



MEMORANDUM

Date: August 9, 2021

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry *CH*
County Administrator

Re: **Modified Ordinance Proposal Regarding Marriage Ceremony Fees**

Attached please find a revised ordinance related to marriages conducted by Justices of the Peace. I have met several times with Court Administration, Presiding Judge and recently two Justices of the Peace to discuss this and other related matters, the Justices of the Peace presently charge a fee of \$80.

I am proposing that any marriage conducted during normal business hours using justice court personnel and conducted by Justice of the Peace during those hours will have no charge.

A charge only occurs for ceremonies that are conducted outside normal business hours and use the resources of the Justice Court Facility and Justice Court Staff in coordinating and arranging the marriage ceremony.

For those marriages that occur not on a County Justice Court Facility and not using any Justice Court staff, the Justice of the Peace that conducts the ceremony may collect an honorarium.

In addition, the ordinance requires regular quarterly reporting of marriages conducted by Justices of the Peace for those ceremonies that occur during normal business hours those that occur after hours using county resources.

Those that occur not on county facilities and not using county resources by Justices of the Peace will be difficult to track and we must rely on the Justices to report their honorariums as taxable income on their state and federal income taxes.

In my numerous discussions with the Presiding Judge and Court Administration Staff, it is clear that conducting a marriage ceremony is a public service and given that it does not unduly burden the Justice Court, its Staff or any Justice of the Peace it should be conducted without cost to the participants. It is my hope that the Justice of the Peace will endorse this concept and provide this valuable public service at no cost.

Attachment

c: The Honorable Jeffrey Bergin, Presiding Judge Superior Court
The Honorable Adam Watters, Presiding Justice of the Peace, Precinct 1
The Honorable Erica Cornejo, Presiding Justice of the Peace, Precinct 2
The Honorable Charlene Pesquera, Presiding Justice of the Peace, Precinct 4
The Honorable Douglas Taylor, Presiding Justice of the Peace, Precinct 5
The Honorable Alexander Ball, Presiding Justice of the Peace, Precinct 6
The Honorable Susan Bacal, Presiding Justice of the Peace, Precinct 8
The Honorable Kendrick Wilson, Presiding Justice of the Peace, Precinct 9
The Honorable Vice Roberts, Presiding Justice of the Peace, Precinct 10
The Honorable Ray Carroll, Presiding Justice of the Peace, Green Valley
The Honorable John Peck, Presiding Justice of the Peace, Ajo
Theresa Underwood, Court Administrator for Pima County Consolidated Justice Court
Ron Overholt, Court Administrator for Pima County Superior Courts

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MM

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO COST RECOVERY IN THE PIMA COUNTY JUSTICE COURT, AMENDING ORDINANCE NO. 1999-74, AS PREVIOUSLY AMENDED BY ORDINANCE NOS. 2000-45, 2007-40, 2008-69, 2008-116, 2009-28, AND 2014-23, BY ESTABLISHING AN ADMINISTRATIVE COST-RECOVERY FEE FOR ADMINISTRATIVE COSTS ASSOCIATED WITH MARRIAGE CEREMONIES.

The Board of Supervisors of Pima County, Arizona, finds that:

1. The Pima County Board of Supervisors is authorized by A.R.S. § 11-251.08 to adopt fee schedules to defray the cost of products and services provided to the public by Pima County.
2. The Pima County Board of Supervisors adopted a cost-recovery fee schedule for the Pima County Justice Court in Ordinance No. 1999-74, and has subsequently amended that fee schedule in Ordinance Nos. 2000-45, 2007-40, 2008-69, 2008-116, 2009-28, and 2014-23.
3. Justices of the Peace have authority to perform marriage ceremonies under A.R.S. § 25-124(A)(4). Justices of the Peace typically collect a standard marriage-ceremony fee for their time and conduct ceremonies outside normal court hours. Pima County currently does not collect any fee associated with these ceremonies, even though there are administrative costs incurred by Pima County associated with these ceremonies, including staff time associated with scheduling and administration of the ceremonies and overhead expenses associated with the use of Justice Court facilities.
4. It is in the best interest of the County to amend Ordinance No. 1999-74, as previously amended, to provide for a Marriage Ceremony Fee to help defray the costs of providing services associated with marriage ceremonies performed at Justice Court facilities or using Justice Court resources.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. Pima County Ordinance No. 1999-74, as previously amended by Ordinance Nos. 2000-45, 2007-40, 2008-69, 2008-116, 2009-28, and 2014-23, is amended as follows:

Section 1. The following fees are hereby established:

. . .

9. Marriage Ceremony Fee

A. No fee is charged for any marriage ceremony conducted during regular business hours of Monday through Friday, 8:00 am to 5:00 pm.

B. Marriage Ceremony Fee of \$80.00 is hereby imposed for each marriage ceremony outside of regular business hours conducted by a Justice of the Peace at a Justice Court facility and using any Justice Court resources, in order to defray the costs associated with those ceremonies. \$10 of the fee shall be paid to the Justice of the Peace conducting the ceremony as an honorarium.

C. For any marriage ceremony conducted outside of regular business hours and not at a justice court facility and not using any justice court resources, the Justice of the Peace may accept an honorarium.

D. Quarterly, the Justice Court Administrator shall report to the County Administrator the number of marriage ceremonies conducted during the quarter for those marriages conducted under paragraphs A and B above. The report shall include the names of the individuals being married and the Justice of the Peace who conducted the ceremony.

Section 2. Section 5 of Ordinance No. 1999-74 does not apply to the Marriage Ceremony Fee established by this Ordinance.

Section 3. Except as modified by this Ordinance, all the provisions of Ordinance 1999-74, as previously amended, remain in effect.

Section 4. This Ordinance takes effect on _____.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this ____ day of _____, 2021.

Chair, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board



Deputy County Attorney