

ORDINANCE NO. 2016-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 1, ADMINISTRATIVE, CHAPTER 15, MUNICIPAL COURT, DIVISION 1, SECTION 2, MUNICIPAL JUDGE, PRESIDING MAGISTRATE, HEARING OFFICERS, TO REQUIRE ALL MUNICIPAL JUDGES TO BE ADMITTED TO THE PRACTICE OF LAW IN THE STATE OF ARIZONA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the Flagstaff Charter requires the Flagstaff City Council to appoint police judges, also known as municipal judges, and the police judges hold office at the pleasure of the Council: and

WHEREAS, the Flagstaff City Council determined that it is appropriate to require all municipal judges, including but not limited to the presiding judge, on-call judges, and part-time judges to be attorneys admitted to the practice of law in the State of Arizona.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

The Flagstaff City Code, Title 1, *Administration*, Chapter 15, *Municipal Court*, Division 1, Section 2, *Municipal Judge, Presiding Magistrate, Hearing Officers*, is hereby amended as set forth below (deletions shown as stricken, and additions shown as capitalized text):

1-15-001-0002 MUNICIPAL JUDGE, PRESIDING MAGISTRATE, HEARING OFFICERS

- A. Municipal Judge: All Municipal Judges shall serve a term of two (2) years. The two (2) year term shall commence August 1, and terminate July 31. During such term, a Municipal Judge may be removed only for cause. All Municipal Judges shall be appointed by the Council. ALL MUNICIPAL JUDGES, INCLUDING BUT NOT LIMITED TO THOSE DESCRIBED IN SECTION (C) BELOW, MUST BE ADMITTED TO THE PRACTICE OF LAW IN THE STATE OF ARIZONA.
- B. Presiding Magistrate: Appointed by the Council, presides over a court calendar as well as having administrative authority to hire, supervise, discipline, and terminate its non-appointed court employees. (Supreme Court Administrative Orders 83-11, 90-3, and Rule I, Uniform Rules of Practice of the Superior Court, and the principle of judicial independence under the doctrine of separation of powers as defined in the State Constitution, Article III). The Presiding Magistrate shall follow all Personnel Policies adopted and amended by the City Council. Further, the Presiding Magistrate shall utilize the Personnel Board created by Ordinance No. 971 and appointed by the

City Council. The findings and recommendations of the Personnel Board shall be forwarded to the Presiding Magistrate for action. The Presiding Magistrate shall accept in whole or in part, or reject, said findings and recommendations.

- C. Additional Municipal Judges: In conformance with Paragraph A of this Section, the City Council may appoint one (1) or more additional Judge(s).
1. On-Call: This position will be paid on an hourly basis for each hour worked at a rate determined by the City Council at the time of appointment. This position will not have a set schedule and will work only at such times as required by the Presiding Magistrate when other Municipal Judges are not available.
 2. Part-Time: This position will be paid on an hourly basis for each hour worked at a rate and for a specific number of hours per week as determined by the City Council at the time of appointment. The Presiding Magistrate will schedule actual times and days of work. Additional Judges working twenty (20) hours per week or more, as authorized by the City Council, will also be eligible for full health, life and dental insurance benefits.
- D. Civil Traffic Hearing Officers: The Council may appoint Hearing Officers to preside over civil traffic violation cases as provided in Arizona Revised Statutes, section 28-1055, as amended. Hearing Officers shall serve under the supervision of the Presiding Municipal Judge, for a term of two (2) years. The two (2) year term shall commence August 1, and terminate July 31. During such term, a Hearing Officer may be removed only for cause. (Ord. 1860, 02/07/95)

SECTION 2. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION 3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference 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 thereof.

SECTION 4. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 22nd day of March, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY