

CITY OF LOGAN, UTAH

RESOLUTION NO. 15-53

**A RESOLUTION REQUESTING THE RECERTIFICATION OF THE
LOGAN 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 term of the present Court shall expire in February, 2016; and,

WHEREAS, the members of the City Council have received an opinion letter from Kymber Housley, Logan 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 City Council have determined that it is in the best interests of the City of Logan to continue to provide for a Justice Court;

BE IT RESOLVED, the City Council of the City of Logan, Utah, hereby requests recertification of the Logan Municipal Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

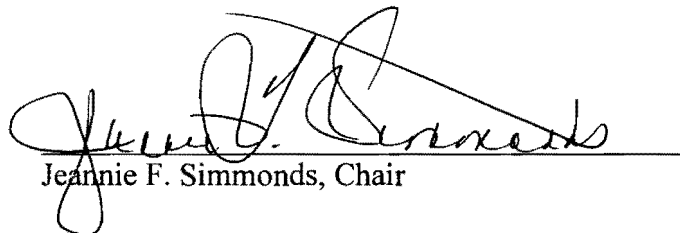
BE IT FURTHER RESOLVED, that the City Council of the City of Logan hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Logan Municipal Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

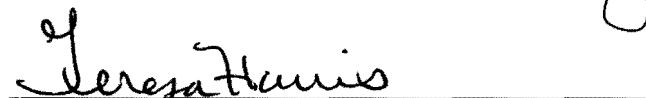
THIS RESOLUTION duly adopted by the Logan Municipal Council this 6 day of October, 2015, by the following vote:

AYES: *Simmonds, Davies, Ward, Needham*

NAYS: *none*

ABSENT: *Olson*


Jeannie F. Simmonds, Chair



ATTEST:

Teresa Harris, City Recorder

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September 3, 2015

Mayor H. Craig Petersen
Logan Municipal Council
290 N. 100 W.
Logan, UT 84321

RE: Logan Municipal Justice Court Recertification

Dear Mayor and City Council

I have reviewed the requirements for the Logan City Municipal Justice Court recertification, have discussed the same with City officers and have concluded the City of Logan continues to meet all requirements for a municipal court and that continued maintenance of the Court is feasible.

As you are aware, the Court must comply with all requirements imposed by the Utah State Legislature. In addition to the statutory requirements, Logan's Class 1 Court must meet additional requirements imposed by the Utah Judicial Council. These requirements are attached as "Attachment A."

Based on the foregoing, the cost effectiveness and efficient manner in which the Court is operated, it is my opinion as City Attorney that the continued operation of the Justice Court is feasible.

If you have need of any further clarification, please contact me.

Sincerely,



Kymber Housley
City Attorney

ATTACHMENT A

OPERATIONAL STANDARDS

The following standards are intended to be applied in the recertification review by the Justice Court Standards Committee as operational standards. The justice courts are classified into four classes, based upon case filings. The case filing information is expressed in terms of filings per month, but courts will be classified on the basis of average monthly filings over a period of at least one year. The classification of a court is determined at creation and is subject to review and possible reclassification whenever the court is being recertified. While the standards for some areas of court operation are uniform for all levels of justice court, other standards are developed on a continuum, reflecting the difference in the time needed to competently manage caseloads of different levels.

CLASS I

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class I Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

501 or more citations or cases filed per month

- HOURS:

Court Open: Full Time

Judge: Full Time

- FACILITY:

Dedicated Courtroom (with juror deliberation room)

Judge's Chambers

Clerk Office

Co-located in the same facility

(Meet the Master Plan Guidelines adopted by the Judicial Council)

- CLERICAL RESOURCES:

At least three full time clerks

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under §78A-7-103.

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training - at least 30 hours per year for the judge, and 10 hours for clerks.

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically.

CLASS II

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class II Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

201 to 500 citations or cases a month.