
MEMORANDUM

DATE: September 28, 2007

TO: City Council Members

FROM: Sylvia Richards, Research & Policy Analyst

SUBJECT: Justice Court Recertification

CC: Lyn Creswell, Ed Rutan, Steve Fawcett, Judge Virginia Ward, Mary Johnston, Marian Graves, Claudia Sundbeck, Kay Christensen

The Salt Lake City Justice Court is required to be certified every four years by the Utah Judicial Council in order to continue to operate. This is the process by which the Administrative Office of Courts determines that the City is continuing to meet the statutory and administrative performance standards for justice courts. The Court Certification process includes the following:

1. The justice court judge must complete and sign a Court Certification Affidavit indicating that the court meets all minimum statutory and Judicial Council requirements.
2. The City Attorney must submit an opinion notifying the City Council of the requirements for the operation of the justice court, that the court meets these requirements, and that it is legally feasible to continue operations. (See attached opinion from the Attorney's Office.)
3. The Council must pass a resolution requesting recertification of the court, and affirming that the City is willing to meet all requirements for the operation of the court during the four year certification period.
4. A copy of the City's court security plan is required; however, this document has been previously filed with the Judicial Council.

Budget Impact:

The Court recertification has no additional implications to the existing budget of the Justice Court.

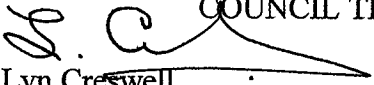
The Council may wish to note that the Administration's transmittal includes a memo from the City Attorney's office discussing the process for recertification as well as the process for dissolution of the court. The memo clarifies that recertification and dissolution are two separate and unrelated processes.

SALT LAKE CITY CORPORATION

SALT LAKE CITY JUSTICE COURT

ROSS C. "ROCKY" ANDERSON
MAYOR

COUNCIL TRANSMITTAL

TO: 
Lyn Creswell
Chief Administrative Officer

DATE: September 12, 2007

FROM: Mary N. Johnston
City Court Director

Judge Virginia Ward
Presiding Judge

SUBJECT: Justice Court Recertification

STAFF CONTACT: Telephone: 535-7173; Mary Johnston, City Courts Director,
Telephone: 535-6425, Judge Virginia Ward, Presiding Judge, Salt Lake City Justice
Court

DOCUMENT TYPE: Resolution

RECOMMENDATION: Approve the resolution

BUDGET IMPACT: None, except continued funding of the City's Justice Court.

BACKGROUND/DISCUSSION: The Salt Lake City Justice Court began operating on July 1, 2002, having been certified by the Utah Judicial Council. By state statute, all justice courts must be recertified by the Utah Judicial Council every four years in order to continue operations. Salt Lake City has received notification from the Administrative Office of the Courts that recertification of the City's justice court is now required in order to continue its operations. **The completed application packet for recertification is due at the Administrative Office of the Courts by October 19, 2007.** That packet must include the following:

1. Court Certification Affidavit completed and signed by the justice court judge.
2. A copy of a written opinion from the city attorney, directed to the city council, advising the council of all requirements for the operation of the justice court and the feasibility of maintaining the court.
3. A copy of a duly passed resolution of the city council that
 - a. requests recertification of the court, and
 - b. affirms that the entity is willing to meet all requirements for the operation of the court during the period of certification.
4. A copy of the City's court security plan, as required by C.J.A. Rule 3-414, unless it has not changed since last submitted.

A copy of the Court Certification Affidavit, completed and executed by Judge Virginia Ward, Presiding Judge of the Salt Lake City Justice Court, is attached hereto and the written opinion of Laura Kirwan, Senior Salt Lake City Attorney, is also attached. A court security plan will not be filed, since a security plan has previously been filed with the Judicial Council in conformity with C.J.A. Rule 3-414.

PUBLIC PROCESS: The attached resolution is being submitted to meet legal requirements. No process other than city council action on the resolution is applicable.

COURT CERTIFICATION AFFIDAVIT

Court Location: Salt Lake City Justice Court

Judge: Judge Virginia Ward

Address: 333 South 200 East

Salt Lake City, UT 84111

Telephone: (801) 535-6425

Level of Court (Circle one): (I) II III IV

Average Case Filings Per Month: 6,000

Daily Court Hours: 7:30 AM to 5:00 PM and more

Number of Full-time Clerks: 41
Hours Worked Per Week Per Clerk: 40⁺

Number of Part-time Clerks: 4
Hours Worked Per Week Per Clerk: 20

This form is divided into two parts. Section I contains those requirements that are statutory and are not waivable. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the instructions to applicant included with the application for certification.

