

ORDINANCE NO. 2001-25

AN ORDINANCE BY THE BOARD OF SUPERVISORS OF APACHE COUNTY, ARIZONA, GRANTING AUTHORITY TO ADOPT A SCHEDULE OF FEES FOR PROSECUTION SERVICES PROVIDED TO THE PUBLIC BY THE APACHE COUNTY ATTORNEY, ESTABLISHING THE PROSECUTION COST RECOVERY FUND AND AUTHORIZING EXPENDITURES THEREFROM.

WHEREAS, the prosecution services provided by the County Attorney for Apache County, Arizona, hereinafter "County Attorney", are consumed by easily identifiable members of the public, to wit: defendants in civil or criminal prosecutions; and as a matter of public policy, the Apache County Board of Supervisors, hereinafter "Board", favors easing the burden on taxpayers by recovering all or part of the cost of prosecution from those who cause the expenditure; and

WHEREAS, based on the best available estimates, the Board finds that the County Attorney's Office actually expends an average of \$1000.00 prosecuting each felony case, an average of \$200.00 prosecuting each misdemeanor driving under the influence case, an average of \$50.00 prosecuting each traffic case, and an average of \$50.00 prosecuting each deferred prosecution case;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Board of Supervisors of Apache County, Arizona as follows:

ARTICLE 1 - AUTHORITY AND SCOPE

- Sec. 100 This Ordinance is adopted pursuant to A.R.S. §11-251.05 and A.R.S. § 11-251.08 which authorizes the Board of Supervisors to adopt and enforce all ordinances necessary or proper to carry out the duties, responsibilities and functions of the county government and to adopt fee schedules for any specific services provided by the county to the public.

ARTICLE 2 - SHORT TITLE

- Sec. 200 This Ordinance may be referred to as the “Apache County Prosecution Services and Prosecution Cost Recovery Fund Ordinance”.

ARTICLE 3 - FEES

- Sec. 300 A fee schedule may be adopted by the Board to cover expenses for traditional prosecution services provided to criminal defendants prosecuted by the County Attorney.
- Sec. 301 Such fee schedule will be identified as the Prosecution and Supervision Fee Schedule. A fee charged for traditional prosecution services shall be referred to as “Prosecution Fee”.
- Sec. 302 The Board may revise the fee schedule as needed to keep current with rising expenses to perform such prosecution services.
- Sec. 303 The adoption or revision of a fee schedule shall not affect any change in the Ordinance itself.
- Sec. 304 Upon a defendant’s conviction at trial, the Justice Court shall and the Superior Court is requested to impose and collect a Prosecution Fee pursuant to the Prosecution Fee Schedule, (or for such lesser amount as the Court deems appropriate based on the economic circumstances of the defendant). Only one fee shall be assessed against each defendant in each case, but no fee shall be assessed in misdemeanor prosecutions that are concluded without involvement by the Apache County Attorney.
- Sec. 305 Upon a defendant’s conviction by plea agreement, the Justice Court shall and the Superior Court is requested to impose and collect a Prosecution Fee in the amount set forth in the plea agreement. The defendant and Apache County Attorney may agree on a higher or lower fee than set forth in the Prosecution Fee Schedule based on the actual cost of prosecution services and the economic circumstances of the defendant.
- Sec. 306 A Prosecution Fee shall constitute a lien in like manner as a judgment for money rendered in a civil action.

ARTICLE 4 - ESTABLISHMENT OF A FUND

- Sec. 400 The Board of Supervisors hereby establishes the Apache County Attorney Prosecution Cost Recovery Fund, hereinafter referred to as the “Fund”, administered by the Apache County Attorney through the Finance Office for the purposes provided by this Ordinance.

- Sec. 401 Expenditures and revenues of the Fund shall be included in the annual Apache County budget document.
- Sec. 402 Expenditures of the Fund shall be subject to all financial policies as set by the Board of Supervisors.
- Sec. 403 Any fees collected pursuant to this Ordinance shall be tendered to the Apache County Treasurer and deposited in the Fund.
- Sec. 404 Monies in the Fund shall be subject to a continuing appropriation and shall not lapse nor be used to supplant the County's obligation to fund the Apache County Attorney's Office.
- Sec. 405 Monies in the Fund shall be expended by the Apache County Attorney for the following:
- 405.1 To modernize, streamline, and automate the County Attorney's Office; and
- 405.2 To meet expansion needs and increased costs of the County Attorney's Office that cannot be met by the General Fund.

ARTICLE 5 - PROCEDURES

- Sec. 500 The Apache County Attorney may adopt policies and procedures to implement this Ordinance.

ARTICLE 6 - EFFECTIVE DATE

- Sec. 600 This Ordinance shall become effective thirty (30) days from the date of adoption by the Board.

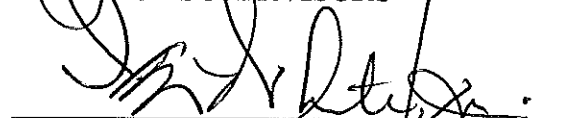
PASSED AND ADOPTED this 16 day of October, 2001, by the Board of Supervisors of Apache County, Arizona.



 DAVID A. BROWN, CHAIRMAN
 BOARD OF SUPERVISORS




 JOE SHIRLEY, VICE-CHAIRMAN
 BOARD OF SUPERVISORS



 TOM WHITE, JR., MEMBER
 BOARD OF SUPERVISORS

ATTEST:



 Clarence A. Bigelow, Clerk of the Board

PROSECUTION FEE SCHEDULE

WHEREAS the Apache County Board of Supervisors, pursuant to A.R.S. § 11-251.08 and Apache County Prosecution Services and Prosecution Cost Recovery Fund Ordinance, has authority to adopt fee schedules for specific services provided by Apache County to the public; and

WHEREAS Notice of Public Hearing was published at least fifteen days prior to the public hearing and public hearing was held on _____; and

WHEREAS the County Attorney has provided a basis for the fees set forth below.

NOW, THEREFORE the following fees are established and adopted for traditional prosecution services provided to criminal defendants and civil traffic defendants prosecuted by the County Attorney.

Prosecution Fees	Trial	Plea
Felony Prosecution (including un-designated offenses & designated misdemeanors)	\$500.00	\$250.00
Driving Under the Influence (Misdemeanors)	\$200.00	\$100.00
Criminal & Civil Traffic	\$ 50.00	\$ 25.00
Deferred Prosecution Agreements	N/A	\$ 50.00
All Other Misdemeanor Prosecution	\$ 50.00	\$ 25.00

PASSED AND ADOPTED this 16 day of October, 2007, by the Board of supervisors of Apache County, Arizona.

 DAVID A. BROWN,
 Chairman of the Board

ATTEST:

 Clarence A. Bigelow, Clerk of the Board

Prosecution Fees	Trial	Plea
Felony Prosecution (including un-designated offenses & designated misdemeanors)	\$500.00	\$250.00
Driving Under the Influence (Misdemeanors)	\$200.00	\$100.00
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