

ORDINANCE 23-03

WHEREAS, Utah Code Ann. 10-3-818 requires that the compensation of all elective and statutory officers of the City be fixed by ordinance; and

WHEREAS, if the City Council determines that the compensation of an elected officer of the City should be amended it must hold a public hearing to allow all interested persons an opportunity to be heard on the proposed amended compensation; and

WHEREAS, the Hyrum City Council held a public hearing on June 2, 2022, June 3, 2021, and June 4, 2020 to receive public comment regarding adjustments in the salaries of officers and employees of Hyrum City; and

WHEREAS, the Hyrum City Justice of the Peace is an elected office whose salary is set by ordinance upon the guidelines and salary range given to the City by the State of Utah Administrative Office of the Courts (AOC), in accordance with Utah Code Section 78A-7-206; and

WHEREAS, in 2019 Hyrum City entered into an interlocal agreement with Nibley City for Hyrum City to provide Justice Court Services for Nibley City; and

WHEREAS, the AOC bases the salary range for part time judges on the judges' workload as follows: a full time Justice Court Judge's salary is between 70% and 90% of an annual District Court Judge. For courts with part time judges the minimum (70% of a District Court Judge's salary) is reduced in proportion to the judge's workload; and

WHEREAS, the workload for the Hyrum Justice Court was calculated by the AOC to be 16% of the workload of a full-time Justice Court Judge; and

WHEREAS, in May 2020 Hyrum City received the AOC's salary range for its Justice Court Judge and immediately contacted the AOC regarding the salary range provided since it was double what it had been the previous year; and

WHEREAS, Hyrum City was told it was due to Hyrum City contracting with Nibley City to provide its Justice Court Services and therefore it increased the judge's workload which increases the judge's salary range; and

WHEREAS, Hyrum City still questioned the salary range given by the AOC but was still required by State Statute to provide a salary in the range given by the AOC; and

WHEREAS, on May 18, 2023 the AOC contacted Mayor Miller and asked for a meeting to discuss an error that had been found in the salary range given by the AOC for the prior 3 years for Hyrum City's Judge; and

WHEREAS, after further investigation by the AOC it was determined that the salary range that was given to Hyrum City by the AOC in 2020, 2021, and 2022 was miscalculated and the AOC was taking full financial responsibility for the overpayment including all benefits that was paid on the overpayment; and

WHEREAS, the salary range provided by the AOC for the past three years resulted in Hyrum City overpaying the Judge's wage by \$77,895.32, plus an additional \$6,048.57 in benefits, and \$13,000.73 in overpayment to the Utah Retirement Systems (URS); and

WHEREAS, Hyrum City will file a claim with the AOC for the repayment of the salary and benefits for a full reimbursement; and

WHEREAS, the URS will credit Hyrum City the overpayment on retirement and is requiring Hyrum City to file the adjusted wage for the previous years with the URS;

WHEREAS, the URS is required by Utah State Code UCJA Rule 3-201 to refund the overpayment of retirement since the URS cannot receive retirement payment on wages above the salary range (base) set by the AOC; and

WHEREAS, the AOC is not requiring Hyrum City's Judge to payback the \$77,895.32 that was given in excess to him over the past three years, since it was the salary range given by the AOC; and

WHEREAS, the AOC and URS is requiring Hyrum City to set the Hyrum City Judge's 2020, 2021, and 2022 salary at the adjusted rate so the overpayment of salary and benefits can be determined and refunded, and the URS retirement benefit can be adjusted and credited to the City to reflect the adjusted pay and not the Judge's actual pay for those three years; and

WHEREAS, the following adjustments to the Judge's salary is based upon the COLA increase given by Hyrum City to its employees

for 2020, 2021, and 2022, which State Law requires a City to adjust a judge's salary the same as the average employee at the city, and for it to be within the salary range set by AOC.

NOW, THEREFORE, the City Council hereby adopts, passes and publishes the following:

AN ORDINANCE AMENDING CHAPTER 2.12, SECTION 2.12.010 A. OF THE HYRUM CITY MUNICIPAL CODE, TO PROVIDE FOR ADJUSTMENT IN THE HYRUM JUSTICE OF THE PEACE'S SALARY FOR 2020, 2021, AND 2022.

BE IT ORDAINED by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. The reporting salary of the Hyrum City Justice of the Peace shall reflect the adjusted pay, and not the actual pay the Hyrum City Justice of the Peace received:

| <u>YEAR</u>        | <u>COLA %</u> | <u>ADJUSTED ANNUAL SALARY</u> | <u>ACTUAL PAID ANNUAL SALARY</u> |
|--------------------|---------------|-------------------------------|----------------------------------|
| 7/1/2020-6/30/2021 | 3%            | \$23,029.00                   | \$48,277.00                      |
| 7/1/2021-6/30/2022 | 3%            | \$23,719.87                   | \$49,275.60                      |
| 7/1/2022-6/30/2023 | 8%            | \$25,617.46                   | \$52,709.04                      |

This ordinance shall be effective immediately.

ADOPTED AND PASSED this 15<sup>th</sup> day of June, 2023.

HYRUM CITY

BY: \_\_\_\_\_  
Stephanie Miller  
Mayor

ATTEST:

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Stephanie Fricke  
City Recorder

Posted: