

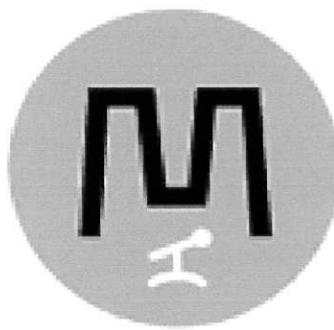
MURRAY
CITY COUNCIL

Council Meeting

6:30 p.m.

Call to Order

Pledge of Allegiance



MURRAY
CITY COUNCIL

Council Meeting Minutes

Murray City Municipal Council

Chambers

Murray City, Utah

The Murray City Municipal Council met on Tuesday, September 17, 2019 at 6:30 p.m. for a meeting held in the Murray City Center Council Chambers, 5025 South State Street, Murray, Utah.

Council Members in Attendance:

Dave Nicponski, Chair	District #1
Dale Cox, Vice Chair	District #2
Jim Brass	District #3
Diane Turner	District #4
Brett Hales	District #5

Others in Attendance:

Blair Camp	Mayor	Jan Lopez	Council Director
Briant Farnsworth	Deputy City Attorney	Jennifer Kennedy	City Recorder
Doug Hill	Chief Administrative Officer	Jennifer Heaps	Communications & Public Relations Director
Craig Burnett	Police Chief	Brenda Moore	Finance Director
Paul Adams	Firefighter/Paramedic	Joey Mittelman	Assistant Chief/Fire Marshal
Melinda Greenwood	Community & Economic Development (CED) Director	Jared Hall	Community Development Supervisor
Scouts		Citizens	

Opening Ceremonies

Call to Order – Mr. Nicponski called the meeting to order at 6:30 p.m.

Pledge of Allegiance – The Pledge of Allegiance was led by Max, Scout Troop 494.

Approval of Minutes

Council Meeting – August 27, 2019

MOTION: Mr. Brass moved to approve the minutes. The motion was SECONDED by Mr. Cox. Voice vote taken, all “ayes.”

Special Recognition

Mr. Nicponski asked the Scouts in attendance to introduce themselves.

1. Murray City Council Employee of the Month, Paul Adams, Firefighter/Paramedic.

Staff Presentation: Brett Hales, Council Member and Joey Mittelman, Assistant Chief/Fire Marshal
Mr. Hales said the Council started the Employee of the Month Program because they felt it was important to recognize the City's employees. He presented Mr. Adams with a certificate, a \$50 gift card and told him that his name would appear on the plaque located in the Council Chambers. He expressed his appreciation to Mr. Adams for all he does for the City.

Assistant Chief Mittelman spoke about Mr. Adams time with the city and noted that one of his responsibilities has been running the Fire Cadet Program for the past six years and ten months. Mr. Adams introduced his family and thanked Mayor Camp for hiring him when he was the Fire Chief.

Citizen Comments – Comments are limited to 3 minutes unless otherwise approved by the Council.
No citizen comments were given.

Consent Agenda

1. Consider confirmation of the Mayor's reappointment of Mildred Horton to the Murray City History Advisory Board for a three-year term to expire August 1, 2022.
2. Consider confirmation of the Mayor's appointment of Lynette Lloyd to the Murray City History Advisory Board for a three-year term to expire August 1, 2022.

Staff Presentation: Mayor Blair Camp

Mayor Camp spoke about Ms. Horton and introduced Ms. Lloyd.

MOTION: Mr. Brass moved to adopt the Consent Agenda. The motion was SECONDED by Mr. Hales.

Council roll call vote:

Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye
Mr. Nicponski	Aye

Motion passed 5-0

Public Hearings

Staff and sponsor presentations and public comment will be given prior to Council action on the following matters.

1. Consider an ordinance relating to land use; amends the Zoning Map for the property

located at 284 East 4500 South, Murray City, Utah from the G-O (General Office) Zoning District to the C-D (Commercial Development) Zoning District.

Applicant: Hidden Treasurers/Dana Williams

Staff Presentation: Melinda Greenwood, CED Director

(See Attachment 1 for slides used during this presentation)

Ms. Greenwood said this property is .358 acres and is located on the south side of 4500 South. The property has had many different businesses in it through the years and the applicant would like to put in a second-hand thrift store if this rezone is approved.

Ms. Greenwood noted that the Future Land Use Map shows this property zoned as commercial. This proposal was presented to the Planning Commission and they have forwarded a recommendation of approval to the City Council. Staff is also recommending approval of this rezone request.

The public hearing was open for public comments. No comments were given, and the public hearing was closed.

Ms. Turner thanked Ms. Greenwood for educating the Council on this item and noted it was discussed during a previous Committee of the Whole meeting.

MOTION: Mr. Hales moved to adopt the ordinance. The motion was SECONDED by Ms. Turner.

Council roll call vote:

Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye
Mr. Nicponski	Aye

Motion passed 5-0

2. Consider an ordinance amending Sections 17.82.050, 17.82.080, and 17.82.090 of the Murray City Municipal Code related to small wireless facilities.

Staff Presentation: Melinda Greenwood, CED Director

(See Attachment 2 for slides used during this presentation)

Ms. Greenwood said this item was discussed during the Committee of the Whole meeting on September 1, 2019. She explained that about 18 months ago, the city put a small wireless facility ordinance into place. As soon as that happened, the Federal Government changed some of the regulations on small wireless facilities, so now the city is updating the ordinance.

Ms. Greenwood said there are three categories of changes: aesthetics, shot-clocks, and fees and explained the changes in each category. This item has gone before the Planning Commission and they have forwarded a recommendation of approval to the City Council.

Mr. Cox asked if the \$250 annual fee was per device.

Briant Farnsworth, Deputy City Attorney, replied the fee is \$250 per pole, if they install a pole.

Mr. Brass said he has a couple of concerns. He understands the State has made the laws, but as a municipality with its own utility, replacing utility poles is not that easy, particularly where we have distribution under transmission. Plus, we're running out of climbing space on the poles. There's a lot of things hanging on those poles now. Although everyone says we use climbing trucks, if we were to get hit with an earthquake and the time comes where we can't get the bucket trucks out of the sheds, our Power Department workers are going to have to climb the poles to get the lights back on. Mr. Brass is concerned about the hazard that creates and he wonders if this ordinance is in compliance with the National Electric Safety Code on all these issues with clearances.

Mr. Cox verified these changes are to keep the city in compliance with State and Federal laws and the city has very little input. The rest of the council said that was correct.

Mr. Nicponski opened the public hearing for public comments.

O.M. Robinson – Murray City, Utah

Ms. Robinson asked what the loss in revenue for the city would be. She also asked about potential safety issues.

Ms. Greenwood replied staff has not ran numbers to determine any loss of revenue. She added this is a new technology and the city does not have many of these existing right now. The city can charge an application fee for these when they come in as well as the franchise fee.

Ms. Greenwood said regarding Mr. Brass' question about the compliance with the National Electric Safety Code, that would be reviewed as each application comes in for a specific site.

Mr. Nicponski closed the public hearing.

MOTION: Mr. Brass moved to adopt the ordinance. The motion was SECONDED by Mr. Cox.

Council roll call vote:

Mr. Cox	Aye
Mr. Brass	Aye

Ms. Turner	Aye
Mr. Hales	Aye
Mr. Nicponski	Aye

Motion passed 5-0

3. Consider an ordinance related to land use; amends the General Plan to include a Small Area Plan for the Murray Central Station area.

Staff Presentation: Jared Hall, Community Development Supervisor

(See Attachment 3 for slides used during this presentation)

Mr. Hall said this study was done with a grant from the Wasatch Front Regional Council called the Transportation Land Use Connection Grant. This study was done around the Murray Central Station near the hospital where the Frontrunner and Trax Lines come together.

Mr. Hall said the purpose of the project was to assess the environment and development conditions. The Murray Central Station is the former Smelter Site. There are some contaminates and environmental problems there which will limit development in the area.

Mr. Hall went over the Guiding Principles of the plan and noted that each guiding principle has a place within the plan. He noted the consultants who did this study said the city needs to leverage the transit investments that are already there. Over 10,000 people are using this station per day.

Mr. Hall said because this station is located on the old Smelter Site, it will not be able to have residential development on it. Typically, with transient oriented developments like this, the goal is to put as many people as you can as close to the station as you can. It keeps people off the roads, clears up traffic congestion and helps with pollution. This can't be done with this station because the contamination is too bad.

Mr. Hall went over the key findings of the plan noting that Intermountain Medical Center's (IMC) properties were eliminated from the plan because they were not ready to talk about what they intend to do with their area. Another key finding was that the Vine Street transformation needs to be aligned with the current transportation plans.

Mr. Hall said this item went before the Planning Commission on July 18, 2019. They have forwarded a recommendation of approval to the City Council.

Mr. Nicponski opened the public hearing for public comments.

Tim Harper – South Jordan City, Utah

Mr. Harper said a few years ago when the city was redoing the zoning he was concerned

the zoning on his property would be changed. It wasn't and he hopes the city will keep the zoning in the 4800 South area MGC. He is concerned that some of the property to the south of his is having a hard time being sold because of the way it is zoned.

Brayden Weir – Murray City, Utah

Mr. Weir asked if there has been a study for the rehab for the soil from the Smelter Site or if there are any known aquifers that are running below that area.

Jason Theisen – Murray City, Utah

Mr. Theisen said with the building of the new Fire Station on 4800 South and Box Elder Street and the proposal to make Hanauer and Box Elder Streets one way have there been studies on the traffic impacts?

Mr. Hall said years ago there was remediation done on the Smelter Site Overlay District, some soils were cleaned up to a certain degree and capped onsite. There are monitoring wells all around that area which Murray City, the Utah Department of Environmental Quality and the EPA monitor and make sure nothing that is capped is the repository in leaking. There were studies done about removing everything from the site but that was passed over due to cost. It could be looked at again in the future, but it is not something that is currently being looked at.

Mr. Nicponski closed the public hearing.

