

Article 5-1 MAGISTRATE COURT ESTABLISHED; JURISDICTION

There is hereby established in the town a magistrate's court which shall have jurisdiction of all violations of this code, and jurisdiction concurrently with justices of the peace of precincts in which the town is located of violation of laws of the state committed within the limits of the town.

Article 5-2 PRESIDING OFFICER

- 5-2-1 Town Magistrate
- 5-2-2 Powers and Duties of Town Magistrate
- 5-2-3 Hearing Officers

Section 5-2-1 Town Magistrate

The presiding officer of the magistrate's court shall be the town magistrate, who shall be appointed by the council for a two year term.

Section 5-2-2 Powers and Duties of Town Magistrate

The powers and duties of the magistrate shall include:

- A. The powers and duties set forth and conferred upon him under the provisions of the state constitution and statutes, this code and the ordinances and resolutions of the town.
- B. The keeping of a docket in which shall be entered each action and the proceedings of the court therein.
- C. The responsibility for fixing and receiving all bonds and bails and receiving all fines, penalties, fees and other monies as provided by law.
- D. Payment of all fees, fines, penalties and other monies collected by the court at least once each month to the treasurer or other officer as designated by the council.
- E. Submitting a monthly report to the council summarizing court activities for that month.
- F. Preparation of a schedule of traffic violations not involving the death of a person, listing specific bail for each violation.
- G. Designation of a deputy other than a law enforcement officer and a specific location at which the deputy shall, during hours when court is not open, set the amount of bail in accordance with the foregoing schedule and collect such bail, or accept proper bail bonds in lieu thereof, for and on behalf of the court.
- H. Preparation of a schedule of civil traffic violations listing a specific deposit for each violation. The magistrate shall designate a person, a specific location and the hours which such person will be at the location to accept proper deposits for civil traffic violations for and on behalf of the court.

Section 5-2-3 Hearing Officers

The town council may appoint one or more hearing officers to preside over civil traffic violation cases when, in his opinion, the appointment of such hearing officers are necessary to assure prompt disposition of civil traffic violation cases. Hearing officers may hear and dispose of civil traffic violation cases under supervision of the presiding officer of the Camp Verde Magistrate Court which are appealable to the Superior Court pursuant to Title 22, Chapter 2, Article 4, Arizona Revised Statutes.

Article 5-3 PROCEEDINGS OF COURT

- 5-3-1 Proceedings
- 5-3-2 Bail
- 5-3-3 Trial by Jury

Section 5-3-1 Proceedings

- A. The proceedings shall be conducted in accordance with the state constitution, the applicable state statutes and rules of the state supreme court pertaining to police courts. The proceedings shall also be conducted in accordance with the rules of criminal procedure for the superior court, unless otherwise prescribed, and providing this code and resolutions of the town are not in conflict therewith.
- B. The magistrate court proceedings shall be commenced by complaint under oath and in the name of the state setting forth the offense charged with and such particulars of time, place, person and property as to enable the defendant to understand distinctly the character of the offense complained of and to answer the complaint.
- C. If the magistrate is satisfied that the offense complained of has been committed by the person charged, he shall issue a summons or a warrant of arrest. Before issuing a summons or warrant of arrest on a complaint, the magistrate may subpoena and examine witnesses as to the truth of the complaint.

Section 5-3-2 Bail

The defendant, at any time after arrest and before conviction, shall be admitted to bail, pursuant to law.

Section 5-3-3 Trial by Jury

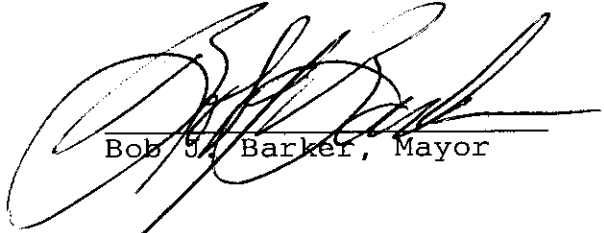
- A. The right of trial by jury shall be granted in all cases of such a nature as are triable before a jury at common law and under the constitution and laws of the state.
- B. Each juror for attendance in the magistrate's court shall be paid by the town the sum of twelve dollars for each day or any part thereof actually in attendance.