Comes now Judge Virginia Ward,

Justice Court Judge for Salt Lake City Justice Court

_____ and,

except as specifically noted below, certifies as follows:

SECTION I

**THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED.
CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.**

Please indicate Yes or No to each of the following:

1. All official court business is conducted in a public facility. Yes
2. Court is open daily. Yes
3. The hours of court operation are posted conspicuously. Yes
4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. Yes
5. The judge is compensated at a fixed rate. Yes
6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. Yes
7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. Yes
8. The responsible governmental entity assumes the expenses of the travel of the clerk for the purposes of attending training sessions conducted by the Judicial Council. Yes
9. The responsible governmental entity provides the Court with:
 - a. Sufficient prosecutorial support Yes
 - b. Funding for attorneys for indigent defendants, as appropriate Yes
 - c. Sufficient local law enforcement officers to attend court as provided by statute Yes
 - d. Security for the court as provided by statute Yes
 - e. Witness and juror fees Yes
 - f. Copies of the motor vehicle laws of the State of Utah, appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials Yes

10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. Yes
11. Court is held within the jurisdiction of the court, except as provided by law (78-5-107).
Yes
12. All required reports and audits are filed as required by law or Rule of the Judicial Council.
Yes

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the instructions to applicant included with this application for recertification.

Please indicate YES or NO to each of the following:

1. Court is open each day as appropriate for the classification of the court. Yes
2. The judge is available to attend court and to conduct court business as needed. Yes
3. Minimum furnishings in the courtroom include:
 - a. Desk and chair for the judge Yes
 - b. A six inch riser Yes
 - c. Desk and chair for the Court Clerk Yes
 - d. Chairs for witnesses Yes
 - e. Separate tables and appropriate chairs for plaintiffs and defendants Yes
 - f. A Utah State flag Yes
 - g. A United States flag Yes
 - h. A separate area and chairs for at least four jurors Yes
 - i. A separate area with appropriate seating for the public Yes
 - j. An appropriate room for jury deliberations Yes
 - k. An appropriate area or room for victims and witnesses which is separate from the public Yes
 - l. A judicial robe Yes
 - m. A gavel Yes
 - n. Current bail schedules Yes
 - o. A copy of the Code of Judicial Administration Yes

- p. Necessary forms and supplies Yes
 - q. Office space for the judge Yes
 - r. Office space for the court clerk Yes
 - s. Secure filing cabinets Yes
 - t. Appropriate office supplies Yes
 - u. A cash register or secured cash box Yes
 - v. A typewriter or word processor Yes
 - w. Access to a copy machine Yes
4. The appropriate number of clerks as required by the classification of the court, are present during the time court is open each day and as needed during court sessions. Yes
 5. Does the applicant have a law enforcement department? Yes
 6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant: _____

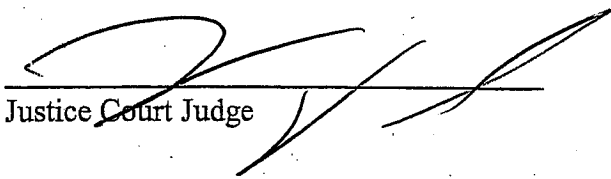
 7. A security plan has been filed consistent with C.J.A. Rule 3-414. Yes
 8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. Yes
 9. If the court is a **Class I** court:
 - a. Judge is employed on a full-time basis Yes
 - b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council Yes
 - c. Court has a jury deliberation room Yes
 - d. Judge's chambers, clerk's office, and courtroom are in the same building Yes
 - e. Judge has his or her own private chambers Yes

- f. Clerk's office is separate from any other entity Yes
- g. Court is open during normal business hours Yes
10. If the court is a **Class II** court:
- a. Court is open (check one)
- ____ 1. 201-300 average monthly filings: at least 4 hrs./day
- ____ 2. 301-400 average monthly filings: at least 5 hrs./day
- ____ 3. 401-500 average monthly filings: at least 6 hrs./day
- b. Trial calendar is set at least weekly _____
- c. Courtroom configuration is permanent _____
- d. Courtroom, judge's chambers, and clerk's office are within the same building ____
- e. Judge has his or her own private chambers _____
11. If the court is a **Class III** court:
- a. Trial calendar is set at least every other week _____
- b. Court is opened (check one):
- ____ 1. 61-150 average monthly filings: at least 2 hrs./day
- ____ 2. 151-200 average monthly filings: at least 3 hrs./day
12. If the court is a **Class IV** court:
- a. Trial calendar is set at least monthly _____
- b. Court is open at least 1 hour per day _____
13. **If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request.** If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).

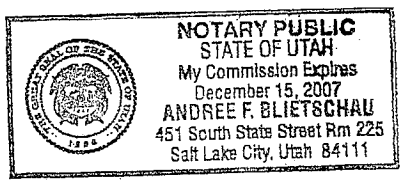
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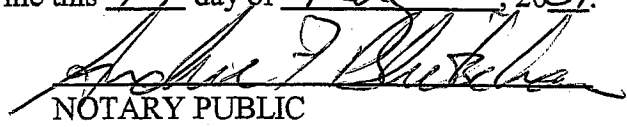
I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the City to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this 7th day of August, 2007


Justice Court Judge

SUBSCRIBED AND SWORN to before me this 7th day of Aug, 2007




NOTARY PUBLIC

Residing at: Salt Lake County

Commission Expires:
12-15-07

SALT LAKE CITY CORPORATION

LAURA KIRWAN
SENIOR CITY ATTORNEY

LAW DEPARTMENT

ROSS C. ANDERSON
MAYOR
EDWIN P. RUTAN, II
CITY ATTORNEY

September 10, 2007

Van Blair Turner, Chair
Salt Lake City Council
451 South State Street, Room 304
Salt Lake City, Utah 84111

Re: Recertification of Salt Lake City Justice Court

Dear Council Chair Turner and Council Members,

Every four years, the Salt Lake City Justice Court must be recertified by the Utah Judicial Council in order to continue operations pursuant to §78-5-139, Utah Code Ann. (2007). As part of that recertification process, I have been asked to provide an opinion letter advising whether all requirements for the operation of a justice court have been met by Salt Lake City and whether it remains legally feasible to maintain a justice court.

Statutory Requirements

The Utah Code requires 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 (§78-5-108).
2. Each court shall be opened and judicial business shall be transacted every day as provided by law (§78-5-108), 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 (§78-5-108).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (§78-5-108).
5. The entity creating the justice court shall provide and compensate a judge and clerical personnel to conduct the business of the court (§78-5-128 and §78-5-110).

6. The entity creating the justice court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (§78-5-127).

7. The entity creating the justice court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (§78-5-110).

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 (§78-5-111).

9. The entity creating the justice court shall provide adequate funding for attorneys where persons are indigent as provided by law (§78-5-111).

10. The entity creating the justice court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (§78-5-111).

11. Witnesses and jury fees as required by law shall be paid by the entity which creates the justice court (§78-5-112).

12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law § (78-5-135 and §78-5-126).

13. Every entity creating a justice court shall pay the judge of that court a fixed compensation (§78-5-128).

14. Court shall be held within the jurisdiction of the court, except as provided by law (§78-5-107).

15. The entity creating the court shall provide and keep current for the court a copy of the Motor Vehicle Laws of the State of Utah, appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances, and other necessary legal reference material (§78-5-109).

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council pursuant to Section §78-5-130.

Judicial Council Requirements

In addition to those requirements directly imposed by statute, §78-5-139 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. The court must be opened for at least one hour each day that the court is required to be open as provided by law (§78-5-108).

2. The judge must be available to attend court and conduct court business as needed.

3. The minimum furnishings for a courtroom must 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. The judge shall be provided a judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.

5. Office space must be provided 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 Code of Judicial Administration 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.

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.

In establishing minimum requirements, the Judicial Council has determined that justice courts with higher case filings require greater support services. The Salt Lake City Justice Court is a Class I Court, which is the designation for courts having an average monthly filing of 500 or more cases. According to Mary Johnston, the court administrator, the average monthly filing for the Salt Lake City Justice Court for fiscal year 2006-2007 was 6,100 cases. In addition to the minimum requirements set forth above, a Class I Court must have at least one full-time judge

and at least three clerks; it must be open during regular business hours; it must have a courtroom exclusively dedicated for the exclusive use as a court that meets the master plan guidelines adopted by the Judicial Council; and the judge's chambers and clerk's office cannot be shared by another entity.

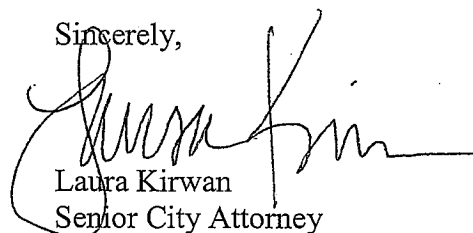
The Legislature has provided in §78-5-139 that any justice court that continues to meet minimum requirement for its class is entitled to be recertified. The Judicial Council has authority to waive any minimum recertification requirement not specifically imposed by the Legislature. Waiver is at the discretion of the Judicial Council and will be based upon a demonstrated need for a court to conduct judicial business and upon public convenience. Any waiver will be for the entire term of the certification. A waiver must be obtained through the Judicial Council each time a court is recertified and, the fact that a waiver has been previously granted, will not be determinative on the issue of waiver for any successive application.

