
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: October 10, 2003
SUBJECT: **JUSTICE COURT RECERTIFICATION**
AFFECTED COUNCIL DISTRICTS: Citywide
STAFF REPORT BY: Gary Mumford
ADMINISTRATIVE DEPT. AND CONTACT PERSON: Management Services
Zane Gill, presiding judge

KEY ELEMENTS:

The State Judicial Council recertifies justice courts once every four years. All recertifications for justice courts in Utah take place within the same year. The State Administrative Office of the Courts notified the City that a recertification application is due by October 24, 2003. As part of the recertification process, the City Attorney's Office is to provide the City Council with an opinion outlining the requirements and minimum standards for operating the court. The proposed resolution affirms that the City is willing to meet all requirements for operation of the court.

The certification affidavit from the City is required to include a statement that the presiding judge has "met with the City Council to review the budget of the court, review compliance with the minimum requirements and operational standards, and discussed other items of common concern." To ensure that there can be no question of compliance relating to this requirement, Judge Zane Gill is requesting that this discussion be included in the briefing on the recertification.

MATTERS AT ISSUE AND QUESTIONS FOR THE ADMINISTRATION:

The recertification applications must include the follow four items:

1. Certification affidavit that the court meets the minimum requirements established by the Judicial Council (attached)
2. Written opinion from a City attorney advising the City Council of all requirements for the operation of the justice court and the feasibility of maintaining the court (attached)
3. Copy of duly passed resolution requesting recertification and affirming that the City is willing to meet the requirements of the Judicial Council (proposed resolution attached)
4. Copy of court security plan, if there are changes (revised security plan will be submitted to reflect the name change in the company that provides bailiffs and constables; copy available in the Council Office)

MINIMUM REQUIREMENTS – Salt Lake City’s justice court is classified as a Class I court since average monthly filings exceed 500 cases. The minimum requirements for Class I courts pertain to the following:

- physical facilities – dedicated courtroom with juror deliberation room, judge’s chambers, clerk office
- judges – at least one full-time judge with fixed compensation
- clerical resources – at least three clerks
- prosecutorial resources – to screen cases and represent the municipality at trial
- funding for indigent defense
- security – procedures, technology, architectural features, bailiffs, constables
- legal reference material – Motor Vehicle Laws of the State of Utah, Utah Code, Justice Court Manual, Code of Judicial Administration, City Code, Uniform Bail Schedule, etc.
- jury & witness fees
- educational requirements – training is conducted by the Judicial Council for judges and clerical personnel
- reporting requirements – electronic reports to the Drivers License Division and the Bureau of Criminal Identification; timely payments of state surcharges or other state fees

The City Council may wish to ask representatives of the Court for additional explanations regarding some of the minimum requirements or other matters such as coordination with prosecutors.

REQUIRED COMMUNICATIONS WITH CITY COUNCIL – The Judicial Council requires certain discussions between the Justice Court and the City Council relating to the court budget, compliance with operational standards, and other items of common concern. Attached is an April 30, 2003 report from the Administration on justice court revenue compared to projections that was previously provided to the Council. This report is provided again for the City Council’s reference relating to the budget. The report, which was issued after 10 months of court operations, stated that the net revenue for fiscal year 2003, after adjusting for revenue that would have been received had the Justice Court not been established, was expected to be about \$263,0000. *The City Council may wish to ask representatives of the Court for a current update on revenue and expenditures compared to adopted budgets. Any other questions that Council Members may have regarding operational standards or other items can be discussed at the briefing with Court representatives.*

RECERTIFICATION PROCESS – Upon submission of the recertification application, the Justice Court Standards Committee will conduct an independent investigation and notify the City whether it is in favor or against certification. If the Committee recommends against certification, the City can present additional information to the Committee or request a waiver or extension from the Judicial Council. The Judicial Council has the option of granting a waiver or extension of time for any requirement that is not specifically required by statute. The State Legislature has provided that any justice court that meets the minimum requirements is entitled to be recertified. The certification will be valid for both criminal and small claims cases for four years.

OPTIONS:

1. Advance the resolution to a future Council Meeting for consideration. (The application is due to the Judicial Council on October 24, 2003.)
2. Request additional written information.
3. Include Council discussions with the presiding judge during the Council's annual review of the budget for the Department of Management Services so that the Judicial Council's standard regarding discussions between the Court and the City Council are held on a routine basis.

cc: Rocky Fluhart, Judge Zane Gill, Mary Johnston, Steve Fawcett, JD Baxter