Mr. Brass said he is on the Central Valley Water Reclamation Facility Board. That plant is currently being rebuilt and in digging trenches for running the utilities, they ran into uranium. They were able to remove it, but it was expensive. It can be prohibitively expensive to take some of that stuff out, which is why the city chose to do what it did with the Smelter Site. There are very strict rules about what you can and cannot do in that area. When your past was 17 smelters, you're going to find stuff if you dig in the ground.

Mr. Brass said he and Mr. Cox are the Chair and Vice Chair of the Redevelopment Agency and they have requested that a traffic study be done in the 4800 South area. Murray Crossing hasn't opened yet and traffic now on Vine Street backs up from State Street clear around the corner to the hospital. He is concerned about intersection failure because it could become a public safety issue with the new Fire Station going in that area. Those are also his concerns with this plan too. We're cramming a lot more people into an area where we can't get flow through.

MOTION: Ms. Turner moved to adopt the ordinance. The motion was SECONDED by Mr. Cox.

Council roll call vote:

Mr. Cox Aye

Mr. Brass Aye (hopes future Councils will keep and eye on this and make changes as

they see what is going on)

Ms. Turner	Aye
Mr. Hales	Aye
Mr. Nicponski	Aye

Motion passed 5-0

4. Consider an ordinance relating to land use; amends the General Plan from Commercial to Mixed Use for the property located at 4670 South 900 East, Murray City, Utah.
Applicant: Kimball Associates

Staff Presentation: Melinda Greenwood, CED Director

(See Attachment 4 for slides used during this presentation)

Ms. Greenwood said this proposal is for a General Plan amendment for the property to go from Commercial to Mixed Use. The property is commonly referred to as the old Kmart site. Ms. Greenwood noted that on August 27, 2019 the Council approved the zone amendment and this property is currently zoned Mixed Use.

Ms. Greenwood said the Planning Commission held a public hearing on July 18, 2019 and forwarded a recommendation of approval to the City Council. Staff is also recommending approval of this proposal.

Ms. Greenwood noted there have been quite a few comments and concerns regarding the project. She reminded everyone that tonight's decision is only for a General Plan amendment.

Mr. Nicponski opened the public hearing for public comments.

Steve Enomoto – Millcreek City, Utah

Mr. Enomoto said it seems like this is moving forward without the citizens understanding the level of development that will be put in. He asked if the infrastructure, specifically the sewer, has been taken into consideration because this is a geographically isolated area that has a special sewer consideration.

Debra Hoyt – Millcreek City, Utah

(See Attachment 5 for Ms. Hoyt's Comments)

O.M. Robinson – Murray City, Utah

Ms. Robinson asked if there are guidelines that limit the number of units and height restrictions.

Mr. Nicponski closed the public hearing.

Mr. Brass said there are guidelines in the zones that address the number of units and

height restrictions. The access between the subdivision and 900 East would be a private property issue but he would think that anybody with any commercial sense would realize that that access makes sense.

MOTION: Mr. Brass moved to adopt the ordinance. The motion was SECONDED by Ms. Turner.

Council roll call vote:

Mr. Cox	Aye
Mr. Brass	Aye
Ms. Turner	Aye
Mr. Hales	Aye
Mr. Nicponski	Aye

Motion passed 5-0

Business Items

None scheduled.

Mayor's Report and Questions

Mayor Camp said in preparation for the 2020 Census, the GIS Department has submitted the city's address data to the Federal Government and are also working to compile and submit addresses for residential properties that are currently under construction. The state and cities are awarded federal funds based on population so participation in the census is important. He added that Census Day is April 1, 2020.

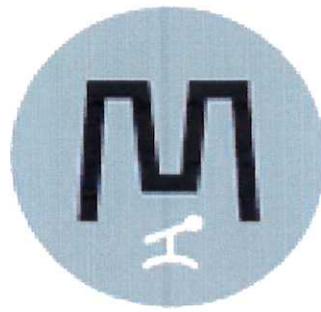
Ms. Turner said while she was attending the Utah League of Cities and Towns conference, there were two resolutions put up for a vote. She was not there when the voting took place, but she was told that Mayor Camp voted against the resolution on improving Utah's air quality. She asked the Mayor why he voted no on that resolution.

Mayor Camp responded the reason he voted against it was because he wasn't comfortable with the wording in #2 that basically asked for more state and federal regulation. He doesn't think we need more state and federal regulation especially when you look at the buildings we are building. He thinks there are other ways to address these issues. His no vote wasn't against clean air, it was against that wording in the resolution. He added he was the only voting member there and if there had been other voting members there, the votes would have been split.

Adjournment

The meeting was adjourned at 7:35 p.m.

Attachment 1



MURRAY
CITY COUNCIL

Special Recognition #1



MURRAY

Information Technology Department

**Employee of the Month, Steve Kollman,
Senior GIS Analyst**

Council Action Request

Council Meeting

October 15, 2019

Department Director Robert White	Purpose of Proposal <ul style="list-style-type: none">• City Council Employee of the Month Award Action Requested <ul style="list-style-type: none">• Informational only. Attachments <ul style="list-style-type: none">• Employee of the Month Recognition Form Budget Impact <ul style="list-style-type: none">• None Description of this item
Presenter Rob White, Brett Hales	
Required Time for Presentation	
Is This Time Sensitive No	Steve has 33 years of service with Murray City. He always goes above and beyond to help anyone who walks into his office. You can count on Steve to do a great job and get things done as quickly as possible. We are grateful for his dedicated service and that he is part of the GIS team!
Approval: October 4, 2019	

EMPLOYEE OF THE MONTH RECOGNITION

DEPARTMENT:

DATE:

Information Technology

10/1/2019

NAME of person to be recognized:

Submitted by:

Steve Kollman

Ben Teran

DIVISION AND JOB TITLE:

GIS, Senior GIS Analyst

YEARS OF SERVICE:

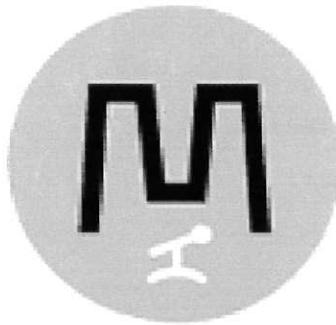
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REASON FOR RECOGNITION:

Steve has always gone above and beyond to help anyone that walks into his office. Whether it's someone needing training on the GPS equipment, changes to Cityworks, or a general map request. You can count on Steve to do a great job and get things done as quickly as possible. Steve has been invaluable in his work with Cityworks, & Munis addressing setup, as well as with other projects like evaluating storm water impervious areas. In his work on the storm water impervious project, he was able to identify all those customers in the City that haven't been paying storm water bills since the utility was created. Through his analysis and working with Storm Water Department he was able to identify 40+ properties that were not currently being billed and several others that weren't being billed for the correct amounts. In all, this project has led to an increase in revenue of \$35,000 per year for the Storm Water Department. Steve has been a valued employee of Murray City for 33 years. He started in public services department working in both the sewer and water departments. He then had the opportunity when GIS technology was just getting started to transition and help the City use and implement this emerging technology. We are grateful for is dedicated service and that he is part of our GIS team!

COUNCIL USE:

MONTH/YEAR HONORED October 15, 2019



MURRAY
CITY COUNCIL

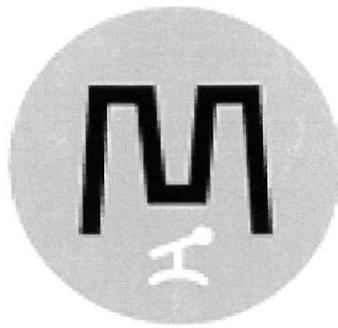
Citizen Comments

Limited to three minutes, unless otherwise approved by Council



MURRAY
CITY COUNCIL

New Business Items



MURRAY
CITY COUNCIL

New Business Item #1



MURRAY

Council Action Request

Finance & Administration

Consider a resolution authorizing the issuance of bonds for City Hall

Council Meeting

Meeting Date: October 15, 2019

Department Director Brenda Moore	Purpose of Proposal City Hall Bond Parameters Resolution
Phone # 801-264-2513	Action Requested Consideration of the Bond Parameters Resolution
Presenters Brenda Moore	Attachments Draft of the resolution
Required Time for Presentation	Budget Impact
Is This Time Sensitive Yes	Description of this Item This resolution authorizes the City to enter into the appropriate ground and building leases necessary for the MBA to issue bonds, within the parameters outlined below, to pay for the construction of City Hall. The bond parameters summary: Principal Amount : \$37,000,000 Maturity in Years: 31 years Sales Price: 98% (meaning you won't discount more than 2%) Interest Rate: 5.5% Designated Officer: Mayor and Finance Director
Mayor's Approval 	
Date October 1, 2019	

Continued from Page 1:

The Mayor and Finance Director would be authorized to execute the contracts, leases and agreements necessary to issue the City Hall bonds at any level below the bond parameters listed above. Interest is capitalized until the building is occupied. Bond payments are not due until the building is occupied.

The City is using George K Baum and Company as financial advisors and Gilmore and Bell as bond counsel on this debt issuance project.

This also includes a certification that the Utah Open Records Act was followed, and will be followed for the public hearing.



