

RESOLUTION NO. 1837

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING RESOLUTION NO. 1667 TO ESTABLISH OR REVISE CERTAIN ADMINISTRATIVE CHARGES; PROVIDING THAT IF ANY PROVISION IN THIS RESOLUTION IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Common Council of the Town of Prescott Valley (“Town Council”) has control of the finances and property of the municipal corporation per ARS §9-240(A); and

WHEREAS, the Town Council may take measures necessary for carrying into effect the powers vested in it [ARS §9-240(B)(28)]; and

WHEREAS, by Resolution No. 513 (dated August 28, 1993) and Resolution No. 636 (dated July 13, 1995), the Town Council first adopted certain administrative charges to recover the cost of administering wastewater utility rates, fees, and service charges, improvement district assessments, and other administrative activities; and

WHEREAS, Resolution No. 665 (dated November 30, 1995) subsequently combined all such administrative charges into a single resolution and added, among other things, a uniform copying charge; and

WHEREAS, Resolution No. 688 (dated July 11, 1996) repealed Resolution No. 665 and clarified that the listed administrative charges applied to any and all delinquent accounts that might be handled by the Administrative Services Department; and

WHEREAS, Resolution No. 933 (dated January 13, 2000) subsequently amended Resolution No. 688 to adopt a one hundred dollar (\$100.00) charge per argument submitted for inclusion in publicity pamphlets related to initiative or referendum measures; and

WHEREAS, Resolution No. 990 (dated November 16, 2000) subsequently amended Resolution No. 933 to provide a limited waiver of charges for copies of public records for victims of Part 1 crimes (felonies) as defined by the Federal Bureau of Investigation (including homicide, sexual assault, aggravated assault, robbery, theft, arson, motor vehicle theft, and burglary); and

WHEREAS, Resolution No. 1037 (dated August 30, 2001) subsequently amended Resolution No. 990 by removing any fees and charges which had since been included in utility rate, fee, and service charge resolutions, and revising and updating the remaining general administrative fees; and

WHEREAS, Resolution No. 1103 (dated July 11, 2002) subsequently amended Resolution No. 1037 by establishing certain Magistrate Court administrative charges, and establishing fees for credit card transactions and purchase of certain account reports; and

WHEREAS, Resolution No. 1319 (dated December 2, 2004) subsequently amended Resolution No. 1103 by providing charges for financial reports in paper and compact disk format to the public, establishing a charge for payment agreements and debit card transactions, revising charges for credit card transactions, and providing for Internet transactions at no charge; and

WHEREAS, Resolution No. 1396 (dated December 1, 2005) subsequently amended Resolution No. 1319 to better cover costs for various types of record requests, and to eliminate certain charges for copies to defendants and their attorneys (related to criminal case disclosure) and to victims and their attorneys involved in misdemeanor criminal cases handled by the Town Prosecutor; and

WHEREAS, Resolution No. 1444 (dated June 29, 2006) subsequently amended Resolution No. 1396 to establish a Court Enhancement Fee and a Warrant Fee to assist in providing needed staff, facilities and services to provide timely and effective operation of aspects of the Magistrate Court in an environment of sustained population growth; and

WHEREAS, Resolution No. 1459 (dated September 14, 2006) subsequently amended Resolution No. 1444 to establish a Process Service Fee to reimburse the Town for the costs of serving photo radar citations (“Citations”) on recalcitrant violators residing in the State that ignored or otherwise failed to timely respond to Citations for traffic violations occurring within the corporate limits of the Town; and

WHEREAS, Resolution No. 1667 (dated September 24, 2009) subsequently amended Resolution No. 1459 to correspond with credit card industry standard changes which disallowed charging credit card and debit card transaction fees and to increase the Court Enhancement Fee from \$15.00 to a range not to exceed \$25.00; and

WHEREAS, the Town Council desires now to delegate additional discretion to the Police Department to adopt additional reasonable fees and charges by General Order or other policy to recover costs of providing services to the public, including (but not limited to) costs for providing fingerprinting services;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA:

1. That the general administrative charges for the Town, most recently established in Resolution No. 1667 (dated September 24, 2009), are hereby amended to read as follows:

PUBLIC RECORDS CHARGES¹

Paper Photocopying²

<u>General Public</u>	<u>Charge</u>
black and white – per side on a standard page	\$ 0.25
color – per side on a standard page	\$ 1.00
<u>Town Staff³</u>	<u>Charge</u>
black and white – per side on a standard page	\$ 0.15
color – per side on a standard page	\$ 0.35

Audiocassette tape, Videocassette tape, CD/DVD, Computer Disk/Drive & Other Electronic Media Copying⁴

	<u>Charge</u>
Audiocassette Tape – per request	\$ 5.00 per cassette \$ 10.00 labor
Videocassette Tape – per request	\$ 4.00 per cassette \$ 15.00 labor
CD/DVD – per request	\$ 4.00 per CD/DVD \$ 15.00 labor

¹Photocopying and postage charges shall be waived for (a) criminal disclosure provided to defendants and/or their attorneys per Rule 15.1 Rules of Criminal Procedure, and (b) "victims" (as defined in ARS §13-4401) and/or their attorneys for criminal cases in which they are involved. Nothing herein shall preclude the Police Department from setting different Public Records Charges from time to time through its General Orders or other policies. Nothing herein shall preclude different Public Records Charges for Magistrate Court records as set from time to time by appropriate court order.

