

ORDINANCE NO. 5172

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA REPEALING THE COURT USER FEE IN MCC § 1-12-3 AND REPLACING IT WITH A NEW COURT FEE ENTITLED § 1-12-3 COURT SUSTAINABILITY FEE, AND BY REVISING MCC § 1-12-5, WAIVER OF FEES, TO CONFORM.

WHEREAS, the Mesa Municipal Court seeks permission to implement a fee to enhance and maintain the technological, operational and security capabilities of the Municipal Court; and

WHEREAS, the Municipal Court seeks to offset the costs for the Municipal Security Officers stationed at the Municipal Court and City Plaza buildings; and

WHEREAS, Arizona Revised Statutes §22-404(E) authorizes the Council to establish and assess fees for court programs and services; and

WHEREAS, the fees and charges with respect to services provided by the Municipal Court, true and correct copies of which are attached hereto and made a part hereof and incorporated herein by reference, are approved and hereby adopted to be effective on October 1, 2013; and

WHEREAS, the Municipal Court Sustainability Fee shall be in the amount of fifteen dollars (\$15.00) per charge, which shall be applied by the Municipal Court on all charges, except parking violations, where fines, sanctions, penalties and assessments are imposed by the Municipal Court on cases after the effective date of this Ordinance. All applicable surcharges shall be applied to the Municipal Court Sustainability Fee. The Sustainability Fee shall apply to fees collected for court authorized diversion programs; and

WHEREAS, the dedicated funds resulting from the Municipal Court Sustainability Fee will be split equally to offset costs for 1) Municipal Security stationed at the Municipal Court and Mesa City Plaza buildings, including equipment, supplies and training; and 2) supplement the technology, operational, and security costs of the Municipal Court; and

WHEREAS, the Municipal Court shall administer the fee and may make expenditures from the fund account for purposes provided in this section. Monies from the fund shall supplement monies already provided to the Municipal Court for general purposes stated in this section; and

WHEREAS, the Municipal Court Magistrates and Hearing Officers seek authority to waive the court sustainability fee when such waiver would be in the interest of justice.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Mesa, County of Maricopa, State of Arizona, as follows:

Section 1: Mesa City Code Section 1-12-3, COURT USER FEE, is hereby repealed. A new fee will be established by adopting a new section 1-12-3, entitled "COURT SUSTAINABILITY FEE" to read as follows:

1-12-3: COURT SUSTAINABILITY USER ~~USER~~ FEE:

A court SUSTAINABILITY ~~user~~ fee in the amount of ~~twenty two~~ FIFTEEN dollars and ~~fifty cents~~ (~~\$22.50~~) (\$15.00) is hereby established. The Mesa Municipal Court shall direct a defendant to pay the court user SUSTAINABILITY fee in all cases, except for parking violations, where the court imposes a fine, sanction, penalty, or assessment. The court user SUSTAINABILITY fee shall be in addition to all other fines, sanctions, penalties, or assessments of whatever type. ~~Court user fees shall be deposited into the City's General Fund.~~

Section 2. Mesa City Code Section 1-12-5, WAIVER OF FEES, is hereby revised to read as follows:

1-12-5: WAIVER OF FEES:

Municipal Court Magistrates and Civil Traffic Hearing Officers are authorized to waive the court user SUSTAINABILITY fee, the court capital construction fee, and the default fee when such waiver would be in the interest of justice. Civil Traffic Hearing Officer waivers are limited to fees imposed in civil traffic cases.

Section 3. Effective Date.

This Ordinance shall become effective on October 1, 2013 at 12:01 local time.

Section 4. Repeal.

All Ordinances or parts of Ordinances, and all sections of the Mesa City Code or parts of such sections in conflict herewith, are hereby repealed; provided that such repeal shall not:

A. Affect suits pending, or rights and duties that matured or were existing, or penalties that were incurred and proceedings that were begun immediately prior to the effective date of this Ordinance;

B. Impair, void or affect and grant or conveyance made, or any right acquired, or a cause of action now existing under such repealed portions.

Section 5. Severability.

If any section, subsection, sentence clause, phrase or portion of this Ordinance or any part of the material adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of a Court of competent jurisdiction such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 26th day of August, 2013.

APPROVED:



Mayor

ATTEST:



City Clerk



Exhibit
Department: Municipal Court
Proposed Changes to Fees and Charges

Description of Services:	Current Rate	Unit	New Rate
FEES			
Preparation of Transcript	\$3.65	per page	
Court User Fee (\$22.50 City; \$18 State surcharge of 80%)	\$40.50	per case	
Court Construction Fee	\$22.50	per case	
Default Fee	\$70.00	per case	
COURT SUSTAINABILITY FEE	\$0.00	N/A	\$15.00/charge

Plus Transaction Privilege (Sales) Tax, where applicable.

Ordinance 4621 - "shall be increased 7/1/08 and every third year thereafter in the amt of \$3.00 and shall be discontinued upon retirement of debt associated with const. of new court facility" on 7/1/08 was \$16.50 - increased by \$3.00 to 19.50-ld
 Was 19.50 increased by \$3.00 to **\$22.50 effective 7/1/11**. Note: Ordin 4621 of 11/20/2006 changed the original base fee of \$15 to \$16.50.
 Next scheduled for 7/1/2014 to **\$25.50**.