Overview of Lease Revenue Financings

Murray City (City Hall Financing)

October 15, 2019

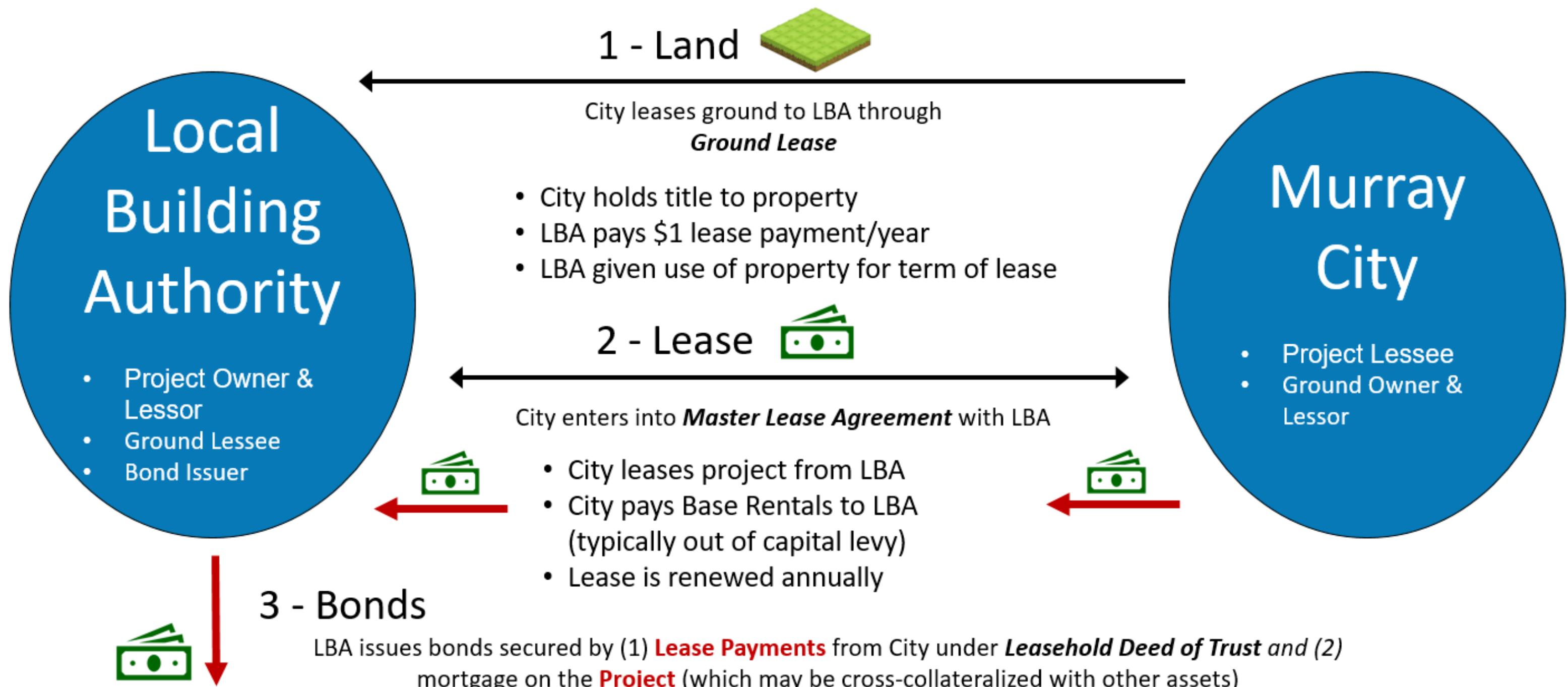
BASIC GOVERNMENTAL BONDS

GENERAL GOVERNMENT PROJECT FINANCING			
TYPE	USES	SECURITY	CONSIDERATIONS
General Obligation Bonds	Any capital improvement/project (G.O. pledge) <u>approved by voters.</u>	Full faith and credit (taxing power) of the City.	<ul style="list-style-type: none"> - Requires a majority vote - Subject to statutory limits - Lowest interest rates - No reserve fund required
Revenue Bonds			
Sales Tax (Excise Tax)	Any general governmental purpose project (new construction or upgrades). Very limited project restrictions.	Sales tax revenues, excise tax revenues, franchise tax revenues.	<ul style="list-style-type: none"> - No vote required - May require a reserve fund - Coverage considerations
Lease Revenue	Essential purpose governmental projects (new construction or upgrades).	Annual appropriations from the general fund budget to make lease payments.	<ul style="list-style-type: none"> - No vote required - Lien on financed property/project - May require a reserve fund - May require capitalized interest
Enterprise Revenue (Water/Sewer/Storm/Electric)	Revenue generating enterprise projects (new construction or upgrades). Typical enterprise fund projects (water, sewer, electric, storm drain, etc.).	Revenues generated from enterprise system.	<ul style="list-style-type: none"> - No vote required - Typically require a reserve fund - Coverage considerations



DEVELOPMENT FINANCING			
TYPE	USES	SECURITY	CONSIDERATIONS
Assessment Financing	Specific improvements within a designated improvement area (curb, gutter, streets, etc.).	Assessments levied on properties within the improvement area.	<ul style="list-style-type: none"> - Requires property owner approval - Requires assessment ordinance and notices - Requires annual billing/collection - Typically require a reserve fund - Coverage considerations (property value)
Increment Financing	Economic development projects (new construction or upgrades.	Incremental tax revenues.	<ul style="list-style-type: none"> - Requires creation of RDA - Requires determination of base values - Typically require reserve fund - Coverage considerations

WHAT IS A LEASE REVENUE BOND?



WHAT IS THE PROCESS?

1. City adopts resolution creating Local/Municipal Building Authority (already created)
2. City and MBA, adopts and authorizes bond parameters resolution, Notice of Bonds to be Issues, and Notice of Public Hearing
3. MBA holds Public Hearing
4. City (via MBA) undertakes typical bonding activities:
 1. Drafting of Preliminary Official Statement
 2. Procuring bond ratings
 3. Selling and closing on bonds
5. City leases project from MBA (memorialized by closing documents)

BOND PARAMETERS

- **Maximum Par Amount:** \$37,000,000

This is the maximum par amount of bonds that can be issued. If construction costs rise, the City can accept market premium (additional proceeds) in addition to the par amount.

- **Maximum Interest Rate:** 5.50%

This is the maximum interest rate that the City would pay. The actual rate will be lower. The parameters resolution sets the maximum rate high in case there is major market movement.

- **Maximum Term:** 31 Years

This is the maximum term (years) over which the bonds would be amortized. Depending on the timing of the closing on the bonds, the term of the bonds may be slightly over 30 years (i.e. 30 years + 2 months).

- **Maximum Discount:** 2%

This City will not accept purchase offers that are less than 98% of the par amount.

- **Designated Officers:**

These individuals will be authorized to approve the final bond sale results and ensure that the results fit within the parameters the Council has approved.

Mayor

Mayor Pro Tem
Finance Director

- The MBA Resolution
 - Assigns delegates to act on the behalf of the MBA for the City Hall Project
 - Authorizes the issuance of Bonds to finance the construction of the new City Hall according to the bond Parameters, and the execution of all the matters related to it.
 - Calls for a Public hearing on the issuance of bonds with the appropriate notices to be sent
 - Authorizes entering into a ground lease for the City Hall Property with the City, and a Master Lease Agreement for leasing the building to the City.

- The City Council Resolution
 - Assigns delegates to act on the behalf of the City for the City Hall Financing project
 - Authorizes the issuance and Sale of its lease revenue bond by the MBA to finance the construction of the new City Hall according to the bond Parameters, and the execution of all the matters related to it.
 - Authorizes entering into a ground lease for the City Hall Property with the City, and a Master Lease Agreement for leasing the building to the City.

Stifel, Nicolaus & Company, Incorporated (“Stifel”) has prepared the attached materials. Such material consists of factual or general information (as defined in the SEC’s Municipal Advisor Rule). Stifel is not hereby providing a municipal entity or obligated person with any advice or making any recommendation as to action concerning the structure, timing or terms of any issuance of municipal securities or municipal financial products. To the extent that Stifel provides any alternatives, options, calculations or examples in the attached information, such information is not intended to express any view that the municipal entity or obligated person could achieve particular results in any municipal securities transaction, and those alternatives, options, calculations or examples do not constitute a recommendation that any municipal issuer or obligated person should effect any municipal securities transaction. Stifel is acting in its own interests, is not acting as your municipal advisor and does not owe a fiduciary duty pursuant to Section 15B of the Securities Exchange Act of 1934, as amended, to the municipal entity or obligated party with respect to the information and materials contained in this communication.

Stifel is providing information and is declaring to the proposed municipal issuer and any obligated person that it has done so within the regulatory framework of MSRB Rule G-23 as an underwriter (by definition also including the role of placement agent) and not as a financial advisor, as defined therein, with respect to the referenced proposed issuance of municipal securities. The primary role of Stifel, as an underwriter, is to purchase securities for resale to investors in an arm’s-length commercial transaction. Serving in the role of underwriter, Stifel has financial and other interests that differ from those of the issuer. The issuer should consult with its’ own financial and/or municipal, legal, accounting, tax and other advisors, as applicable, to the extent it deems appropriate.

These materials have been prepared by Stifel for the client or potential client to whom such materials are directly addressed and delivered for discussion purposes only. All terms and conditions are subject to further discussion and negotiation. Stifel does not express any view as to whether financing options presented in these materials are achievable or will be available at the time of any contemplated transaction. These materials do not constitute an offer or solicitation to sell or purchase any securities and are not a commitment by Stifel to provide or arrange any financing for any transaction or to purchase any security in connection therewith and may not be relied upon as an indication that such an offer will be provided in the future. Where indicated, this presentation may contain information derived from sources other than Stifel. While we believe such information to be accurate and complete, Stifel does not guarantee the accuracy of this information. This material is based on information currently available to Stifel or its sources and is subject to change without notice. Stifel does not provide accounting, tax or legal advice; however, you should be aware that any proposed indicative transaction could have accounting, tax, legal or other implications that should be discussed with your advisors and /or counsel as you deem appropriate.