²For non-commercial requests, both the material and labor charges permitted by ARS §39-121.01 and Town Policy No. 5-02 are included in these copy costs. However, if research time or other labor (not including the time to search for particular records or other matters) exceeds 30 minutes, an additional charge shall be applied based upon the hourly wage of the employee performing the labor plus cost of benefits at 30%.

³Town staff photocopying shall comply in all respects with applicable laws (including copyright laws) and Town personnel policies.

⁴To the extent sufficient new audiocassette tapes, videocassette tapes, CD/DVDs, or other electronic storage media are provided in their original packages, the media charge will not apply.

<u>Computer Disk/Drive & Other Electronic Media</u>	<u>Charge</u>
programming/data translation not required	[actual cost of materials/supplies]
programming/data translation required	[actual cost of materials/supplies, and labor]
Postage	<u>Charge</u>
Delivery by U.S. Mail or Other Service	[actual cost of delivery (may be estimated for payment in advance)]
Reports/Packets	<u>Charge</u>
Budget Book (paper copy)	\$ 25.00
CAFR/Budget Document (paper copy)	\$ 10.00
CAFR/Budget Document (CD)	\$ 3.50
Council Meeting Packet (CD)	\$ 3.50
Commercial Purpose⁵	<u>Charge</u>
Per Commercial Request for Public Records	\$ 25.00
GENERAL ADMINISTRATIVE CHARGES	
Bank Returned Items (checks and ACH)	<u>Charge</u>
Per Returned Check/ACH	\$ 25.00
Collections	
<u>Judicial Processes</u>	<u>Charge</u>
per hearing or other appearance	\$ 25.00
<u>Collection Agency Referrals</u>	<u>Charge</u>

⁵ This shall be the minimum charge per Subsection 6.3.2 of Policy No. 5-02 "Public Records Access" for the commercial market value component of charges for records requested for commercial purposes, and shall be in addition to any other charges regardless of the storage medium.

per referred account	[actual cost of collection as charged by agency pursuant to collection contract]
Payment Agreements	<u>Charge</u>
Applied to Amount of Outstanding Balance	5% per month
Credit Card Transactions	<u>Charge</u>
Per Transaction (customer counter/over the phone)	No charge
Debit Card Transactions	<u>Charge</u>
Per Transaction (customer counter/over the phone)	No charge
Internet Transactions	<u>Charge</u>
Per Transaction (using credit or debit card)	No charge

MAGISTRATE COURT/ADMINISTRATIVE HEARING OFFICER CHARGES

Court Enhancement Fee	<u>Fee</u>
Per Case Assigned a Docket Number (involving one or more criminal, civil and/or petty offenses where any fine, fee, sanction, penalty, surcharge, assessment and/or restitution is ordered)	Not to exceed \$ 25.00
Warrant Fee	<u>Fee</u>
Per Warrant Issued in Cases Assigned a Docket Number (involving one or more criminal, civil and/or petty offenses where any fine, fee, sanction, penalty, surcharge, assessment and/or restitution is ordered. Subsequent warrants issued in the same case are subject to additional Warrant Fees).	\$ 50.00
Process Service Fee	<u>Fee</u>
Per photo radar citation (“Citation”) issued to an Arizona resident for a traffic violation occurring within the corporate limits of the Town of Prescott Valley where the Citation: (a) required service of process because the violator failed to	\$ 26.00

respond to the Citation within forty (40) calendar days for original Citations and twenty (20) calendar days for re-issued Citations; (b) service of process was completed; and (c) the Citation was not dismissed.

Other Administrative Fees

<u>Audiocassette Tape-recorded Proceedings⁶</u>	<u>Fee</u>
per audio-cassette tape copied	\$ 5.00
<u>Telephone Calls to the Motor Vehicle Division</u>	<u>Fee</u>
per telephone call	\$ 5.00
<u>Credit Card Transactions</u>	<u>Fee</u>
per transaction (customer counter/over the phone)	No charge
<u>Debit Card Transactions</u>	<u>Fee</u>
per transaction (customer counter/over the phone)	No charge

OTHER CHARGES⁷

Elections

<u>Publicity Pamphlet Arguments</u>	<u>Charge</u>
per argument	\$100.00 ⁸

2. That these general administrative fees and charges shall not be applied to agencies or political subdivisions of the U.S. government or the State of Arizona.

⁶Both the material and labor charges are included in this copy cost.

⁷Nothing herein shall preclude the Police Department from adopting from time to time additional reasonable fees and charges through its General Orders or other policies intended to recover costs of providing services to the public, including (but not limited to) costs for providing fingerprinting services.

⁸No argument may be longer than 300 words and said charge is due and payable at the time the argument is submitted, otherwise the argument will not be printed.

3. That, if any provision in this Resolution is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

4. That this Resolution shall be effective after its passage and approval according to law.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 23rd day of May, 2013.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney