



Lehi City Council Meeting Agenda December 5, 2023

5:00 PM - Broadbent Community Room (128 N 100 E, Lehi) and Lehi City Council Chambers (153 N. 100 E., Lehi, Utah)

5:00 PM Joint Work Meeting (Broadbent Community Room, 128 N 100 E)

1. Welcome and Opening Comment
2. Christmas Dinner with City Council, Planning Commission, and staff.

5:30 PM- Joint City Council and Planning Commission Work Session (Broadbent Community Room, 128 N 100 E)

1. Presentation and Discussion of the North Lehi Station Area Plan (formerly Vistas Area Plan)

Regular Session of the City Council (Immediately Following the Joint Session, Council Chambers, 153 N 100 E, Lehi)

1. Welcome and Roll Call

Regular Agenda

2. Consideration of Resolution #2023-70 requesting the recertification of the Lehi City Justice Court.
Petitioner: Lehi City
[Res 2023-70.docx](#)
[Letter-Justice Court Recertification 2023.pdf](#)
3. Consideration of Resolution #2023-71 a Resolution of the Board of Canvassers certifying the Official Canvassers' Report of the November 21, 2023 General Municipal Election for Lehi City, Utah.
4. Consideration of Adjourning into a Closed Session to discuss the character, professional competency, or physical or mental health of an individual and to hold a strategy session to discuss the purchase, exchange, or lease of real property.

5. Adjournment

- Public is invited to attend all City Council Meetings
- In compliance with the Americans with Disabilities Act, persons in need of special accommodations should contact the City Recorder at 385-201-2269
- This agenda has been properly posted and a copy provided to the local news media.

City Council Agenda Item Report

Meeting Date: December 5, 2023

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Resolution

Agenda Section: Regular Agenda

Subject:

Consideration of Resolution #2023-70 requesting the recertification of the Lehi City Justice Court.

Suggested Action:

Attachments:

[Res 2023-70.docx](#)

[Letter-Justice Court Recertification 2023.pdf](#)



RESOLUTION NO. 2023-70

A RESOLUTION REQUESTING THE RECERTIFICATION
OF THE LEHI CITY JUSTICE COURT

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the Lehi City Justice Court shall expire on the 28th day of February 2024; and

WHEREAS, the members of the Lehi City Council have received an opinion letter from Ryan Wood, City Attorney, which sets forth the requirements for the operation of a Justice Court and the feasibility of continuing to maintain the same; and

WHEREAS, on December 5, 2023, the City Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts and comments are found in the meeting record; and,

WHEREAS, after hearing and considering all the facts regarding this matter the Municipal Council finds that continuing to provide for a Justice Court reasonably furthers the health, safety and general welfare of the citizens of Lehi City.

NOW, THEREFORE, be it resolved by the Municipal Council of Lehi City, Utah, as follows:

PART I:

A. The Lehi City Council hereby requests recertification of the Lehi City Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

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

PART II:

This resolution shall take effect immediately.

Approved and Adopted by the City Council of Lehi City, Utah this 5th day of December, 2023.

LEHI CITY

ATTEST

Mark Johnson, Mayor

Teisha Wilson, City Recorder

EXHIBIT “A”



November 30, 2023

Mayor Mark Johnson
Lehi City Council
153 North 100 East
Lehi, UT 84043

RE: Opinion Letter for Lehi Justice Court Recertification

Dear Mayor Johnson and Members of the Lehi City Council:

State statute requires that municipal justice courts be recertified by the Utah Judicial Council every four years, and the current certification of the Lehi Justice Court expires in February of 2020. In fulfillment of the statutory requirement, I am submitting this opinion letter advising you of the requirements for the operation of a justice court, and the feasibility of maintaining one.

The following is a list of statutory standards that must be met for the operation of a Justice Court:

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 (78A-7-213).
2. Each court shall be open and judicial business shall be transacted every day as provided by law (78A-7-213), 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 (78A-7-213).
4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).
5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206).
6. The entity creating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (78A-7-205).
7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78A-7-103).
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 (78A-7-103).

9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).

10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103).

11. Witnesses and jury fees as required by law shall be paid by the entity which creates the court (10-7-76 and 17-50-319).

12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (78A-7-120 and 78A-7-121).

13. Every entity creating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (78A-7-206).

14. Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212).

