

Legistar ID No.: 2016-0508

AGENDA REQUEST FORM

FOR: Council Meeting of November 15, 2016

FROM:
City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 31.18 DISTRICT JUDGE COMPENSATION BECAUSE THE DISTRICT JUDGE OF WASHINGTON COUNTY DISTRICT COURT, FAYETTEVILLE DEPARTMENT WILL ON JANUARY 1, 2017 BECOME A FULL TIME STATE EMPLOYEE

APPROVED FOR AGENDA:


City Attorney Kit Williams

Oct 20, 2016
Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DISTRICT COURT

JUDGE WILLIAM A. STOREY
CHIEF CLERK
DENA STOCKALPER

TO: Mayor Lioneld Jordan
Don Marr, Chief of Staff
Paul Becker, Admin. Services
Brenda Reed, Human Resources
Kit Williams, City Attorney

From: Dena Stockalper, Chief Clerk 

Thru: Judge William A. Storey 

Subject: District Court Judge

Date: October 19, 2016

Beginning January 1, 2017 Judge Williams A. Storey will preside over what is currently Fayetteville District Court. The judge will become a full time state employee. His salary and benefits will be paid by a combination of state, city and county contributions to be determined by the Department of Finance and Administration.

The Fayetteville District Court will be renamed Washington County District Court Fayetteville Department.

These changes have all been included in the 2017 budget.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council
Judge Storey

CC: Don Marr, Chief of Staff
Paul Becker, Finance Director
Dena Stockalper, District Court Administrator

FROM: Kit Williams, City Attorney

DATE: October 20, 2016

RE: Reorganization and renaming of the Fayetteville District Court

Pursuant to A.C.A. § 16-17-1112, the current Fayetteville District Court will be reorganized and become part of the Second District of Arkansas which "shall be composed of Washington County and the city limits of Springdale as of January 1, 2011, including that portion of Springdale which extends into Benton County." A.C.A. § 16-17-1112 (b)(1)(A).

"(B) The Second District shall have ten (10) departments as follows:
...(iv) One (1) located in Fayetteville;...."

"(C) The Second District shall be served by four (4) state district court judges;...designated as Division 1;...Division 2;...Division 3; and...Division 4."

"(E) The Second District judges shall be elected districtwide."

"(F) The Second District court shall have districtwide jurisdiction."
A.C.A. § 16-17-1112 (b) (1) (B), (C), (E) and (F).

Because of the change from Fayetteville District Court to state district courts and the assumption of paying all state district judges by the State, we need to amend § 31.18 **District Judge Compensation** to § 31.18 **Washington County District Court, Fayetteville Department** pursuant to state law and in conformity with Chief District Court Clerk Dena Stockalper's memo (attached).

(B) The Fortieth District shall have four (4) departments as follows:

- (i) One (1) located in Arkadelphia;
- (ii) One (1) located in Amity;
- (iii) One (1) located in Caddo Valley; and
- (iv) One (1) located in Gurdon.

(C) The Fortieth District shall be served by one (1) state district court judge.

(D) The Fortieth District judge shall be elected districtwide.

(E) The Fortieth District court shall have districtwide jurisdiction.

History. Acts 2011, No. 1219, § 10.

16-17-1112. Reorganization of local district courts to state district courts as of January 1, 2017.

(a)(1) Beginning January 1, 2017, the following cities and counties that are currently served by local district courts pursuant to § 16-17-901 et seq. shall be reorganized as state district courts and served by a state district court judge.

(2) The new state district court judgeships created by this section shall become effective January 1, 2017, and shall be placed on the ballot to be elected in the 2016 nonpartisan judicial election from the newly constructed judicial district.

(3) The cities and counties which were previously served by local district courts and will be served by state district courts shall comply with the cost-sharing requirements established in § 16-17-1106, effective January 1, 2017.

(b)(1)(A) The Second District shall be composed of Washington County and the city limits of Springdale as of January 1, 2011, including that portion of the City of Springdale which extends into Benton County.

(B) The Second District shall have ten (10) departments as follows:

- (i) One (1) located in Springdale;
- (ii) One (1) located in Elm Springs;
- (iii) One (1) located in Johnson;
- (iv) One (1) located in Fayetteville;
- (v) One (1) located in Elkins;
- (vi) One (1) located in West Fork;
- (vii) One (1) located in Greenland;
- (viii) One (1) located in Prairie Grove;
- (ix) One (1) located in Lincoln; and
- (x) One (1) located in Farmington.