RESOLUTION NO. R19.____

A RESOLUTION OF THE MUNICIPAL COUNCIL OF MURRAY CITY, UTAH AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT BY AND BETWEEN THE CITY AND THE MUNICIPAL BUILDING AUTHORITY OF MURRAY CITY, UTAH (THE “AUTHORITY”), AND A GROUND LEASE AGREEMENT; AUTHORIZING THE ISSUANCE AND SALE BY THE AUTHORITY OF ITS LEASE REVENUE BONDS, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT MORE THAN \$37,000,000; AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY BY THE AUTHORITY OF A GENERAL INDENTURE OF TRUST, A SUPPLEMENTAL INDENTURE OF TRUST, BOND PURCHASE CONTRACT, CERTAIN SECURITY DOCUMENTS, AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AUTHORIZING AND APPROVING THE DISTRIBUTION AND USE OF A PRELIMINARY OFFICIAL STATEMENT; AND AN OFFICIAL STATEMENT AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

WHEREAS, the Municipal Council (the “Council”) of Murray City, Utah (the “City”) has previously authorized and directed the creation of the Municipal Building Authority of Murray City, Utah (the “Authority”); and

WHEREAS, pursuant to the direction of the City, the Authority has been duly and regularly created, established and is organized and existing as a nonprofit corporation under and by virtue of the provisions of the Constitution and laws of the State of Utah, including, in particular, the provisions of the Local Building Authority Act, Title 17D, Chapter 2, Utah Code Annotated 1953, as amended (the “Building Authority Act”); and

WHEREAS, under the Articles of Incorporation of the Authority (the “Articles”), the objects and purposes for which the Authority has been founded and incorporated are to construct, acquire, improve or extend one or more projects and to finance their costs on behalf of the Authority in accordance with the procedures and subject to the limitations of the Building Authority Act in order to accomplish the public purpose for which the Authority exists; and

WHEREAS, pursuant to the provisions of the Building Authority Act and the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (together, the “Act”), the Authority has authority to issue its lease revenue bonds for the purpose of financing certain improvements for and on behalf of the Authority; and

WHEREAS, under the direction of the City, the Governing Board of the Authority (the “Governing Board”) has the authority to issue the Authority’s Lease Revenue Bonds, Series 2020 (the “Series 2020 Bonds”) (to be issued in one or more series and with such

other series or title designation(s) as may be determined by the Authority) in an aggregate principal amount of not to exceed \$37,000,000 to (a) finance the acquisition and construction, furnishing and equipping of improvements to a new City Hall and related improvements (collectively, the “2020 Project”); (b) fund capitalized interest with respect to the Series 2020 Bonds; (c) fund any required deposits to a debt service reserve fund; and (d) pay costs associated with the issuance of the Series 2020 Bonds; and

WHEREAS, the Series 2020 Bonds are to be issued pursuant to a General Indenture and a First Supplemental Indenture of Trust (the “First Supplemental Indenture” and together with the General Indenture, the “Indenture”), each by and between the Authority and a trustee, substantially in the forms presented to the Council at this meeting and are attached hereto as Exhibit B; and

WHEREAS, it is anticipated that the City will be the owner of a fee simple interest to the site on which the 2020 Project may be located and the City desires to lease such property to the Authority pursuant to the terms and provisions of a Ground Lease Agreement (a “Ground Lease”), in substantially the form presented to this meeting and attached hereto as Exhibit C and herein authorized and approved; and

WHEREAS, the Murray City, Utah Redevelopment Agency (the “RDA”) is currently the owner of a fee simple interest to the site on which the 2020 Project may be located and it is anticipated that as of the closing date of the Series 2020 Project such site shall be transferred to the City or shall be leased by the RDA to the City or the Authority; and

WHEREAS, the 2020 Project is to be leased to the City, on an annually renewable basis, by the Authority pursuant to the terms and provisions of a Master Lease Agreement (the “Lease”), by and between the Authority and the City, in substantially the form presented to the Council at this meeting and attached hereto as Exhibit D; and

WHEREAS, to further secure its payment obligations under the Indenture, the Authority proposes to grant a lien on and security interest in the 2020 Project pursuant to: (i) a Leasehold Deed of Trust, Assignment of Rents and Security Agreement and (ii) an Assignment of Ground Lease in substantially the forms presented to this meeting and attached hereto as Exhibit E (collectively the “Security Documents”); and

WHEREAS, the Authority by its Resolution dated the date hereof (the “Authority Resolution”) has or is expected to authorize, approve and direct (i) the execution of the First Supplemental Indenture, a Ground Lease, the Lease and the Security Agreements; (ii) the issuance of the Series 2020 Bonds; and (iii) the financing of the 2020 Project; and

WHEREAS, there has been presented to the Council at this meeting a form of a Bond Purchase Contract (the “Bond Purchase Contract”) to be entered into among the Authority, the City and an underwriter selected by the Authority for the Series 2020 Bonds (the “Underwriter”), in substantially the form attached hereto as Exhibit F; and

WHEREAS, in connection with the issuance of the Series 2020 Bonds, the City desires to authorize the use and distribution of a Preliminary Official Statement (the

“Preliminary Official Statement”) in substantially the form attached hereto as Exhibit G, and to approve a final Official Statement (the “Official Statement”) in substantially the form as the Preliminary Official Statement, and other documents relating thereto; and

WHEREAS, (i) the plans and specifications for the 2020 Project, including a certificate of the engineer/architect responsible for planning the 2020 Project (which certificate sets forth the estimated useful life of the 2020 Project) and (ii) the estimated costs of the 2020 Project are set forth in Exhibit H hereto and are hereby submitted to the Council for its approval; and

WHEREAS, the Authority may not exercise any of its powers without prior authorization by the City, and therefore it is necessary that the City authorize certain actions by the Authority in connection with the transactions contemplated hereby in connection with the issuance of the Series 2020 Bonds; and

WHEREAS, the City desires to improve and promote the local health and general welfare of the citizens of the City by entering into the documents and taking the actions described above; and

WHEREAS, the City desires to (i) approve and direct the execution of the Ground Lease, the Bond Purchase Contract, and the Lease by the City; (ii) authorize the issuance of the Series 2020 Bonds and the financing of the 2020 Project by the Authority; (iii) authorize the execution of the Ground Lease, the Lease, the Indenture, the Bond Purchase Contract, the Security Documents and the Official Statement; (iv) authorize and approve the distribution and use of the Preliminary Official Statement and the Official Statement; (v) approve the plans and specifications for the 2020 Project and the estimated costs of the 2020 Project; and (vi) authorize certain other acts to be taken by the Authority in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF MURRAY CITY, UTAH AS FOLLOWS:

Section 1. All terms defined in the recitals hereto shall have the same meaning when used herein. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the City and by the officers of the Authority directed toward the issuance of the Series 2020 Bonds and the financing of the 2020 Project are hereby ratified, approved and confirmed.

Section 2. The City hereby finds and determines, pursuant to the Constitution and laws of the State of Utah, that the leasing of the 2020 Project under the terms and provisions and for the purposes set forth in the Lease and the other documents, instruments and conveyances hereinafter approved and authorized, is necessary, convenient and in furtherance of the governmental and proprietary purposes of the City and is in the best interest of the citizens of the City, and the City hereby authorizes, approves and directs the issuance and sale of the Series 2020 Bonds by the Authority in accordance with the provisions of the Indenture and the leasing of the 2020 Project in the manner provided in the Lease and the Ground Lease.

Section 3. The Ground Lease, the Lease, the Indenture, the Security Documents and the Bond Purchase Contract, in substantially the respective forms presented to this meeting and attached hereto as exhibits, are in all respects approved, authorized, and confirmed, and the Mayor or the Mayor pro tem, in the absence of the Mayor, is authorized to approve the final terms thereof and to execute and deliver the Ground Lease, the Lease and the Bond Purchase Contract in the forms and with substantially the same content as attached hereto for and on behalf of the City with final terms as may be established for the Series 2020 Bonds by the Authority and with such alterations, changes or additions as may be necessary or as may be authorized herein. When authorized by the Governing Board of the Authority, the City hereby approves and authorizes the execution and delivery of the Bond Purchase Contract, the Lease, the Indenture, the Security Documents and the Ground Lease, by the Authority in substantially the forms presented to this meeting and attached hereto as exhibits for and on behalf of the Authority.

Section 4. The Council hereby authorizes the financing of the 2020 Project and the delegation by the Authority, to certain officers of the Authority, the ability to set the final terms of the Series 2020 Bonds within the parameters established by the Authority in the Authority Resolution, which parameters are as follows: maximum aggregate principal amount shall not exceed \$37,000,000; the maximum interest rate shall not exceed 5.50% per annum; the maximum maturity shall not exceed 31 years from the dated date of the Series 2020 Bonds; and the maximum discount from par at which the Series 2020 Bonds may be sold shall not exceed 2%.

Section 5. Should the Authority determine to have the Series 2020 Bonds underwritten, the Council hereby authorizes the distribution and use of the Preliminary Official Statement, in the form attached hereto as Exhibit G, in the marketing of the Series 2020 Bonds and hereby approves the distribution and use of the Official Statement in substantially the same form as the Preliminary Official Statement.

Section 6. For the purpose of providing funds to (a) finance the 2020 Project, (b) fund capitalized interest with respect to the Series 2020 Bonds, (c) fund any required deposits to a reserve fund, and (d) pay costs associated with the issuance of the Series 2020 Bonds and for such other purposes as may be authorized under the Indenture, the Authority shall issue the Series 2020 Bonds which shall be designated the "Municipal Building Authority of the Murray City, Utah Lease Revenue Bonds, Series 2020" (to be issued in one or more series and with such other series or title designation(s) as may be determined by the Authority, provided that the terms of the Series 2020 Bonds shall not exceed the parameters referenced in Section 4 herein). The Series 2020 Bonds shall be dated, shall bear interest, and shall mature as set forth in the First Supplemental Indenture.

Section 7. The Authority is authorized to issue and sell the Series 2020 Bonds to the Underwriter thereof pursuant to the terms of the Bond Purchase Contract in the aggregate principal amount of not to exceed \$37,000,000 and at the purchase price set forth therein. The Series 2020 Bonds shall be dated as of their date of delivery, shall bear interest, and mature as set forth in the First Supplemental Indenture.

Section 8. The form, terms, and provisions of the Series 2020 Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption, and number shall be as set forth in the Indenture. The Series 2020 Bonds shall mature prior to the expiration of the estimated useful life of the 2020 Project. The Chair/President of the Authority, including any authorized official acting in the Chair/President's place, is hereby authorized to execute the Series 2020 Bonds, to place thereon the seal of the Authority and to deliver the Series 2020 Bonds to the Underwriter. The Secretary-Treasurer of the Authority is authorized to attest to the signature of the Chair/President and affix the seal of the Authority to the Series 2020 Bonds and to authenticate the Series 2020 Bonds. The signatures of the Chair/President and of the Secretary-Treasurer may be by facsimile or manual execution.

