fee.** The Justice Courts in Navajo County incur substantial costs in civil traffic cases where the defendant defaults in the payment of a civil sanction and the Court must take steps to collect the sanction and notify the Motor Vehicle Department pursuant to A.R.S. § 28-1080. The Court Administrator has performed an analysis of these costs and has determined that they are approximately $30.00 per case.

4.2 **Civil Traffic Default Fee.** Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of $30.00 per case to be collected in civil traffic cases filed in the Justice Courts where the defendant defaults in the payment of a civil sanction. 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 deposited in the General Fund for the purpose of defraying costs associated with collecting civil traffic sanctions and notifying the Motor Vehicle Department pursuant to A.R.S. § 28-1080. 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.

4.3 **Annual Review.** The fee imposed by Section 4.2 shall be reviewed annually by the Court Administrator to ensure that the amount collected does not substantially exceed (or fail to defray) the actual costs associated with collecting civil traffic sanctions and notifying the Motor Vehicle Department. If appropriate, the Court Administrator shall recommend an upward or downward adjustment of the fee to the Board of Supervisors prior to the start of the next fiscal year.

SECTION 5: FEE TO DEFRAY COSTS ASSOCIATED WITH PARTICIPATION IN DEPARTMENT OF REVENUE=S LIABILITY SETOFF PROGRAM

5.1 **Basis for Setoff Program Participation Fee.** A.R.S. § 42-1122 authorizes the Arizona Department of Revenue to establish a liability setoff program whereby a taxpayer's income tax refund may be withheld to satisfy a debt owed to a court, including a Justice Court. The Department of Revenue imposes a participation fee of $9.00 for each item submitted to the setoff program.

5.2 **Setoff Program Participation Fee.** In order to defray the cost of participation by the Justice Courts in the liability setoff program established by the Arizona Department of Revenue, there is hereby imposed an administrative fee of $9.00 for each item submitted. This fee shall be imposed in each Justice Court case in which a submission is made to the setoff program in order to collect a debt owed to the Court and shall be payable by the party who owes the debt. All such fees shall be deposited monthly with the Navajo County Treasurer and deposited in the General Fund for the purpose of defraying costs associated with participating in the setoff program. 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.

5.3 **Automatic Increase or Decrease.** The fee imposed by Section 5.2 shall automatically increase or decrease with any corresponding increase or decrease in the participation fee charged to the Justice Courts by the Arizona Department of Revenue.

SECTION 6: SEVERABILITY

If any fee imposed herein is determined by a court of competent jurisdiction to be unenforceable in whole or part, the other fees imposed herein shall not be affected and shall remain fully enforceable.

NAVAJO COUNTY, ARIZONA
LAURETTE JUSTMAN, RECORDER - BOARD OF SUPERVISORS

09/12/2002 #2002-18623
10:00:00AM 1 OF 2

RESOLUTION NO. 75 -02

A RESOLUTION OF THE NAVAJO COUNTY BOARD OF SUPERVISORS, AMENDING THE JUSTICE COURT ADMINISTRATIVE FEES ORDINANCE (ORDINANCE NO. 02-97) BY INCREASING THE COURT AUTOMATION FEE FROM $2.00 TO $4.00; AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Supervisors, pursuant to Resolution No. 125-97, adopted the Navajo County Justice Court Administrative Fees Ordinance, Ordinance No. 02-97, on November 17, 1997; and

WHEREAS, the Board adopted certain amendments to said Ordinance on September 7 1999 pursuant to Resolution No. 86 -99; and

WHEREAS, said Ordinance provides, in Section 2.3 thereof, for an annual review of the Court Automation Fee; and

WHEREAS, Court Administration has recommended an increase in the Court Automation Fee from $2.00 to $4.00 on the basis of an analysis of the fees generated in 2000 and 2001 versus the automation expenses for the same period; and

WHEREAS, the Board finds that it is appropriate to amend the Justice Court Administrative Fees Ordinance and increase the Court Automation Fee to $4.00 in accordance with the recommendations of Court Administration as described above; and

WHEREAS, the Board finds that it is appropriate for the amendments to be adopted on an emergency basis pursuant to the Board's authority under A.R.S. §§ 19-141 and 19-142 because a delay would result in a waste of public monies inasmuch as bond schedules setting forth the fees must be printed no later than September 1, 2002,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Justice Court Administrative Fees Ordinance is hereby amended as follows:

1. Section 2.1 is amended by deleting the interlineated language and inserting the underlined language as follows:

The Court Administrator has performed an analysis of the number of cases closed in the Justice Courts and the Superior Court, as well as the annual cost of court automation, and has determined that a fee of ~~$2.00~~ $4.00 per case is required to help defray the actual cost of court automation. For criminal and civil traffic matters, this fee shall be imposed for each violation charged, regardless of whether multiple violations are charged on a single citation form and regardless of whether multiple charges are assigned a single case number by the Court.

2. Section 2.2 is amended by deleting the interlineated language and inserting the underlined language as follows:

Fee. Based on the analysis of the Court Administrator, there is hereby imposed an administrative fee of ~~$2.00~~ $4.00 per case (or per violation charged, in the case of criminal and civil traffic matters) to be collected in cases filed in the Justice Courts.

BE IT FURTHER RESOLVED that there is hereby **DECLARED AN EMERGENCY** for the reasons set forth above and that this resolution and the amendments of the Justice Court Administrative Fees Ordinance adopted herein shall take effect immediately upon publication of the amendments by the Clerk of the Board in accordance with A.R.S. § 11-251.05(C).

PASSED, ADOPTED AND APPROVED at Holbrook, Arizona on September 9, 2002 2002.

NAVAJO COUNTY BOARD OF SUPERVISORS

By _____
Jesse Thompson
Chairman

ATTEST:

Kathy Hub for Judy Jones
Judy Jones, Clerk of the Board

APPROVED AS TO FORM:

Lance B Payette
Lance B. Payette, Deputy County Attorney