
MEMORANDUM

DATE: August 5, 2005

TO: City Council Members

FROM: Sylvia Jones, Budget and Policy Analyst

SUBJECT: Request for ordinance changes regarding Part-Time Justice Court Judge compensation and work hours

CC: Rocky Fluhart, Steve Fawcett, Mary Johnston, Laurie Donnell

Council Members,

The Administration is proposing modifications to Section 2.84.050, Salt Lake City Code, relating to compensation and work schedules for part-time Justice Court judges.

The Judicial Council through the State Court Administrator informed the Justice Court in May that because of the way part-time judges are compensated, the City is out of compliance with Utah Code UCA 78-5-128 which requires that a justice court judge be paid a "fixed compensation..., comprised of a monthly salary..." Currently, the City is paying the part-time judges an hourly salary based on the number of hours worked.

As a result of a meeting with the State Court Administrator, the Administration is proposing that the part-times judges be paid a fixed monthly salary based upon a fixed number of hours per month in order to comply with State law. The Administration recommends removing the reference to an hourly wage and eliminating the 80-hour limit on the number of hours a part-time judge may work in a month. *Council Members may wish to ask the Administration how other jurisdictions compensate part-time judges.*

Judge Iwasaki has been nominated by Governor Huntsman to fill a judicial vacancy in the 2nd District Juvenile Court and may be leaving the City soon. The Justice Court has only one part-time judge at this time; the Administration is recruiting for additional part-time judges. Until Judge Iwasaki's position is filled, Judge Magid, (the only part-time judge) will be used to cover Judge Iwasaki's calendar.

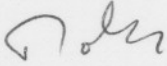
The lack of part-time judges may put the Justice Court in the position of forcing court dates further out into the future, which may be unacceptable to the public. *The Council may wish to ask the Administration the status of hiring additional part-time judges.*

SALT LAKE CITY CORPORATION

SALT LAKE CITY JUSTICE COURT

ROSS C. "ROCKY" ANDERSON
MAYOR

COUNCIL TRANSMITTAL

TO: Rocky J. Fluhart, 
Chief Administrative Officer **DATE:** June 22, 2005

FROM: Mary Johnston
City Courts Director
Management Services Department

SUBJECT: Part Time Judge Compensation

CONTACT: Mary Johnston, City Courts Director
Telephone: 535-7173

DOCUMENT TYPE: Salt Lake City Ordinance

BUDGET IMPACT: Already included in current budget

DISCUSSION: In 2002 when the Court received its initial certification from the Judicial Council, the City was under the impression that the Council approved the use of part-time judges, and paying them an hourly salary based upon the number of hours they worked.

In May of this year, the Judicial Council, through the State Court Administrator, Dan Becker, informed the court that because of the way we are paying our part-time judges, we are out of compliance with UCA 78-5-128 which required that a justice court judge be paid a "fixed compensation..., comprised of a monthly salary ...".

A meeting was held between Mr. Becker, his deputy, Richard Schwermer, Judge Iwasaki, Larry Spendlove, Ed Rutan, Steve Fawcett, and Mary Johnston. As a result of that meeting it was agreed that there was some misunderstanding between the Judicial Council and the City, and that the part-time judges must be paid a fixed monthly salary based upon a fixed number of hours per month in order to comply with State law.

Because of these changes it is necessary to amend the current City ordinance by removing the reference to an hourly wage and eliminating the limit on the number of hours a part time judge may work in a month. This would not change the appropriations from Council for these positions.

RECOMMENDATION: The Salt Lake City Justice Court recommends approval of this Ordinance.

SALT LAKE CITY ORDINANCE
No. _____ of 2005
(Justice Court Judge Compensation)

AN ORDINANCE AMENDING SECTION 2.84.050, *SALT LAKE CITY CODE*,
RELATING TO JUSTICE COURT JUDGE COMPENSATION.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 2.84.050, *Salt Lake City Code*, pertaining to justice court judge compensation be, and the same hereby is, amended to read as follows:

2.84.050 Compensation:

The compensation of a judge of the justice court shall be in accordance with the compensation plan of the city, but a judge shall not receive a salary greater than eighty five percent (85%) of the salary of a district court judge, or such other percentage or limitation as prescribed by Utah Code Annotated section 78-5-128 or its successor. ~~In addition to the foregoing limitations of this section, a part time judge shall serve no more than eighty (80) hours per month and shall be compensated on an hourly rate basis prorated from an annualized salary established in the compensation plan of the city.~~

The compensation shall be comprised of a monthly salary and shall be computed upon the number of hours, days, or other periods of time that the justice court judge is to be available to perform all judicial functions.

SECTION 2. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2005.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2005.

Published: _____.