Section 9. The appropriate officers of the City and the Authority are authorized to take all actions necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and are authorized to take all actions necessary in conformity with the Act and the Articles to finance the 2020 Project, and to lease the 2020 Project pursuant to the Lease, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Indenture and the sale and delivery of the Series 2020 Bonds.

Section 10. Upon their issuance, the Series 2020 Bonds will constitute special limited obligations of the Authority payable solely from and to the extent of the sources set forth in the Series 2020 Bonds, the Indenture and the Security Documents. No provision of this Resolution, the Lease, the Ground Lease, the Indenture, the Series 2020 Bonds, the Bond Purchase Contract, the Security Documents, the Official Statement, nor any other instrument authorized hereby, shall be construed as creating a general obligation of the Authority or of creating a general obligation of the City, the State of Utah or any political subdivision of the State of Utah, nor as incurring or creating a charge upon the general credit of the City or against its taxing powers. The City shall not be obligated to pay out of its funds, revenues, or accounts, or to make any payment in respect of the Series 2020 Bonds, except in connection with the payment of Base Rentals, Additional Rentals, and Purchase Option Price pursuant to the Lease (as those terms are defined in the Lease), which are subject to annual appropriation by the City in accordance with the provisions of the Lease. The Authority has no taxing power.

Section 11. The Mayor or Mayor pro tem is hereby authorized to make any alterations, changes or additions in the Lease, the Ground Lease, the Bond Purchase Contract, and the Official Statement herein approved and authorized necessary to correct errors or omissions therein, to remove ambiguities therefrom, or to conform the same to other provisions of such instruments, to the provisions of this Resolution, or any resolution adopted by the City or the Authority, to the agreements with the Underwriter or the provisions of the laws of the State of Utah or the United States, the approval of all such alterations, changes, or additions to be conclusively established by the execution thereof.

Section 12. In the event that a fee simple interest in the parcels on which the 2020 Project is located is not transferred by the RDA to the City as of the closing date, the City and the Authority each are hereby authorized to obtain fee simple interest and/or

obtain such leasehold interests as may be necessary or desirable for the completion of the Series 2020 Project.

Section 13. The appropriate officials of the Authority are authorized to make any alterations, changes, or additions in the Lease, the Ground Lease, the Indenture, the Bond Purchase Contract, the Security Documents, and the Official Statement herein authorized and approved which may be necessary to correct errors or omissions therein, to remove ambiguities therefrom, to conform the same to other provisions of said instruments, to the provisions of this Resolution, or any resolution adopted by the City or the Authority, to the agreements with the Underwriter, or the provisions of the laws of the State of Utah or the United States, approval of all such alterations, changes, or additions to be conclusively established by the execution thereof.

Section 14. If any provisions of this resolution (including the exhibits attached hereto) should be held invalid, the invalidity of such provisions shall not affect any of the other provisions of this resolution or the exhibits.

Section 15. The City Recorder is hereby authorized to attest to all signatures and acts of any proper official of the City, and, as necessary, to place the seal of the City on the Lease, the Bond Purchase Contract, the Ground Lease and the Official Statement. The Mayor and other proper officials of the City and each of them, are hereby authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, and other papers and to perform all other acts that they may deem necessary or appropriate in order to implement and carry out the matters herein authorized. Any action authorized to be taken by the Mayor of the City may, in his/her absence, be taken by the Mayor pro tem.

Section 16. The Secretary-Treasurer or other authorized officer of the Authority is hereby authorized to attest to all signatures and acts of any proper official of the Authority, and, as necessary, to place the seal of the Authority on the Lease, the Ground Lease, the Indenture, the Security Documents, the Bond Purchase Contract, and any other documents authorized, necessary or proper pursuant to this Resolution or any Resolution of the Authority. The appropriate officials of the Authority, and each of them, are hereby authorized to execute and deliver for and on behalf of the Authority any or all additional certificates, documents, and other papers to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this resolution. Any action authorized to be taken by the Chair/President may, in his/her absence, be taken by the Vice-Chair of the Authority.

Section 17. The appropriate officers of the City are authorized to take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby.

Section 18. This Resolution shall become effective immediately upon adoption by the City.

Section 19. All bylaws, orders and resolutions of the City or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This

repealer shall not be construed as revising any bylaw, order, resolution, or ordinance or part thereof.

PASSED BY THE MUNICIPAL COUNCIL OF MURRAY CITY, UTAH THIS
OCTOBER 15, 2019.

(SEAL)

By: _____
Dave Nicponski, Chair

ATTEST:

By: _____
Jennifer Kennedy, City Recorder

EXHIBIT A
CERTIFICATE OF RESOLUTION

EXHIBIT B
INDENTURE
(See Transcript Document Nos. __ and __)

EXHIBIT C

GROUND LEASE AGREEMENT

(See Transcript Document No. __)

EXHIBIT D

MASTER LEASE AGREEMENT

(See Transcript Document No. __)

EXHIBIT E
SECURITY DOCUMENTS
(See Transcript Document Nos. __ and __)

EXHIBIT F

BOND PURCHASE CONTRACT

(See Transcript Document No. __)

EXHIBIT G

PRELIMINARY OFFICIAL STATEMENT

(See Transcript Document No. __)

COW
#4



MURRAY

Council Action Request

Department/Agency Finance & Administration

City Hall Bond Parameters Resolution

Committee of the Whole

Meeting Date: October 1, 2019

Department Director Brenda Moore	Purpose of Proposal City Hall bond parameters resolution discussion
Phone # 801-264-2513	Action Requested Discuss the bond parameters resolution
Presenters Brenda Moore	Attachments Draft of the resolution and notice of special meeting. Presentation slides will be submitted before the meeting.
Required Time for Presentation 15 Minutes	Budget Impact
Is This Time Sensitive No	Description of this Item Discussion of the City Hall bond parameters, ground lease between the City and the Municipal Building Authority (MBA), building lease between the MBA and City, and the MBA issuance of bonds to build City Hall. The bond parameters summary: Principal Amount : \$37,000,000 Maturity in Years: 31 years Sales Price: 98% (meaning you won't discount more than 2%) Interest Rate: 5.5% Designated Officers: Mayor and Finance Director
Mayor's Approval 	The Mayor and Finance Director would be authorized to execute the contracts, leases, and agreements necessary to issue the City Halls bonds at any level below the bond parameters listed above
Date September 17, 2019	

Continued from Page 1:

Interest is capitalized until the building is occupied. Bond payments are not due until the building is occupied.

The City is using George K Baum and Company as financial advisors, and Gilmore and Bell as bond counsel on this debt issuance project.



MURRAY

Overview of Lease Revenue Financings

September 2019



George K. Baum & Company
INVESTMENT BANKERS SINCE 1928

BASIC GOVERNMENTAL BONDS

GENERAL GOVERNMENT PROJECT FINANCING

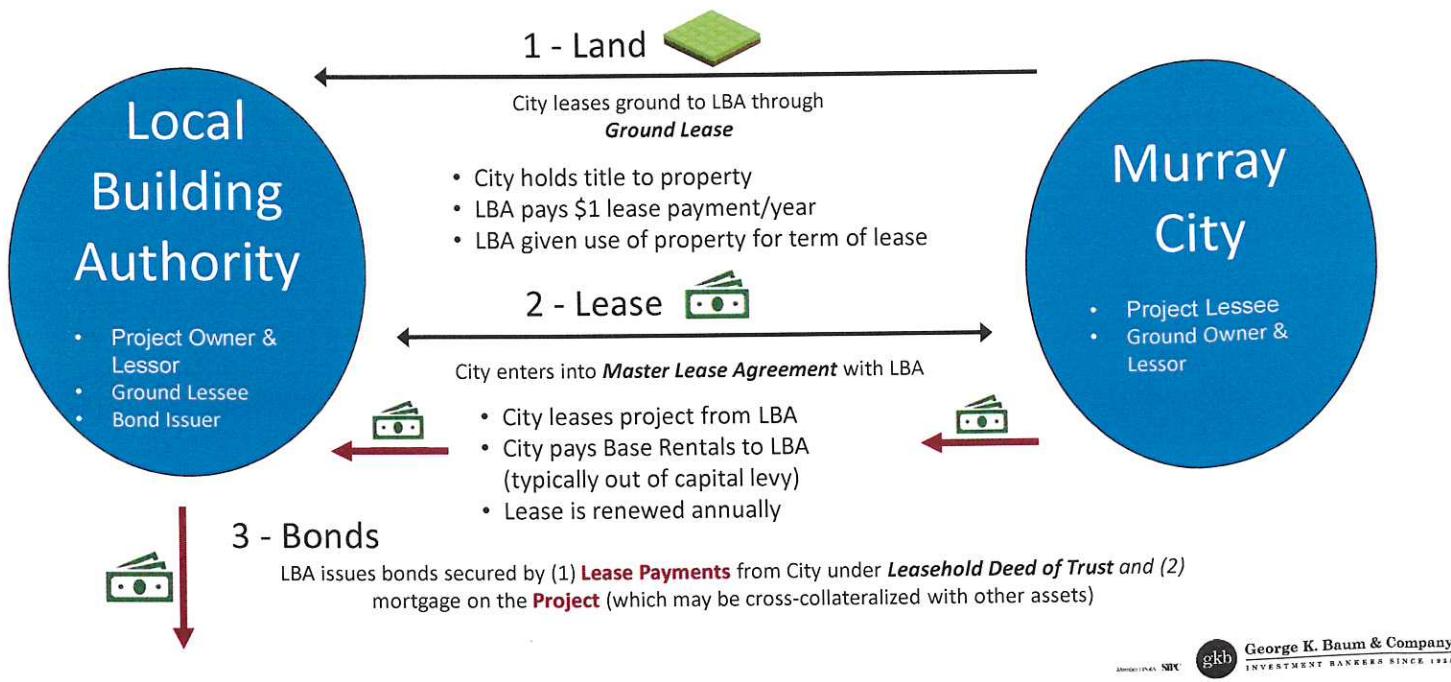
TYPE	USES	SECURITY	CONSIDERATIONS
General Obligation Bonds	Any capital improvement/project (G.O. pledge) <u>approved by voters</u> .	Full faith and credit (taxing power)	<ul style="list-style-type: none"> - Requires a majority vote - Subject to statutory limits - Lowest interest rates - No reserve fund required
Revenue Bonds			
Sales Tax (Excise Tax)	Any general governmental purpose project (new construction or upgrades). Very limited project restrictions.	Sales tax revenues, excise tax revenues, franchise tax revenues.	<ul style="list-style-type: none"> - No vote required - May require a reserve fund - Coverage considerations
Lease Revenue	<u>Essential purpose</u> governmental projects (new construction or upgrades).	Annual appropriations from the general fund budget to make lease payments.	<ul style="list-style-type: none"> - No vote required - Lien on financed property/project - May require a reserve fund - May require capitalized interest
Enterprise Revenue (Water/Sewer/Storm/Electric)	Revenue generating enterprise projects (new construction or upgrades). Typical enterprise fund projects (water, sewer, electric, storm drain, etc.).	Revenues generated from enterprise system.	<ul style="list-style-type: none"> - No vote required - Typically require a reserve fund - Coverage considerations