As part of the recertification process established by the Judicial Council, the city must also submit a sworn court certification affidavit from the judge of the justice court. Judge Virginia Ward, who is presiding judge of the Salt Lake City Justice Court, has prepared this affidavit indicating that the court meets the minimum statutory and Judicial Council recertification requirements.

It is the opinion of this office, based upon Judge Ward's affidavit and our familiarity with the operations of the Salt Lake City Justice Court, that the court continues to meet or exceed the minimum requirements for a Class I justice court and is entitled to recertification, and that it is legally feasible for Salt Lake City to continue operating a justice court.

If you have any questions or if I can provide you with any additional assistance, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Kirwan", written over a printed name and title.

Laura Kirwan
Senior City Attorney

RESOLUTION NO. _____ OF 2007
REQUESTING THE RECERTIFICATION OF
THE JUSTICE COURT OF SALT LAKE CITY

WHEREAS, Section 78-5-139(2), Utah Code Ann. (2007), requires that Justice Courts periodically be recertified by the Utah Judicial Council; and

WHEREAS, Salt Lake City Corporation has received notification from the Administrative Office of the Courts that in order for the Salt Lake City Justice Court to be recertified, an application must be returned to that office by October 19, 2007; and

WHEREAS, the members of the Salt Lake City Council have received an opinion letter from Senior City Attorney Laura Kirwan stating that the Salt Lake City Justice Court meets the minimum legal requirements for the operation of a justice court and that it is legally feasible for the City to maintain a justice court; and

WHEREAS, the members of the Salt Lake City Council have determined that it is in the best interests of Salt Lake City to continue to maintain a Justice Court;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Salt Lake City, Utah that:

(1) The City Council of Salt Lake City, Utah requests recertification of the Justice Court of Salt Lake City by the Justice Courts Standards Committee and the Utah Judicial Council; and

(2) The City Council of Salt Lake City, Utah affirms its willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Justice Court of Salt Lake City for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____,
2007.

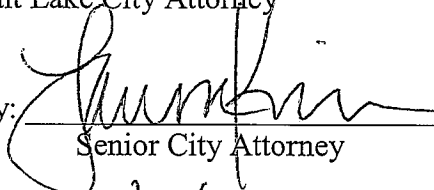
SALT LAKE CITY COUNCIL

By _____
CHAIR

ATTEST:

Approved as to form:
Salt Lake City Attorney

CHIEF DEPUTY CITY RECORDER

By: 
Senior City Attorney

Date: 8/29/07

HB_ATT#1429-v1-2007_recertification_resolution

MEMORANDUM

To: Cindy Gust-Jensen
Lyn Creswell

From: Laura Kirwan

Date: September 24, 2007

Re: Justice Court Recertification and Statutory Process for Dissolution of
Justice Courts

SEP 25 2007

Ed Rutan asked me to prepare a memorandum for you describing the statutory process for dissolution of justice courts and how this process differs from recertification. As Ed explained briefly in his email last week, recertification is the administrative process by which the Administrative Office of the Courts periodically determines whether individual justice courts are in operating compliance with statutory and administrative requirements. In contrast, dissolution is the legal process that must be followed in the event a city wishes to terminate its justice court program entirely.

Every justice court must apply for recertification every four years as required by Section 78-5-139(2), Utah Code Ann. (2007).

Existing justice courts shall be recertified at the end of each four-year term if they continue to meet the minimum requirements for the establishment of a new court. Any existing court which does not meet the minimum requirements may request a review from the council, which may authorize the recertification of the court by waiving compliance with minimum requirements or by allowing for an extension of time to meet those requirements.

As part of this process, the city must submit to the Administrative Office of the Courts an application including an affidavit from the presiding judge indicating that the court meets all minimum statutory and Judicial Council requirements; an opinion from the City Attorney advising that the court meets these minimum requirements and that it is legally feasible to continue operations; and a duly approved resolution of the Council requesting recertification and stating that the city is willing to meet all operational requirements during the four year recertification period. The Judicial Council has the authority to waive compliance with minimum requirements.

I have prepared a legal opinion and a resolution for the Council, which Judge Virginia Ward and Mary Johnston have forwarded to Lyn along with the rest of the application materials, for submittal to the Council. The city's application, including the duly approved resolution, must be submitted to the Administrative Office of the Courts by October 19, 2007. However, the Judicial Council may extend the application date upon request by the city.

