



SUMMARY SHEET

Presenter/Submitted By: Mayor Madsen		
Subject: 3. Consider approval of Resolution 2019-15 requesting the recertification of the Sunset City Justice Court	Work Session? Yes X No	Meeting Date: 10/15/19
		Fiscal Impact: n/a
		Funding Source:
Background: Every 4 years Justice Courts have to be recertified and the Sunset Justice Court's term expires on February 1, 2020.		
Attachment(s): Resolution 2019-15 and the recommendation from City Attorney Ericson		
Recommendations from staff, attorney, etc: City Attorney Ericson is of the opinion the feasibility of maintaining the Court requires relatively low financial overhead while providing significant convenience and service to the citizens of Sunset City.		
Recommended Motion: To approve Resolution 2019-15 requesting the recertification of the Sunset City Justice Court.		

RESOLUTION NO. 2019-15

**A RESOLUTION REQUESTING THE RECERTIFICATION OF
THE SUNSET CITY 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 Sunset City Justice Court shall expire on the 1st day of February, 2020; and

WHEREAS, the members of the Sunset City Council have received an opinion letter from Dustin Ericson, City Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the Sunset City Council have determined that it is to the best interests of Sunset City to continue to provide for a Justice Court;

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

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

Approved and signed this 15th day of October, 2019.

SUNSET CITY

**By: _____
D. Howard Madsen, Mayor**

Attest:

**_____
Susan R. Hale, Recorder**



October 3, 2019

Via Hand Delivery

Sunset City Council
200 West 1300 North
Sunset, Utah 884015

RE: Sunset Justice Court Recertification

Dear Council Members,

As you are likely aware, the Sunset Justice Court is in the process of being recertified by the Utah Administrative Office of the Courts. As a part of that process, this opinion letter is being submitted to advise you of the requirements for the operation of the justice court and feasibility of maintaining the court.

Below are the requirements as cited by the Utah Administrative Office of the Courts on its website.

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 opened 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 creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206 and 78A-7-207).



6. The entity creating 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 creating 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 creating 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 creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).
10. The entity creating 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 creates 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 creating 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 creating the court shall provide and keep current for the court a copy of the Utah Code, the Justice Court Manual, state laws affecting local governments, Utah Court Rules Annotated, local ordinances, and other necessary legal reference material (78A-7-103).
16. All required reports and audits shall be filed as required by law or by rule of the
Judicial Council pursuant to Section 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 certification of Justice Courts. Pursuant to statute, the Judicial Council has adopted the following minimum requirements:

- 1) That the Court be opened for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.
- 2) That the judge be available to attend court and conduct court business as needed.
- 3) That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), 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.
- 4) A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.
- 5) 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, a typewriter or word processor, and access to a copy machine.
- 6) A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.
- 7) The entity must have at least one peace officer (which may be contracted).
- 8) A court security plan must be submitted 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. Monthly reports must also be electronically submitted to the Administrative Office of the Courts monthly. Also note that all justice courts shall use the CORIS case management system. (78A-7-213).

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. (See <http://www.utcourts.gov/courts/just/resources.html>).

As to the feasibility of maintaining Sunset's Justice Court, I am of the opinion that the Court's continued operation is of utmost importance to the citizens of Sunset City. The infrastructure necessary to operate the Court is already in place, so financial considerations are relatively nominal. Furthermore, not only does the Sunset Justice Court provide a tie between the judicial system and the Sunset Police Department, which increases the general welfare and safety of the citizens of the City, but its location provides a great convenience for Sunset citizens to complete their business with the Court without the need outside of the City's incorporated boundaries.

Based on the foregoing, I hope I have been able to provide the Council Members with a view of the requirements necessary to operate a Justice Court within the City of Sunset. Additionally, I am of the opinion the feasibility of maintaining the Court requires relatively low financial overhead while providing significant convenience and service to the citizens of Sunset City.

Thank you for your anticipated attention to this matter. Should there be any additional questions or concerns, please do not hesitate in contacting me directly.

Sincerely,

DAINES & JENKINS, LLP

A handwritten signature in black ink, appearing to read "Dustin D. Ericson", followed by a horizontal line.

Dustin D. Ericson
Sunset City Prosecutor