DEVELOPMENT FINANCING

TYPE	USES	SECURITY	CONSIDERATIONS
Assessment Financing	Specific improvements within a designated improvement area (curb, gutter, streets, etc.).	Assessments levied on properties within the improvement area.	<ul style="list-style-type: none"> - Requires property owner approval - Requires assessment ordinance and notices - Requires annual billing/collection - Typically require a reserve fund - Coverage considerations (property value)
Increment Financing	Economic development projects (new construction or upgrades).	Incremental tax revenues.	<ul style="list-style-type: none"> - Requires creation of RDA - Requires determination of base values - Typically require reserve fund - Coverage considerations

WHAT IS A LEASE REVENUE BOND?



WHAT IS THE PROCESS?

1. City adopts resolution creating Local/Municipal Building Authority (already created)
2. City adopts and authorizes bond parameters resolution, Notice of Bonds to be Issues, and Notice of Public Hearing
3. City holds Public Hearing
4. City (via LBA) undertakes typical bonding activities:
 1. Drafting of Preliminary Official Statement
 2. Procuring bond ratings
 3. Selling and closing on bonds
5. City leases project from LBA (memorialized by closing documents)

BOND PARAMETERS

- Maximum Par Amount:** \$37,000,000

This is the maximum par amount of bonds that can be issued. If construction costs rise, the City can accept market premium (additional proceeds) in addition to the par amount.

- Maximum Interest Rate:** 5.50%

This is the maximum interest rate that the City would pay. The actual rate will be lower. The parameters resolution sets the maximum rate high in case there is major market movement.

- Maximum Term:** 31 Years

This is the maximum term (years) over which the bonds would be amortized. Depending on the timing of the closing on the bonds, the term of the bonds may be slightly over 30 years (i.e. 30 years + 2 months).

- Maximum Discount:** 2%

This City will not accept purchase offers that are less than 98% of the par amount.

- Designated Officers:**

These individuals will be authorized to approve the final bond sale results and ensure that the results fit within the parameters the Council has approved.

Mayor
Mayor Pro Tem
Finance Director



MURRAY
CITY COUNCIL

New Business Item #2



MURRAY

Council Action Request

City Attorney

Murray City Municipal Justice Court Recertification

Council Meeting

Meeting Date: October 15, 2019

Department Director G.L. Critchfield	Purpose of Proposal Review documents and consider Resolution for recertification of the Murray City Municipal Justice Court.
Phone # 801-264-2640	Action Requested Approve and adopt Resolution requesting the recertification of the Murray City Municipal Justice Court.
Presenters G.L. Critchfield	Attachments Memorandum from City Attorney, Operational and Minimum Standards for Court, and Proposed Resolution.
Budget Impact N/A	
Required Time for Presentation 10 Minutes	Description of this Item Section 78A-7-103(2) of the Utah Code requires a Justice Court to be re-certified at the end of each four-year term. The Current term for the Murray City Municipal Justice Court expires on January 31, 2020.
Is This Time Sensitive Yes	The City Attorney's Office is required to inform the City Council of all requirements for the operation of the Justice Court, and the feasibility of maintaining the Justice Court.
Mayor's Approval 	The City Council is required to pass a resolution requesting recertification and affirming the City's willingness to meet all requirements for the operation of the Justice Court during the period of certification.
Date October 15, 2019	



MEMORANDUM

TO: Murray City Municipal Council

FROM: G.L. Critchfield, City Attorney

DATE: October 1, 2019

RE: Opinion regarding Recertification of the Murray City Municipal Justice Court and advising the Murray City Municipal Council of all requirements for the operation of a Justice Court.

Section 78A-7-103(2) of the Utah Code requires that a Justice Court must be recertified at the end of each four-year term. The current term of the Murray City Municipal Justice Court ("Justice Court") expires on January 31, 2020. As part of the recertification, this office must provide to you a written opinion advising you of all requirements for the operation of the Justice Court and whether, in the opinion of this office, those requirements have been fully satisfied and that it is feasible to maintain the Justice Court.

Attached, for your review, are the following:

- a. The Statutory Requirements that must be met in the operation of a Justice Court, including the Operational Standards and Minimum Standards for the Courtroom and Office, as determined by the Justice Court Standards Committee.
- b. A Resolution for your review and consideration that requests the Administrative Office of the Courts to recertify the Murray City Municipal Justice Court for another four-year term.

It is the opinion of this office that the Murray City Municipal Justice Court meets or exceeds all the statutory requirements and operational standards. Further, it is the opinion of this office that it is feasible to maintain the Justice Court. A resolution, a copy of which is attached, has been prepared and will be on the October 15, 2019 City Council agenda.

If you have any questions, please feel free to contact me.

RESOLUTION NO. _____

A RESOLUTION REQUESTING THE RECERTIFICATION OF THE MURRAY CITY MUNICIPAL JUSTICE COURT.

WHEREAS, the provisions of U.C.A. 78A-7-103(2) require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the Murray City Municipal Justice Court's current shall expire on January 31, 2020; and

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

WHEREAS, the members of the Murray City Municipal Council have determined that it is in the best interests of the City to continue to provide for a Justice Court.

NOW, THEREFORE, BE IT RESOLVED by the Murray City Municipal Council as follows:

The Murray City Municipal Council hereby requests recertification of the Murray City Municipal Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

The Murray City Municipal Council hereby affirms the City's willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Murray City Municipal Justice Court for the next four-year term, except as to any requirements waived by the Utah Judicial Council.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this _____ day of _____, 2019.

MURRAY CITY MUNICIPAL COUNCIL

Dave Nicponski, Chair

ATTEST:

Jennifer Kennedy
City Recorder

October 1, 2019

Utah Judicial Council
Attn: James M. Peters
Administrative Office of the Courts
PO Box 140241
Salt Lake City, Utah 84114-0241

RE: Request for Recertification of the Murray City Municipal Justice Court

Dear Mr. Peters:

Thank you for your letter dated September 9, 2019, a copy of which is attached, advising the City of the recertification process for the City's Municipal Justice Court. Attached are the following:

1. A Memorandum from the City Attorney's Office advising the Murray City Municipal Council of all requirements for the operation of the City's Municipal Justice Court and the feasibility of maintaining the City's Municipal Justice Court.
2. A certified copy of the Resolution passed by the Murray City Municipal Council requesting recertification and affirming that the City is willing to meet all requirements for the operation of the City Municipal Justice Court during the period of certification.
3. A Court Certification Affidavit executed by the City Municipal Justice Court Judge certifying that the operational standards for the City Municipal Justice Court have been met.

A copy of the Court's security plan, as required by C.J.A. Rule 3-414 is not attached as it has not changed since it was last submitted.

We believe we have provided to you all of the information requested in your letter dated September 9, 2019, in order for you to process the recertification of the City's Municipal Justice Court for another four-year term. If there are additional steps the City must take to recertify its Municipal Justice Court or you need additional information from the City, please advise our office or the City Attorney's Office. Thank you.

Sincerely:

D. Blair Camp
Mayor

cc: G.L. Critchfield, City Attorney
W. Paul Thompson, Judge

DRAFT



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

Hon. Mary T. Noonan
State Court Administrator
Catherine J. Dupont
Deputy Court Administrator

September 9, 2019

Mayor Blair Camp
5025 S. State St.
Murray City, UT 84107

Dear Mayor Camp:

State statute requires that municipal justice courts be recertified by the Utah Judicial Council every four years, and the certification for Murray City's justice court expires this coming January. Enclosed is a packet that includes an application for recertification. A copy of this packet is also being sent to Judge Thompson and G.L. Critchfield.

In order to be recertified, a city must submit:

- an affidavit submitted by the justice court judge,
- an opinion letter from the city attorney, and
- a resolution adopted by the city council.

Each of these items is described in more detail in the enclosed packet and must be received by the Administrative Office of the Courts no later than **November 8, 2019**. They can be mailed to my attention at 450 South State Street in Salt Lake City, Utah 84111 or scanned and emailed to Nancy Merrill at nancym@utcourts.gov. Thank you for your ongoing commitment to Utah's Justice Courts. If you ever have any questions or concerns that I can help you with, please call me at (801) 578-3824.

Sincerely,

A handwritten signature in cursive script that appears to read "James M. Peters".

James M. Peters
Justice Court Administrator

nm

cc: Judge Thompson
G.L. Critchfield

Enclosure

The mission of the Utah judiciary is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

COURT CERTIFICATION AFFIDAVIT

Court Location: Murray City

Judge: W. Paul Thompson

Address: 688 E Vine St. Murray, Utah 84107

Telephone: 801-284-4280

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

Average Case Filings Per Month: Between 700-900

Daily Court Hours: 9 Hours

Number of Full-time Clerks: 7

Hours Worked Per Week Per Clerk: 40

Number of Part-time Clerks: 0

Hours Worked Per Week Per Clerk:

This form is divided into two parts. Section I contains those requirements that are statutory and cannot be waived. 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 this Application for Recertification.