(C) The Second District shall be served by four (4) state district court judges;

(i) One (1) judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 1;

(ii) One (1) judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 2;

(iii) One (1) judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 3; and

(iv) One (1) judgeship first to be elected in 2016 and to become effective January 1, 2017, shall be designated as Division 4.

(D) The presiding judge of the departments under subdivision (b)(3)(B) of this section shall be determined by the mutual agreement of the state district court judges.

(E) The Second District judges shall be elected districtwide.

(F) The Second District court shall have districtwide jurisdiction.

(2)(A) The Third District shall be composed of the counties of Carroll and Madison.

(B) The Third District shall have three (3) departments as follows:

- (i) One (1) located in Berryville;
- (ii) One (1) located in Eureka Springs; and
- (iii) One (1) located in Huntsville.

(C) The Third District shall be served by one (1) state district court judge.

(D) The Third District judge shall be elected districtwide.

(E) The Third District court shall have districtwide jurisdiction.

(3)(A) The Twenty-Seventh District shall be composed of the counties of Desha and Chicot.

(B) The Twenty-Seventh District shall have five (5) departments as follows:

- (i) One (1) located in Dermott;
- (ii) One (1) located in Eudora;
- (iii) One (1) located in Lake Village;
- (iv) One (1) located in Dumas; and
- (v) One (1) located in McGehee.

(C) The Twenty-Seventh District shall be served by one (1) state district court judge.

(D) The Twenty-Seventh District judge shall be elected districtwide.

(E) The Twenty-Seventh District court shall have districtwide jurisdiction.

(4)(A) The Thirty-Third District shall be composed of the counties of Grant and Hot Spring.

(B) The Thirty-Third District shall have five (5) departments as follows:

- (i) One (1) located in Sheridan;
- (ii) One (1) located in Malvern;
- (iii) One (1) located in Donaldson;
- (iv) One (1) located in Friendship; and
- (v) One (1) located in Rockport.

(C) The Thirty-Third District shall be served by one (1) state district court judge.

(D) The Thirty-Third District judge shall be elected districtwide.

(E) The Thirty-Third District court shall have districtwide jurisdiction.

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History. Acts 2013, No. 1489, § 1;

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(5)(A) "State district court" means a district court that is created by this subchapter and has:

(i) Criminal jurisdiction, as established by the General Assembly; and

(ii) Civil jurisdiction, as established by the Supreme Court.

(B) "State district court" includes a department of a state district court; and

(6) "State district court judge" means a full-time judge:

(A) Whose salary is paid by the state;

(B) Who is not engaged in the private practice of law; and

(C) Who is available for work in circuit court under rules adopted by the Supreme Court.

History. Acts 2007, No. 663, § 2; 2011, No. 1219, § 2. deleted former (1) through (3) and inserted present (1) through (6).

Amendments. The 2011 amendment

16-17-1103. [Repealed.]

Publisher's Notes. This section, concerning creation of pilot state district court judgeships, was repealed by Acts 2011, No. 1219, § 3. The section was derived from Acts 2007, No. 663, § 2; 2009, No. 345, § 3.

16-17-1104. State district court judges — Salaries.

(a) The judges who are appointed or elected to serve the courts created under this subchapter are state district court judges.

(b) The salaries of the state district court judges are uniform and shall be paid with moneys appropriated from the Constitutional Officers Fund, § 19-5-205, by the General Assembly.

History. Acts 2007, No. 663, § 2; 2009, No. 345, § 4; 2011, No. 1219, § 4. **Amendments.** The 2011 amendment rewrote the section.

16-17-1106. Salary of state district court judges — Cost-sharing.

(a) The state shall pay the salary and benefits of state district court judges created under this subchapter.

(b)(1)(A) Each county and town or city in a district in which a state district court judgeship is created under this subchapter shall pay to the state an amount equal to its proportionate share of one-half (½) of the base salary established by law for state fiscal year 2009 for that district's state district court judge.

(B) The proportionate share is calculated as follows:

(i)(a) Determine the sum total of the base salary paid by each county and town or city in a district to that county and town or city's district court judge or city court judge for the calendar year immediately preceding the creation of the state district court judgeship; and

(b) Determine the proportion of the base salary of each county and town or city to the sum total base salary of the district; and