



## REQUEST FOR CITY COUNCIL ACTION

**MEETING DATE:** March 1, 2017

**DEPARTMENT:** City Attorney

**DIVISION:**

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

**TITLE:**

Amend Yuma City Code: Chapter 39 Municipal Court

**SUMMARY RECOMMENDATION:**

Amend Chapter 39 of the Yuma City Code to add provisions for Municipal Court Officers.

**REPORT:**

For many years, the Municipal Court was staffed by sworn Yuma Police Department (YPD) officers consistent with the Yuma City Charter. The sworn officers staffed the front security desk and provided support services to the judges both in the courtroom and in the community serving the court's writs and processes. In December 1993, the Yuma City Charter was amended to remove the requirements that sworn officers undertake the duties of the Municipal Court. Now, non-sworn Court Officers handle most of the duties in the Municipal Court that were once reserved for sworn police officers.

The use of non-sworn personnel instead of sworn officers is trending up in Arizona municipal courts. The trend is reflected in the Arizona Revised Statutes governing Courts of Limited Jurisdiction and by recent trainings for court officers being offered by the Arizona Judicial Council. Further, the use of non-sworn Court Officers to serve the writs and processes of the court is supported by the Arizona Rules of Criminal Procedure and the Rules of Civil Procedure.

This ordinance clarifies that Municipal Court Officers are employees of YPD which assigns the Court Officers to the Municipal Court to work under the direction of the Municipal Judge. Court Officers will be required to undergo training approved by the Municipal Court Presiding Judge and the Chief of Police. Court Officers shall be entitled to all immunities permitted by law, whether quasi-judicial or qualified. Specifically, Court Officers are not sworn officers and shall not be subject to and shall not acquire any rights under the Police Pension Fund Act of this state.

Re-establishing Court Officers with YPD and authorizing non-sworn personnel to undertake duties consistent with the applicable portions of the Yuma City Charter, the Arizona Revised Statutes and the Rules of Criminal and Civil Procedure provides an effective use of limited resources. As the positions and duties already exist within the City, the personnel have been in place for many years. Adopting

this ordinance will classify the existing personnel's duties and training and no new positions or pay increases are required.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?  <input type="radio"/> Department <input type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		2/6/2017	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard Files		2/6/2017	
RECOMMENDED BY (DEPT/DIV HEAD):		DATE:		
WRITTEN/SUBMITTED BY:		DATE:		