Comes now Judge W. Paul Thompson,

Justice Court Judge for Murray City,

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, within the statutory range. 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 each 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. 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 (78A-7-212).
Yes
12. All required reports and audits are filed as required by law or Rule of the Judicial Council.
Yes
13. A record of all court proceedings is maintained by an appropriate audio recording system.
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. At least one computer with internet access 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 has been submitted 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

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 1st day of October, 2019.


W. Paul Thompson
Justice Court Judge

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this 1st day of October, 2019.


W. Paul Thompson

JUSTICE COURT STANDARDS FOR RECERTIFICATION OF EXISTING COURTS



SEPTEMBER 2019

INSTRUCTIONS TO APPLICANT FOR RECERTIFICATION

As part of the recertification process, each entity should carefully review all requirements for the operation of Justice Courts. In order to aid governing bodies in obtaining the necessary information regarding the continuing obligations of an entity with respect to the operations of the Court, the governing body of each entity must request and review a written opinion from its attorney advising the entity of all requirements for the operation of a Justice Court, and the feasibility of maintaining a Justice Court. In addition, prior to submission of this application, each entity must duly pass a resolution requesting recertification. The resolution must also affirm that the entity is willing to meet all requirements for and operation of the Court during the period of certification. **A copy of the attorney's opinion and the resolution must accompany the application.** Please use the checklist on page 22 of this packet.

Statutes of the State of Utah require 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 (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 and 78A-7-207).
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 Utah Court Rules Annotated, the justice court manual published by the state court administrator, the county, city, or town ordinances as appropriate, and other legal reference materials as determined to be necessary by the judge (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).

For Class I and Class II justice courts, the system must:

- a. be a stand-alone unit that records and audibly plays back the recording;
- b. index, back-up and archive the recording and enable the record to be retrieved;
- c. have at least four recording channels;
- d. have a one step “on” and “off” recording function;
- e. have conference monitoring of recorded audio;
- f. have external record archiving from the unit with local access;
- g. be capable of being integrated with the courts public address system; and

For Class III and Class IV justice courts, the system must, at a minimum:

- a. be a stand-alone unit that records and audibly plays back the recording;
- b. index, back-up and archive the recording and enable the record to be retrieved; and
- c. have at least two recording channels.

The Board of Justice Court Judges may create a list of products that meet these criteria.

In addition to those requirements which are directly imposed by statute, section 78A-7-103 directs the Judicial Council to promulgate minimum requirements for the creation and certification of Justice Courts. Accordingly, the Judicial Council has adopted the following minimum requirements:

1. That the Court be open for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.
2. That the judge be available to attend court and conduct court business as needed.
3. 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.
4. A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.
5. Appropriate 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, 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 current court security plan must be submitted consistent with C.J.A. 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. In addition, all justice courts must use the CORIS case management system.
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. To accommodate the great differences in judicial activity among Justice Courts throughout the state, the Council has divided courts into four classes based upon the average monthly cases filed in that court. Minimum standards have been set for each classification. Courts which have an average of fewer than 61 cases filed each month are classified as Class IV Courts. The minimum requirements for a Class IV Court are set forth above. (These requirements are also attached as Class IV minimum requirements). These requirements include both the statutory requirements and requirements promulgated by the Judicial Council, and are sometimes hereinafter referred to as "base requirements."

Courts which have an average of more than 60 but fewer than 201 cases filed each month are classified as Class III Courts. In addition to the base requirements, a Class III Court must be open more hours each week (see attached Class III minimum requirements), and court must be scheduled at least every other week.

Courts which have an average of more than 200 but fewer than 501 cases filed each month are classified as Class II Courts. In addition to the base requirements, Class II Courts are required to be open additional hours (see attached Class II minimum requirements), the courtroom configuration is required to be permanent (although the courtroom may be used by another entity when the court is not in session), court must be scheduled at least weekly, the judge must be provided an appropriate office (chambers) for his or her own use, clerical space may not be shared, at least one full-time clerk must be provided (see attached Class II minimum requirements), and the courtroom, judge's chambers and clerk's office must be in the same building.

Courts which have an average monthly filing of more than 500 cases are classified as Class I Courts. Class I Courts are considered to be full-time courts. In addition to the base requirements, a Class I Court must have a full-time judge, at least three clerks, it must be open during regular business hours, it must have a courtroom which is dedicated for the exclusive use as a court and meets the master plan guideline adopted by the Judicial Council, and the judge's chambers and clerk's office cannot be shared by another entity.

The State Legislature has provided that any Justice Court that continues to meet the minimum requirements for its class is entitled to be recertified. The Judicial Council also has authority to waive any minimum requirement which has not been specifically imposed by the Legislature (i.e. requirements 1-10 above, which have been adopted by the Judicial Council pursuant to Section 78A-7-103). 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 generally 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.

There is a great diversity in the needs of the Justice Courts. The needs of a particular Court are affected by the type of cases filed (some courts have a high percentage of traffic matters, while others handle significant numbers of criminal and small claims matters), the location of the Court, the number of law enforcement agencies served, the policies and procedures followed by each judge with respect to the operation of the Court, and many other factors. Clerical resources and judicial time are particularly sensitive to local conditions. In order to adequately function, it is anticipated that some courts will exceed minimum requirements for clerical resources and judicial time.

Similarly, the particular circumstances of a court may allow it to operate efficiently with less than the minimum requirements in the above areas; in such circumstances a waiver may be requested.

The statute also provides that the Judicial Council may grant an extension of time for any requirement which is not specifically required by statute. An extension may be granted at the discretion of the Judicial Council where individual circumstances temporarily prevent the entity from meeting a minimum requirement. An extension will be for a specific period of time and the certification of the court will terminate at the end of the extension period. In order for the court to continue to operate beyond the extension period, the court must be certified as meeting all requirements, obtain an additional extension, or obtain a waiver as provided above.

Applications for existing courts for recertification must be accompanied by an affidavit of the judge, on a form approved by the Judicial Council, certifying that the operational standards for the court have been met. Any exceptions to compliance with the minimum requirements or operational standards shall be noted on the above form. In addition, individual Justice Court Judges must meet with the governing body of the entity which created the court at least once a year to review the budget of the court, review compliance with the requirements and operational standards of the court, and discuss other items of common concern and shall certify that this meeting has been held, and that the operational standards for the court have been met during the prior year.

Upon submission of an application, the Board of Justice Court Judges will conduct an appropriate independent investigation and notify the entity of its initial recommendations, whether in favor or against certification. If the Board intends to recommend against certification, it shall specify the minimum requirements that have not been met. The entity may then present additional information to the Board, request an extension, or request a waiver. After making an appropriate investigation based upon any additional information or request made by the entity, the Board will then submit its recommendations to the Judicial Council. The recommendations shall specify whether or not a waiver or extension should be granted, if either has been requested. If the recommendation is against recertification, or against waiver, or against extension, the entity may request that it be allowed to make an appearance before the Judicial Council. Any request to appear before the Judicial Council must be filed within 15 days of notification of the Board's recommendations.

If you have any questions concerning this application, please contact James M. Peters, Justice Court Administrator, by calling (801) 578-3824 or emailing jamesp@utcourts.gov.

OPERATIONAL STANDARDS

The following standards are intended to be applied in the recertification review by the Board of Justice Court Judges as operational standards. The justice courts are classified into four classes, based upon case filings. The case filing information is expressed in terms of filings per month, but courts will be classified on the basis of average monthly filings over a period of at least one year.

The classification of a Court is determined at creation and is subject to review and possible reclassification whenever the Court is recertified. While the standards for some areas of court operation are uniform for all classifications of Justice Court, other standards are developed on a continuum, reflecting the difference in the time needed to competently manage caseloads at different levels.

Waiver or extension of any requirement promulgated by the Judicial Council may be obtained at the discretion of the Judicial Council based upon the need for a Court. Considerations for waiver or extension will be made on a case by case basis in consideration of, among other things, public convenience and proximity to other courts.

CLASS I

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class I Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

501 or more citations or cases filed per month

- HOURS:

Court Open: Full time
Judge: Full time

- FACILITY:

Dedicated Courtroom (with juror deliberation room)
Judge's Chambers
Clerk Office
Co-located in the same facility
(Meet the Master Plan Guidelines adopted by the Judicial Council)

- CLERICAL RESOURCES:

At least three full-time clerks

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under 78A-7-103.

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for cost of attendance at Judicial Council mandated training (at least 30 hours per year for the judge and 10 hours per year for clerks).

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically (via the internet).

CLASS II

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class II Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

201 to 500 citations or cases a month.

- HOURS:

Court Open:

201-300 filings At least 4 hours per day

301-400 filings At least 5 hours per day

401-500 filings At least 6 hours per day

Judge available when needed. Trial calendar set at least weekly.

- FACILITY:

Courtroom (configuration is permanent but may be shared)

Judge's Office

Clerk Office

(Courtroom and office must be co-located in the same building)

- CLERICAL RESOURCES:

201-275 filings At least one full-time clerk

276-350 filings 1.5 FTEs

351-425 filings 2.0 FTEs

426-500 filings 2.5 FTEs

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under 78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours per year for the judge and 10 hours per year for clerks).

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

CLASS III

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class III Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

61-200 citations or cases per month

- HOURS:

Court Open

61-150 filings At least 2 hours a day

151-200 filings At least 3 hours a day

Judge available as needed. Trial calendar set at least every other week.

- FACILITY:

Courtroom (access to public facility for trials, arraignments, etc.)

Judge's /clerk office

(Meets minimum requirements)

- CLERICAL RESOURCES:

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances

- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under 78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours each year for the judge and 10 hours per year for clerks).

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

CLASS IV

MINIMUM REQUIREMENTS [Note that the following are **minimum** requirements. In order to adequately function as a Class IV Court it may be necessary for your court to exceed the minimum requirements.]

- FILINGS:

0-60 citations and/or cases per month

- HOURS:

Court open at least one hour per day. Judge available as needed and trial calendar set at least monthly.

