

ORDINANCE NO. 02026-023

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF YUMA, ARIZONA, AMENDING YUMA CITY CODE
TITLE 3, CHAPTER 39 ADDRESSING APPOINTED
JUDICIAL OFFICERS WITHIN THE MUNICIPAL COURT**

WHEREAS, Appointed Judicial Officers have long been utilized by the Municipal Court as they are essential to maintaining Court operations ensuring that access to justice and statutory time standards are met; and,

WHEREAS, Article XI of the Yuma City Charter, Article XI establishes that the Presiding Municipal Judge is responsible for the administration of the Municipal Court as required by the laws of the state; and,

WHEREAS, Article XI, § 4(a) of the Yuma City Charter places the authority to appoint Municipal Court Judges Pro Tempore with the Yuma City Council; and,

WHEREAS, Title III, Chapter 39 of the Yuma City Code, Arizona Code of Judicial Administration (ACJA), and state statute places the authority to appoint Court Commissioners and Hearing Officers with the Presiding Municipal Judge; and,

WHEREAS, under Arizona Supreme Court rules, the Arizona Code of Judicial Administration (ACJA) and the Administrative Office of the Courts Governance Rules, administratively appointed Special Judicial Officers include Special Magistrates, Associate Judges, Court Commissioners and Hearing Officers; and,

WHEREAS, ACJA § 1-305 governs the selection of Special Judicial Officers; and,

WHEREAS, Arizona Rules of Criminal Procedure 4.3, Arizona Civil Traffic Rules of Procedure 6(a), and Arizona Revised Statutes 28-1553B governs the appointment of Hearing Officers; and,

WHEREAS, it is necessary to amend Title III, Section 39 of the Yuma City Code to distinguish Special Judicial Officers into separate categories of Judge Pro-Tem and administratively appointed Special Judicial Officers due to differences in appointing authority, duties, qualifications, and requisite training; and,

WHEREAS, amending Yuma City Code, Title III, Chapter 39 to categorize Special Judicial Officers separately aligns with Arizona Supreme Court rules, the application of ACJA and City Charter requirements.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: Yuma City Code §39-02, Definitions, is amended to read as follows (where strikethrough indicates deletions and bold indicates additions):

MUNICIPAL JUDGE. Shall include the Presiding Judge, Municipal Judge, Municipal Judge Pro Tempore, and City Magistrate, ~~and any other person authorized to adjudicate matters for or on behalf of the Municipal Court of the City of Yuma, Arizona.~~

SECTION 2: Yuma City Code §39-02, Definitions, is amended to add the following definition (where strikethrough indicates deletions and bold indicates additions):

ADMINISTRATIVELY APPOINTED SPECIAL JUDICIAL OFFICER shall include Special Magistrates, Associate Judges, Court Commissioners and Hearing Officers.

SECTION 3: Yuma City Code §39-14, Authority to Waive Fees, is amended to read as follows (where strikethrough indicates deletions and bold indicates additions):

The Municipal Judge **or administratively appointed Special Judicial Officer** shall be authorized to waive all or part of the fees set forth in this Chapter when, in the Municipal Judge's **or administratively appointed Special Judicial Officer's** opinion, such waiver would be in the interest of justice. A finding that the person is indigent and has not anticipated future source of funds from which the fee(s) may be paid would support waiver of all or part of the fees in the interest of justice.

SECTION 4: Yuma City Code §39-26, Commissioners, is amended to read as follows (where strikethrough indicates deletions and bold indicates additions):

§ 39-26 ~~Commissioners.~~ Administratively Appointed Special Judicial Officers.

- (A) The Presiding Municipal Court Judge may select and appoint ~~Municipal Court Commissioners~~ **Special Judicial Officers inclusive of Special Magistrates, Associate Judges, Court Commissioners and Hearing Officers** as necessary to ensure that legal time standards and responsiveness of the Municipal Court to the citizens are met.
- (B) ~~Municipal Court Commissioners~~ **Administratively appointed Special Judicial Officers** shall be selected in a manner consistent with the Arizona Code of Judicial Administration (ACJA) § 1-305: Selection of Special Judicial Officers, as amended.
- (C) ~~Municipal Court Commissioners~~ **Administratively appointed Special Judicial Officers** shall possess the requisite training as mandated by the Arizona Supreme Court and/or the Arizona Judicial Branch/Administrative Office of the Courts.
- (D) The duties, responsibilities, and assignments of ~~the Municipal Court Commissioner~~ **administratively appointed Special Judicial Officers** are at the direction and control of the Presiding Judge of the Municipal Court in accordance with the applicable laws of the State of Arizona and the rules and regulations mandated by the Arizona Supreme Court and/or the Arizona Judicial Branch/Administrative Office of the Courts.

(E) Administrative officers of the Municipal Court are eligible for consideration of appointment as ~~a Municipal Court Commissioner~~ **administratively appointed Special Judicial Officers** so long as the administrative officers possess the requisite training. Administrative officers of the Municipal Court may serve concurrently with the administrative officers' duties and employment with the Municipal Court. Other than Administrative Officers of the Municipal Court, City of Yuma employees are not eligible for consideration of appointment as ~~Municipal Court Commissioners~~ **administratively appointed Special Judicial Officers**.

SECTION 5: Yuma City Code §39-27, Hearing Officers, is deleted in its entirety.

Adopted this _____ day of _____, 2026.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Janet L. Pierson
City Clerk

Richard W. Files
City Attorney