This is a different process from dissolution, which is covered by Section 78-5-140, Utah Code Ann. (2007).

(1) (a) The county or municipality shall obtain legislative approval to dissolve a justice court if the caseload from that court would fall to the district court upon dissolution.

(b) To obtain approval of the Legislature, the governing authority of the municipality or county shall petition the Legislature to adopt a joint resolution to approve the dissolution.

(c) The municipality or county shall provide notice to the Judicial Council.

(d) Notice of intent to dissolve a Class I or Class II justice court to the Judicial Council shall be given not later than July 1 two years prior to the general session in which the county or municipality intends to seek legislative approval.

...

(2) (a) A county or municipality shall give notice of intent to dissolve a justice court to the Judicial Council if the caseload of that court would fall to the county justice court. A municipality shall also give notice to the county of its intent to dissolve a justice court.

(b) Notice of intent to dissolve a Class I or Class II court shall be given by July 1 at least two years prior to the effective date of the dissolution.

(3) Upon request from a municipality or county seeking to dissolve a justice court, the Judicial Council may shorten the time required between the city's or county's notice of intent to dissolve a justice court and the effective date of the dissolution.

As you can see, the notification process differs depending on where the justice court's caseload will fall. The city's justice court is a Class I court. Therefore, if the caseload falls to the county justice court, notice of intent must be given to the Judicial Council and the county by July 1 at least two years prior to the effective date of dissolution. If the caseload falls to the district court then in addition to providing two years notice, the city must ask the legislature to adopt a joint resolution approving dissolution. The two year notice period, however, may be shortened at the Judicial Council's discretion.

The answer to the question of where the city's justice court cases would fall on dissolution depends upon whether the city is included in the territorial limits, or precinct, for which the county justice court was created. I have been unable to locate enabling legislation creating the county court that includes a boundary description. However, several facts strongly indicate that the county court precinct does not include Salt Lake City.

The current county court precinct was created in 1993, when the county revised its court ordinance to merge the then existing four precincts into one single precinct. While no boundary description for the new precinct appears within the ordinance, the new precinct merely merged existing precincts, presumably adopting their boundaries. None of these county precincts appear to have included Salt Lake City, which had operated its own city court for some time prior to this, and which was then included within the circuit court system.

That the precinct was not considered to encompass the whole county is indicated by ordinance language adopted at the time stating that "[f]or the purpose of residency of the nominee or existing court judge 'precinct' shall be the entire geographical area of Salt Lake County." Section 2.30.030, Salt Lake County Code. If the precinct encompassed the entire county for territorial jurisdiction purposes, there would have been no need to clarify that the entire county was to be considered part

of the precinct specifically for residency purposes. This language also indicates that the precinct is to be considered to encompass the entire county only for this single purpose.

Immediately prior to the creation of the present city justice court, all city misdemeanors and infractions were heard in district court, not the county court, further suggesting that the county was not considered to have jurisdiction. I spoke with several county attorneys, county justice court staff, and a county judge and they all confirmed that the county court had never had jurisdiction over city cases, with the exception of traffic violations on the University of Utah campus pursuant to an interlocal agreement between the county and the university.

There is also statutory language that suggests that even if the county court has jurisdiction in the event of dissolution of the city court the district court has concurrent jurisdiction. Pursuant to Section 78-3-4 (8), Utah Code Ann. (2007):

the district court has subject matter jurisdiction in class B misdemeanors, class C misdemeanors, infractions, and violations of ordinances only if: (a) there is no justice court with territorial jurisdiction; . . . [or] (c) the offense occurred within the boundaries of the municipality in which the district courthouse is located and that municipality has not formed a justice court;

Whether this concurrent jurisdiction on its own may be sufficient to trigger the legislative approval requirement found in Section 78-5-140 is unclear.

Assuming based on these facts that cases would return to the district court upon dissolution, then the city would have to give two years notice of its intent to dissolve the court and obtain legislative approval. This notice and approval requirement provides the city adequate time to wind down its court operation while insulating the state from sudden increases in case loads. The state has recently closed the Sandy and Murray courthouses, transferred the West Valley courthouse to West Valley City to house its justice court, and consolidated services at the new West Jordan court house based on the assumption that the district court will not be handling misdemeanor and small claims case loads currently handled by justice courts. It is possible that the state agencies responsible for court planning and construction may strenuously resist any efforts by municipalities to transfer misdemeanor case loads back to district court.

Dissolution and recertification are different processes. Applying for recertification now would not prevent the city from being able to seek dissolution at some later time during the four-year certification period. If you have any questions or would like to discuss this issue further, please call me at 7685.