15. The entity creating the court shall provide and keep current for the court a copy of the Utah Code, the Justice Court Manual, state laws affecting local governments, Utah Court Rules Annotated, local ordinances, and other necessary legal reference material (78A-7-103).

16. All required reports and audits shall be filed as required by law or by rule of the Judicial Council (78A-7-215).

17. All Justice Courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).

18. An audio recording system shall maintain the verbatim record of all court proceedings (78A-7-103).

In addition to these statutory standards, the Judicial Council has adopted minimum requirements for the creation and certification of justice courts. Those minimum requirements are as follows:

- 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 and during court hearings, as required by the judge. These hours shall be posted on the court's website.
- 2) That the judge be available to attend court and conduct court business as needed, performing all duties required and exercising ultimate responsibility for the

administration of justice as an independent branch of government.

- 3) All court hearings shall be conducted in a designated courtroom , including remote transmission, as permitted by the Judicial Council, or in another location authorized by the Presiding Judge.
- 4) That 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, as well as a judicial robe, a gavel, and necessary forms and supplies.
- 5) Office space 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 for each clerk performing cashiering duties, a computer with word processing software, and access to a scanner and copy machine.
- 6) The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration.
- 7) The entity must have at least one peace officer (which may be contracted).
- 8) A court security plan must be submitted for approval as required by Rule 3-414 of the Code of Judicial Administration
- 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.
- 11) Clerks' education hours shall be reported to the Administrative Office of the Courts on an annual basis.
- 12) The appointment of the clerk(s) assigned to serve the court shall be the subject to the

judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion.

- 13) Court staff shall be certified as contemplated by Rule 3-303 of the Code of Judicial Administration
- 14) Any interlocal agreement relating to court operations, as amended to date, shall be provided to the Justice Court Administrator.
- 15) The court shall accept credit and debit cards through a system that integrates with CORIS.
- 16) The court shall have access to UCJIS.
- 17) An audio recording system shall maintain a digital recording of all court proceedings (78A-7-103).
 - a. For Class I and Class II justice courts, the system must:
 - i) be a stand-alone unit that records and audibly plays back the recording;
 - ii) index, back-up and archive the recording and enable the record to be retrieved;
 - iii) have at least four recording channels;
 - iv) have a one step "on" and "off" recording function;
 - v) have conference monitoring of recorded audio;
 - vi) have external record archiving from the unit with local access;
 - vii) be capable of being integrated with the courts public address system; and
 - b. For Class III and Class IV justice courts, the system must, at a minimum:
 - i) be a stand-alone unit that records and audibly plays back the recording;
 - ii) index, back-up and archive the recording and enable the record to be retrieved; and
 - iii) have at least two recording channels.
 - c. The Board of Justice Court Judges may create a list of products that meet these criteria

These requirements apply to all justice courts. The Judicial Council has also categorized justice courts based on the number of case filings and developed Class-specific requirements. A complete description of Class-I requirements is included in your council packet. Also included in your packet is the court certification affidavit signed by Judge Cummings. The court security plan has been updated and will be submitted to the judicial council as part of the recertification application. The plan is a protected record under GRAMA and can be made available to you for your individual inspection but is not part of the packet.



It is my opinion that Lehi's Justice Court meets the standards and requirements listed above, as well as the Class I-specific requirements developed by the Judicial Council, and that maintaining the justice court is both economically and operationally feasible.

Thank you for your time and consideration of this important matter.

Respectfully,

A handwritten signature in black ink that reads 'Ryan V. Wood'. The signature is written in a cursive, flowing style.

Ryan V. Wood
Lehi City Attorney

City Council Agenda Item Report

Meeting Date: December 5, 2023

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Resolution

Agenda Section: Regular Agenda

Subject:

Consideration of Resolution #2023-71 a Resolution of the Board of Canvassers certifying the Official Canvassers' Report of the November 21, 2023 General Municipal Election for Lehi City, Utah.

Suggested Action:

Attachments:

City Council Agenda Item Report

Meeting Date: December 5, 2023

Submitted By: Teisha Wilson

Submitting Department:

Item Type: Action Item

Agenda Section: Regular Agenda

Subject:

Consideration of Adjourning into a Closed Session to discuss the character, professional competency, or physical or mental health of an individual and to hold a strategy session to discuss the purchase, exchange, or lease of real property.

Suggested Action:

Attachments: