



NORTH OGDEN CITY

505 EAST 2600 NORTH
NORTH OGDEN CITY, UTAH 84414
(801) 782 7211 FAX: (801) 737 2219

MAYOR
Richard G. Harris

COUNCIL
Wade C. Bigler
Ronald B. Flamm
Martha J. Harris
Brent R. Taylor
Carl D. Turner

October 11, 2011

TO THE MAYOR AND CITY COUNCIL OF
NORTH OGDEN CITY

Re: Justice Court Recertification

Dear Mayor and Council Members,

Having reviewed the operation of the North Ogden City Justice Court (“the Justice Court”), and having considered the state laws and regulations governing the operation of justice courts, it is my opinion that the Justice Court complies in all respects with applicable state statutes as well as all regulations relating to the operation of justice courts adopted and published by the Utah Judicial Council; the Justice Court, therefore, meets the requirements for recertification.

I have determined that the Justice Court meets each of the following requirements imposed by state law:

1. All official court business must be conducted in a courtroom or an office located in a public facility which is conducive and appropriate for the administration of justice.
2. Each court shall be open and judicial business shall be transacted every business day as provided by law, 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.
4. The judge and court clerk shall attend the court at regularly scheduled times.
5. The City shall provide and compensate a judge and clerical personnel to conduct the business of the court.
6. The City shall assume the expenses of travel, meals, and lodging for the judge of the court to attend required judicial education and training.
7. The City shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council.

8. The City shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution.
9. The City shall provide adequate funding for attorneys where persons are indigent as provided by law.
10. The City shall provide sufficient law enforcement officers to attend court when required and provide security for the court.
11. Witness and jury fees as required by law shall be paid by the City.
12. Any fine, surcharge, or assessment which are payable to the State shall be forwarded to the State as required by law.
13. The City shall pay the judge a fixed compensation within the range provided by law.
14. Court shall be held within the jurisdiction of the court, except as provided by law.
15. The City 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 materials.
16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council.
17. The Court shall use a common case management system and disposition reporting system as specified by the Judicial Council.
18. Effective July 1, 2012, the Court shall record all proceedings with a digital audio recording device and maintain the audio recordings for one year.

(The Justice Court is on schedule to meeting this requirement by next July).

In addition to those requirements which are directly imposed by statute, the Judicial Council has been directed to promulgate minimum requirements for the creation and certification of Justice Courts. I have determined that the Justice Court is in full compliance with each of the following 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.
2. That the judge be available to attend court and conduct court business as needed.
3. 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. The court must have the following: a judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.
5. The City must provide office space for the judge and clerk which includes: 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 City must have at least one peace officer.
8. A court security plan must be submitted.
9. The 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.
10. The court shall report required case disposition information to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts electronically.

Having made the determination that the North Ogden City Justice Court is in full compliance with all applicable state statutes and judicial regulations necessary for it to receive recertification, it is my recommendation to you that the North Ogden City Council adopt a resolution requesting that the Utah Judicial Council recertify the North Ogden City Justice Court.

Sincerely,

David M. Carlson
North Ogden City Attorney