

ORDINANCE NO. O2016.31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 2, ARTICLE II, DIVISION 2, TEMPE CITY CODE, RELATING TO CITY COURT JUDGES AND HEARING OFFICERS, BY AMENDING SECTION 2-26, RELATING TO APPOINTMENT AND QUALIFICATION OF JUDGES; AND BY AMENDING SECTION 2-34, RELATING TO APPOINTMENT AND QUALIFICATIONS OF COMMISSIONERS.

WHEREAS, the City of Tempe desires to conform the Tempe City Code to reflect current practice related to the length of terms of office for judges, and to make the length of term of office for court commissioners consistent with the terms of office for judges;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That Chapter 2, Article II, Division 2, Section 2-26 of the Tempe City Code is hereby amended as follows:

Sec. 2-26. Appointment and qualification of judges.

(a) All judges of the city court of the city must meet the minimum following qualifications:

- (1) Possess a law degree from an accredited law school and be a member of the State Bar of Arizona in good standing for a minimum period of five (5) years; and
- (2) Have sufficient experience and temperament to preside over the city court and continue to meet all qualifications as may be established by the Arizona Supreme Court or as required by law for such judges.

(b) The presiding judge of the city court and such other judges as deemed necessary shall be appointed by the city council. The length of INITIAL term of office for such judges shall be ~~a minimum of two (2) years~~ AND SUBSEQUENT TERMS SHALL BE A MAXIMUM OF FOUR (4) YEARS ~~as determined by the city council.~~

Section 2. That Chapter 2, Article II, Division 2, Section 2-34 of the Tempe City code is hereby amended as follows:

Sec. 2-34. Appointment and qualifications of commissioners.

(a) The presiding judge of the city court may appoint court commissioners who shall have the power to hear and adjudicate civil offenses as well as criminal offenses on an as needed basis. Court commissioners appointed by the presiding judge must meet the following qualifications:

- (1) Possess a law degree from an accredited law school and be a member of the State Bar of Arizona in good standing for a minimum period of five (5) years;
- (2) Have sufficient experience and temperament to preside over the city court and continue to meet all qualifications as may be established by the Arizona Supreme Court or as required by law for such judges; and
- (3) All qualifications as may be established, from time to time, by the Arizona Supreme Court as may be required by statute for hearing officers.

(b) Court commissioners shall be appointed for ~~a~~ AN INITIAL term of two (2) years AND SUBSEQUENT TERMS SHALL BE A MAXIMUM OF FOUR (4) YEARS. COURT COMMISSIONERS ~~and~~ may be disciplined or removed during the term by the presiding judge. Court commissioners shall comply with the Arizona Code of Judicial Conduct and all personnel rules and regulations of the city as applicable and shall be unclassified exempt employees.

(c) The powers and duties of the court commissioners shall be those as may be established by statute or the rules of the Arizona Supreme Court or the presiding judge of the city court relating to such commissioners.

Section 3. Pursuant to the Tempe City Charter, Section 2.12, ordinances are effective thirty (30) days after the adoption or at any later date specified therein.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
TEMPE, ARIZONA THIS _____ DAY OF _____, 2016.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, City Attorney