Ordinance 87-A07

Page 3

PASSED AND ADOPTED by the Mayor and the Common Council of the Town of Camp Verde this 9th day of March, 1987.

APPROVED by an affirmative vote of all members of the Common Council of the Town of Camp Verde on this 9th day of March, 1987.



Bob J. Barker, Mayor

ATTEST:



Susan Marshall
Acting Town Clerk

MINUTES OF THE COMMON COUNCIL
Town of Camp Verde, Arizona

March 9, 1987

The common council of the Town of Camp Verde, Arizona met on March 9, 1987 at the Camp Verde Community Library Building in order to conduct the council's regular business. The meeting was called to order by Mayor Barker at 7:00 p.m.

Roll Call:

Bob Barker, Carol Blaich, Mona Cooley, John McReynolds, Karen Mealey, Tom Neilson and Ben Pareja

Also Present:

Susan Marshall, Acting Recording Secretary

Minutes of the 2/23/87 Meeting:

On a motion by Mealey, seconded by Neilson, the minutes of the 2/23/87 meeting were approved as presented.

Minutes of the 3/2/87 Executive Session:

On A motion by Neilson, seconded by Mealey, the minutes of the March 2, 1987 Executive Session were approved as presented.

Planning & Zoning:

Mayor Barker read a request for a variance for an oversized sign on a business at the interchange at I-17 for Carioca Oil which will be heard before the Board of Adjustments. He stated that we should let the County handle these requests until we have our own codes and ordinances in place to handle these matters. He reported on the Master Plan which was done in Camp Verde and explained that it had been slightly amended to include two industrial sites. Doing this Plan will save the Town time in planning and engineering later. He stated that the Board of Supervisors heard the request for a use permit for a gravel processing plant in the Verde Lakes area. He then opened the discussion to the floor. People expressed some concern that the County seemed reluctant to handle this matter. Mayor Barker stated that he would contact the County and see if he could have more information for the citizens of Camp Verde by the next council meeting.

Personnel:

Cooley reported that after reading our ordinances establishing the offices of Town Manager, Town Clerk and Town Marshal that a section was left out of all of them concerning a written notice of intention to resign their positions. On a motion by Cooley, seconded by Mealey, all the Town position ordinances will be amended to include: Town Manager - Ordinance 87-A03 - Section 3-1-9 - C: Resignation of Manager. The Manager shall provide the council with thirty (30) days written notice of intention to resign his position; Town Clerk - Ordinance 87-A05 - Section 3-2-8 - C: Resignation of Clerk. The Clerk shall provide the council with thirty (30) days written notice of intention to resign his position; Town Marshal - Ordinance 87-A06 - Section 3-3-8 - C: Resignation

of Marshal. The Marshal shall provide the council with thirty (30) days written notice of intention to resign his position. On a motion by Cooley, seconded by Mealey, Ordinance 87-A05 was passed and adopted as amended. On a motion by Cooley, seconded by McReynolds, Ordinance 87-A06 was passed and adopted as amended. Both motions carried unanimously. Mayor Barker read a sample ordinance establishing the office of Town Magistrate. After discussion, Ordinance 87-A07 was prepared. On a motion by Mealey, seconded by McReynolds, the council voted to establish this ordinance.

Election & Census:

Mayor Barker read Resolution 87-07, the Notice of Election. On a motion by Blaich, seconded by Cooley, the council voted to pay the election workers \$45.00 per day for their efforts on election day. Mealey suggested some amended language to the Resolution and on a motion by Blaich, seconded by Mealey, the council voted to pass Resolution 87-07.

