



G R E A T E R S A L T L A K E
Municipal Services
District

DATE: May 10, 2023
FROM: Marla Howard
RE: Justice Court

I asked Mark a few questions about the Justice Court and the process we need to follow to change service providers. This is his response to me:

“Currently, all of the MSD member municipalities receive Justice Court Services through the Master Interlocal Agreement with Salt Lake County, which includes a short, simple statement to that effect with no elaboration. If Salt Lake County terminates its contract with the Justice Court by the end of the year, as has been indicated, it will be necessary for those municipalities (and the County regarding unincorporated areas) to have lined up a means of providing Justice Court Services for their respective jurisdictions. If the County is as serious as it appears to be, based on the letter from the Chair of the County Council that Trustee Stringham read into the record of the last Board meeting, regarding ending its affiliation with the Justice Court as of December 31, an effort to identify and explore alternatives likely should already be underway. If the jurisdictions served by the MSD would like the MSD staff to act for them to identify available options (for example, by contacting municipalities that have a justice court to determine if they might have the capacity and a willingness for one or more of the MSD jurisdictions to enter into an agreement to share the court and, if so, on what terms), MSD personnel could do the leg work. However, it will be up to the individual municipalities and Salt Lake County to make the final decisions. Unincorporated Salt Lake County will need Justice Court services every bit as much as the other MSD members. Whatever the County lines up for the unincorporated areas might also be available to some or all of the Metro Townships and/or the Town of Brighton. An option, that no one appears to be talking about and may or may not be willing to consider, might be to set up a new Justice Court to serve some or all of the MSD jurisdictions. I haven’t looked into the applicable statutes, but assume that establishing and getting a new court fully accredited, approved, staffed and ready to operate early next January might be a heavy lift and, if the County hasn’t made other arrangements, the December 31 deadline could slide. As of now, I consider the County to be contractually obligated to provide or make available justice court services to every MSD jurisdiction at cost. Should we remind the County of that obligation?”

Regarding the MSD’s role, the MSD can “provide no more than six municipal services” in addition to “assist a municipality or a county located within [the] ... municipal services district by providing staffing and administrative services”. Utah Code Ann. Section 17B-2a-1104(1) and (2). The municipalities located within the MSD are statutorily required to remit their sales tax receipts to the MSD and the MSD, in turn, may use those and other revenues to fund expenses and activities of the Metro Townships and the Town of Brighton, which includes justice court, prosecution and indigent defense expenses. See Utah Code Ann. Sections 17B-2a-1108 and -1109. I have never viewed justice court, prosecution or indigent

defense services as being provided by the MSD, but the MSD pays for those services using money received from the Metro Townships and the Town of Brighton (and the County regarding unincorporated areas).

Specifically, to paraphrase and respond to questions posed by Marla in a separate email:

1. Does the MSD have to vote to end the relationship with the Justice Court? No. The MSD doesn't have what lawyers refer to as privity of contract with the Justice Court. Salt Lake County has that relationship as a hold-over from when what is now the MSD was unincorporated and under the County's exclusive jurisdiction.
2. Does the MSD need to vote to stay with the Justice Court through the end of the year? No. Salt Lake County is contractually obligated to provide or make available justice court services to the MSD member entities through the end of the year. In fact, we could argue that the County also has a legal obligation under the Master Interlocal Agreement to make justice court services available after the end of the year, so the County should line up whatever is needed. In other words, it's the County's problem so the County needs to fix it for everyone. I question whether that is a position that the MSD or the other parties to the Master Interlocal Agreement want to take, but I don't see how we will get to the bottom of the issue without talking to the County and agreeing to appropriate amendments to the contractual relationship with the County.

The Justice Court could be a discussion agenda item for the MSD Board of Trustees, to motivate and possibly coordinate action, but the legislative bodies of the police power jurisdictions (the municipalities and Salt Lake County), not the MSD Board, will make the final decisions. That doesn't mean, however, that the MSD won't play a role—at a minimum, in negotiations with Salt Lake County. But we need to know what each member entity wants and how the MSD staff can best help them achieve what they want. The MSD serves only one purpose: to serve the needs of the member entities, including the municipalities and the county.

That's how I view the Justice Court situation. Please let me know if there are any questions or concerns or if I can be of assistance in any way."