

## **RESOLUTION R2023 - 56**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, REQUESTING RECERTIFICATION OF THE CITY OF SOUTH JORDAN MUNICIPAL JUSTICE COURT.**

**WHEREAS**, the provisions of U.C.A 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

**WHEREAS**, the recertification term of the Justice Court of the City of South Jordan shall expire on the 31<sup>st</sup> day of January 2024; and

**WHEREAS**, as required by law, the members of the South Jordan City Council have received an opinion letter from Ryan Loose, City Attorney, which sets forth the requirements for the operation of a Justice Court and the feasibility of continuing to maintain the same; and

**WHEREAS**, the members of the South Jordan City Council have determined that it is in the best interests of the residents of the City of South Jordan to continue to operate a Justice Court.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:**

**SECTION 1. Official Request.** The South Jordan City Council hereby requests recertification of the South Jordan Municipal Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

**SECTION 2. Operation.** The South Jordan City Council hereby affirms its willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the South Jordan Municipal Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

**SECTION 3. Effective Date.** This Resolution shall become effective immediately upon passage.

[SIGNATURE PAGE TO FOLLOW]

APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH,  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Bradley Marlor	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: \_\_\_\_\_  
Dawn R. Ramsey

Attest: \_\_\_\_\_  
City Recorder

Approved as to form:

  
Ryan W Loose (Nov 30, 2023 22:51 MST)  
\_\_\_\_\_  
Office of the City Attorney

Dawn R. Ramsey, *Mayor*  
Patrick Harris, *Council Member*  
Bradley G. Marlor, *Council Member*  
Donald J. Shelton, *Council Member*  
Tamara Zander, *Council Member*  
Jason T. McGuire, *Council Member*



December 1, 2023

VIA U.S. MAIL

***RE: RECERTIFICATION OF THE CITY OF SOUTH JORDAN MUNICIPAL JUSTICE COURT***

Dear Mayor and City Council,

Every four years, the City of South Jordan Justice Court must be recertified by the Utah Judicial Council in order to continue operations. The Court must meet certain statutory and regulatory requirements to be recertified. By law, I am required to provide to you a written opinion advising you of the requirements for the operation of the Court and the feasibility of maintaining the Court.

Statutes of the State of Utah require that certain standards be met in the operation of a Justice Court. These statutory requirements include.

1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (78A-7-213).
2. Each court shall be open and judicial business shall be transacted every day as provided by law (78A-7-213), although the judge is not required to be present during all hours that the court is open.
3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).
5. The entity operating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206).
6. The entity operating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training. (78A-7-205).
7. The entity operating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78A-7-103).

8. The entity operating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution. (78A-7-103).

9. The entity operating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).

10. The entity operating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103).

11. Witnesses and jury fees as required by law shall be paid by the entity which operates the court (10-7-76 and 17-50-319).

12. Any fine, surcharge or assessment which is payable to the State shall be forwarded to the State as required by law (78A-7-120 and 78A-7-121).

13. Every entity operating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (78A-7-206).

14. Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212).

15. The entity operating the court shall provide and keep current for the court a copy of the Utah Code, the Utah Court Rules Annotated, the justice court manual published by the state court administrator, the county, city, or town ordinances as appropriate, and other legal reference materials as determined to be necessary by the judge (78A-7-103)

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council (78A-7-215).

17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).

In addition to those requirements which are directly imposed by statute, section 78A-7-103 directs the Judicial Council to promulgate minimum requirements for the creation and ongoing certification of Justice Courts. Pursuant to statute, the Judicial Council has adopted the following minimum requirements:

1. A clerk shall be available for at least one hour each day that the court is required to be open and during court hearings, as required by the judge. These hours shall be posted on the court's website.

2. The judge shall be available to conduct court business as needed, performing all duties required and exercising ultimate responsibility for the administration of justice as an independent branch of government.
3. All court hearings shall be conducted in a designated courtroom, including remote transmission, as permitted by the Judicial Council, or in another location authorized by the Presiding Judge.
4. That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a riser at least six inches above the well), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses, which is separate from the public, as well as a judicial robe, a gavel, and necessary forms and supplies.
5. Appropriate office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed.) The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box for each clerk performing cashiering duties, a computer with word processing software, and access to a scanner and copy machine.
6. The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration.
7. The entity must have at least one peace officer (which may be contracted).
8. A current court security plan must be submitted for approval consistent with C.J.A Rule 3-414.
9. Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety.
10. Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in number 9 above.

11. Clerks' education hours shall be reported to the Administrative Office of the Courts on an annual basis.
12. The appointment of the clerk(s) assigned to serve the court shall be subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion.
13. Court staff shall be certified as contemplated by Rule 3-303 of the Code of Judicial Administration.
14. Any interlocal agreement relating to court operations, as amended to date, shall be provided to the Justice Court Administrator.
15. The court shall accept credit and debit cards through a system that integrates with CORIS.
16. The court shall have access to UCJIS.
17. An audio recording system shall maintain a digital recording of all court proceedings (78A-7-103).
  - a. For Class I and Class II justice courts, the system must:
    - (i) be a stand-alone unit that records and audibly plays back the recording;
    - (ii) index, back-up and archive the recording and enable the record to be retrieved;
    - (iii) have at least four recording channels;
    - (iv) have a one step "on" and "off" recording function;
    - (v) have conference monitoring of recorded audio;
    - (vi) have external record archiving from the unit with local access;
    - (vii) be capable of being integrated with the courts public address system; and
  - b. For Class III and Class IV justice courts, the system must, at a minimum:
    - (i) be a stand-alone unit that records and audibly plays back the recording;
    - (ii) index, back-up and archive the recording and enable the record to be retrieved; and
    - (iii) have at least two recording channels.
  - c. The Board of Justice Court Judges may create a list of products that meet these criteria.

Justice Court Recertification  
Opinion Letter  
October 15, 2019  
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The demeanor, knowledge, wisdom and fairness of Judge Michael P. Boehm is acceptable, the consistent work of the Court staff and those who lend support or auxiliary services to the Court, as well as the skill and commitment of the City prosecutors, Edward R. Montgomery and Deborah A. Snow, are exemplary. Such has resulted in a standard of judicial service for the residents of the City to which every state, county and local government entity within the State of Utah should aspire. It is my opinion that given the past history of the Court and given a continued commitment by the South Jordan City Council and the City Administration, it is feasible that the City could continue to maintain a Justice Court that would not only meet the above outlined minimal statutory standards, but continue to provide high quality judicial service to the residents of the City of South Jordan.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan W. Loose".

Ryan W. Loose  
City Attorney

Enclosure

cc: James M. Peters, Justice Court Administrator (with the Recertification Application)  
File