Town Hall:

Cooley reported that she had spoken to Mr. McIntyre at the High School about having the students submit designs for a Town Hall sign. Mealey reported that her husband would donate his labor and Mr. McReynolds would donate the wood so we can get a sign in place as soon as possible. On a motion by Mealey, seconded by McReynolds, the council voted to accept the donated sign. Blaich reported that the Town Hall was ready for Ms. Marshall to start being there on a regular basis. On a motion by Neilson, seconded by Pareja, the hours of the Town Hall were established as 9:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m., Monday through Friday. Mayor Barker reported on his trip to Phoenix to the State Surplus warehouse. He felt that there was alot of unuseable equipment but there were some chairs that would be of use. He has filled out the necessary papers and asked the council to name other council members who would be able to use this facility. On a motion by Pareja, seconded by Neilson, the council voted to place all council members on the purchasing document. Mayor Barker presented three bids on the work on the Town Hall parking lot. Following discussion on a compaction test and who was responsible to pay for it, on a motion by Pareja, seconded by Mealey, the council voted to accept the lowest bid, from Robert Blevins, and have the Town pay for the compaction tests.

Budget & Finance:

Mayor Barker reported that the Town had received the warrants and as soon as the council decides who would be able to sign on this account, theTown could begin paying its bills. Blaich suggested that the disbursement of all monies from one or all of the checking, warrant or any other cash accounts established by the Town of Camp Verde, will require the signature of the Mayor of Camp Verde and the co-signature of one other council member. The council of the Town of Camp Verde will select two council members to be authorized co-signers for these accounts, designating one member to have primary responsibility. The second member would only assume responsibility in the temporary absence or illness of the Mayor or the first member. The Mayor and the two designated council members shall be bonded to the maximum limit of the warrant account at First Interstate Bank of Arizona, Camp Verde, Arizona, and the premium

for such bond shall be a proper charge against the Town. All invoices, statements, receipts, payroll checks and other demands for cash will be submitted to the Town Secretary and authorized for payment by the Mayor or in his absence the council member with primary responsibility. All demands for payment exceeding \$500.00 will require the approval of the council. A proper and accurate accounting of all cash demands shall be kept by the Town Secretary and presented to the council on a monthly basis. On a motion by Cooley, seconded by Mealey, the council voted to have the Mayor of Camp Verde, Bob J. Barker sign on all accounts established by the Town of Camp Verde with Carol Blaich designated as primary co-signer and John McReynolds as a secondary co-signer. Motion carried unanimously.

Parks & Recreation:


Mayor Barker read a letter from SWRS regarding the insurance pool and the need for some changes to the equipment at Butler Center, such as sand around the playground equipment. He asked that as many of the changes be made as soon as possible to protect the Town from liability claims. He stated the need for the Town to formulate a policy to allow the center to be available to everyone but to protect the Town in case of accident or injury. He reported that the Town Attorney is working on a Hold Harmless Agreement that all organizations and individuals would need to sign before using the center. He then asked for guidance from the Parks and Recreation Committee on policy formation. They stated that they also needed some guidance from the council. The school is using the center five afternoons per week for baseball practice instead of their own facilities and the committee feels that perhaps this is a bit excessive. Following discussion, the council agreed to let the committee handle the center as they see fit and to handle all the scheduling. Committee member, Ruth Richie, asked about amaintenance for the center, stating that the committee and some of the organizations using the center had been doing the maintainence work. Mayor Barker state that until the Town was able to hire someone to take care of the maintainence, it would be necessary to rely on volunteers. Without volunteers to help with this it would become necessary to fix a fee for the use of the center to cover the wages for someone to do the maintainence work. Mayor Barker asked the committee to provide the council with a list of ground rules, needs, costs and any by-laws they feel are necessary to bring the center up to a safe and useable standard. It was reported that the center has two bank accounts, \$621.46 in savings and \$912.32 in checking. Mayor Barker reported on how the insurance pool works and the need to get the center in shape as soon as possible. He stated that the committee would need to get a copy of any organization's insurance coverage at the time they schedule their use of the center or get them to sign a Hold Harmless Agreement.

Next Meeting Time, Date and Place:

The council will meet in Executive Session at 5:30 p.m. at the Camp Verde Community Library Building on March 16 and then in regular session at 7:00 p.m. that same evening.

Adjournment:

On a motion by Cooley, seconded by Mealey, the council voted to adjourn at 9:30 p.m.


Susan Marshall
Acting Recording Secretary