

**CITY OF LOGAN
RESOLUTION NO. 23-51**

**A RESOLUTION REQUESTING THE RECERTIFICATION OF THE
LOGAN MUNICIPAL JUSTICE COURT**

WHEREAS, the Utah Code Ann. § 78A-7-103 require that justice courts be recertified at the end of each four-year term;

WHEREAS, the term of the Logan Municipal Justice Court shall expire on the 31st day of January 2024;

WHEREAS, the members of the Logan Municipal Council have received an opinion letter from Craig Carlston, Logan City Attorney, which provides that the Logan Municipal Justice Court continues to meet all requirements for a municipal court and the continued operation of the Court is feasible;

WHEREAS, the members of the Logan Municipal Council have determined that it is in the best interest of Logan City to continue to provide for a justice court;

NOW THEREFORE, BE IT RESOLVED, the Logan Municipal Council hereby requests recertification of the Logan Municipal Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS _____ DAY OF November, 2023, by the following vote:

AYES:

NAYS:

ABSENT:

Ernesto López, Chairman

ATTEST:

Teresa Harris, City Recorder



City Attorney Craig J. Carlston • Assistant City Attorney Mohamed Abdullahi • Safety Officer Brody Parker • Deputy Recorder Esli Morales

November 2, 2023

Mayor Holly H. Daines and 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 operation 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."

It is my opinion, as City Attorney, that the Logan Municipal Council should request recertification of the Logan Municipal Justice Court.

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

Sincerely,

Craig Carlston
Logan City Attorney

ATTACHMENT A

OPERATIONAL STANDARDS

The following standards are intended to be applied in the recertification review by the Board of Justice Court Judges 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 twice per year. While the standards for some areas of court operation are uniform for all classifications of justice court, other standards are developed on a continuum, reflecting the difference in the time needed to competently manage caseloads at different levels.

Waiver or extension of any requirement promulgated by the Judicial Council may be obtained at the discretion of the Judicial Council based upon the need for a court. Considerations for waiver or extension will be made on a case by case basis in consideration of, among other things, public convenience and proximity to other courts.

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. 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 for approval consistent with Rule 3-414 of the Code of Judicial Administration.

- JURY/ WITNESS FEES:

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

- EDUCATION:

Local government is responsible for cost of attendance at Judicial Council mandated training (at least 30 hours per year for the judge and certification requirements 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 (via the internet).

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.