- FACILITY:

Courtroom (access to public facility for trials, arraignments, etc.)

Judge's/clerk office (can be a shared resource but court has priority when needed.)

(Meets minimum requirements)

- CLERICAL RESOURCES:

At least one clerk required to be available daily during the scheduled hours of court operation and during court sessions as needed.

- PROSECUTION:

Prosecutor to screen cases and represent the county or municipality at trial.

- INDIGENT DEFENSE:

The municipality or county provides adequate funding to provide indigent defense counsel for any defendant who requests representation and qualifies.

- LEGAL RESOURCES:

The following must be available and kept current:

- a. Utah Code
- b. Local ordinances
- c. Justice Court Manual
- d. Code of Judicial Administration
- e. Uniform Bail Schedule
- f. Other legal resources as required under 78A-7-103

- LAW ENFORCEMENT:

The local government creating the court must have at least one employed or contracted peace officer.

- BAILIFF:

The local government creating the court must provide a sworn law enforcement officer to attend court when required and provide security for the court.

- SECURITY PLAN:

A court security plan must be submitted consistent with C.J.A. Rule 3-414.

- JURY/ WITNESS FEES:

Local government is responsible for payment of statutory juror and witness fees.

- EDUCATION:

Local government is responsible for costs of attendance at Judicial Council mandated training (at least 30 hours each year for the judge and 10 hours per year for clerks).

- REPORTING:

All reports and audits shall be made and timely filed as provided by law or by rule of Judicial Council. Reports to the Driver License Division and the Bureau of Criminal Identification must be made electronically, via the internet.

MINIMUM STANDARDS FOR THE COURTROOM AND OFFICE

Utah Justice Courts handle a very high volume of cases. With this magnitude of cases, it is likely that any contact an average citizen will have with the Utah Judicial System will be through the Justice Courts. In many instances this contact will be a citizen's only impression of Utah's system of justice and, even in minor cases, is likely to leave a lasting impression. Regardless of the gravity of a matter before the court, citizens take their appearances as a defendant, witness or juror very seriously and form judgments on the entire judicial system on the basis of their personal experience. As such, it is essential that Justice Courts convey a sense of justice, dignity and concern for the citizens who interact with it. The facilities which house the courts play an instrumental role in forming these opinions and it is incumbent upon the judicial system to provide appropriately appointed forums in both the largest urban courts and the smallest rural communities.

The following space standards recommend courtroom designs that promote these goals. The courtroom sizes and support staff space are intended to allow for the expeditious administration of justice. They also allow for growth in judicial workloads and unforeseen changes in practice and procedure. In general terms, there are great similarities between the higher courts and Justice Courts in courtroom configuration and space dynamics. For example, the principles of bench elevation sight lines, witness-jury-judge proximity, and spectator-well orientation are all consistent between courts. Therefore, most of the design recommendations suggested for District Courts apply to Justice Courts. The following discussion emphasizes these similarities and notes exceptions due to statutory and procedural differences as well as resource limitations.

- GENERAL COURTROOM DESIGN:

As stated above, Justice Court courtrooms should convey the same impressions of dignity, justice, and authority as those serving a court of higher jurisdiction. The appearance of the courtroom should reflect the fact that they are forums for justice. In applying design principles of the higher court to Justice Courts, the absence of court reporters and full-time bailiffs should be noted. Therefore, the following guidelines are presented in areas that are materially affected by the unique nature of the Justice Courts.

1. Courtrooms should be at least 1,300 square feet in Class I jurisdictions, 1,100 square feet in Class II jurisdictions and 800 square feet in Class III and Class IV jurisdictions. Walls and ceilings should have appropriate finishes and the well should be illuminated to prevent reading eye strain. The room should be sound insulated from outside noise. All courtrooms should be fully carpeted and adequate ventilation and temperature controls should be installed.
2. The judge's bench should be elevated at least one riser above the well floor level. As in the District Court, judges' benches should be elevated above the eye level of persons who approach the bench, usually three risers. It is recognized however, those low ceiling heights in some Justice Courts do not allow for three-riser elevation. Benches elevated 18 inches or more in smaller courts can bring the judge too close to the ceiling when standing and puts the bench out of proportion to the room size. One riser should be the minimum standard and additional elevation is desirable as the

dimensions of the room permit. Sufficient space should be provided on the bench for limited file and personal storage and the necessary audio/visual and technology systems to facilitate court proceedings. A concealed duress alarm should be located at the bench in case of emergencies. Other space design considerations may be considered and implemented as necessary to facilitate court proceedings.

3. The witness box should be placed adjacent to the judge's bench. All courtroom participants must have a clear line of sight to the witness box. The box should be large enough to accommodate two people and be enclosed on two to three sides, depending on the entry location. The height of the witness box should shield the witness only from the waist down so that all non-verbal gestures can be easily viewed.
4. The jury box should be placed near the witness box and also have a clear line of sight to all participants. The standard jury box should accommodate five jurors. This will accommodate four jurors with an option for an alternate juror and space for a disabled juror. The jury box should consist of a single row of stationary swivel seats.

The jurors themselves should be in view of the court as well as the spectators to ensure the perception of an open and public trial. However, the jury box should be sufficiently distanced from the spectator area to inhibit any physical or verbal contact. Seven feet from the center of the first juror's chair to the bar is adequate. This leaves an additional two to three feet from the edge of the bar to the center of the nearest spectator's seat.

A "modesty rail" should be placed in front of the jurors with enough depth to rest documents and files.

A clerk's station should be provided by the judge's bench opposite from the witness stand. This will accommodate different in-courtroom practices and procedures. It should also have storage and required technology systems and controls to facilitate court proceedings. The clerk's station should be located to facilitate conversation between the Clerk and the Judge from the judge's bench.

5. Tables for the defense and prosecution should be provided to comfortably seat three persons each. The tables' distance from each other, the spectators and the jury should be such that private conversations cannot be overheard. This usually requires at least five feet between tables and eight feet from the nearest juror or spectator.
6. Judge's chambers should be at least 120-160 square feet with direct access to the judge's bench and to the clerk's area. Chambers should be equipped with adequate shelving for law texts, a desk and chair for the judge and visitor seating for small meetings or conferences.
7. A jury room no smaller than 150 square feet should be integrated into each Justice Court. This space can serve as a conference room for attorneys and clients or as

flexible space when not in use by a jury. A table and chairs should be provided and a telephone outlet should be installed for conference use. A toilet room should be conveniently available to the conference room and a drinking fountain should be in close proximity.

The Clerk's area should include a reception area for visitors and a counter to receive people with business before the court. The reception area should be no less than 150 square feet and the counter space should comprise 60 square feet (e.g. a seven-foot counter with a depth of three feet and approximately three feet of open area on each side).

A restroom for the public and a separate restroom for the judge, staff and jurors should be provided.

Clerical staff should be afforded 75 square feet per person to accommodate a desk, chair, computer and other equipment and perimeter space. Staff space should be open landscape type. A small storage and print/copier area should also be provided.

- CLERICAL/SUPPORT SPACE:

The clerical and support space listed in the general court standards can also be applied to the Justice Courts. Actual Justice Court staff will vary widely depending on location, workload and county support.

COURT CERTIFICATION AFFIDAVIT

Court Location: _____

Judge: _____

Address: _____

Telephone: _____

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

Average Case Filings Per Month: _____

Daily Court Hours: _____

Number of Full-time Clerks: _____
Hours Worked Per Week Per Clerk: _____

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

This form is divided into two parts. Section I contains those requirements that are statutory and cannot be waived. 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 this Application for Recertification.

Comes now Judge _____,

Justice Court Judge for _____,

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

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

12. All required reports and audits are filed as required by law or Rule of the Judicial Council.

13. A record of all court proceedings is maintained by an appropriate audio recording system.

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

- q. Office space for the judge _____
- r. Office space for the court clerk _____
- s. Secure filing cabinets _____
- t. Appropriate office supplies _____
- u. A cash register or secured cash box _____
- v. At least one computer with internet access _____
- w. Access to a copy machine _____

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. _____

5. Does the applicant have a law enforcement department? _____

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 has been submitted consistent with C.J.A. Rule 3-414. _____

8. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. _____

9. If the court is a Class I court:

- a. Judge is employed on a full-time basis _____
- b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council _____
- c. Court has a jury deliberation room _____
- d. Judge's chambers, clerk's office, and courtroom are in the same building _____
- e. Judge has his or her own private chambers _____
- f. Clerk's office is separate from any other entity _____
- g. Court is open during normal business hours _____

10. If the court is a **Class II** court:

- Court is open (check one)
 201-300 average monthly filings: at least 4 hours/day
 301-400 average monthly filings: at least 5 hours/day
 401-500 average monthly filings: at least 6 hours/day
- Trial calendar is set at least weekly _____
- Courtroom configuration is permanent _____
- Courtroom, judge's chambers, and clerk's office are within the same building _____
- Judge has his or her own private chambers _____

11. If the court is a **Class III** court:

- Trial calendar is set at least every other week _____
- Court is opened (check one):
 61-150 average monthly filings: at least 2 hours/day
 151-200 average monthly filings: at least 3 hours/day

12. If the court is a **Class IV** court:

- Trial calendar is set at least monthly _____
- 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).

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 _____ day of _____, 20____.

Justice Court Judge

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this _____ day of _____, 20____.

C H E C K L I S T

Please be sure that your application for recertification includes each of the following:

1. Court Certification Affidavit completed and signed by the judge.
2. A copy of a written opinion from the city or county attorney (as appropriate), directed to the appropriate sponsoring governmental entity, advising that entity 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 sponsoring governmental entity 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 your court security plan, as required by C.J.A. Rule 3-414, unless it has not changed since it was last submitted.

**ALL FOUR OF THESE DOCUMENTS MUST BE RECEIVED BY THE BOARD OF
JUSTICE COURT JUDGES AT THE ADDRESS BELOW BY:
NOVEMBER 8, 2019.**

Board of Justice Court Judges
Attention: James M. Peters
Administrative Office of the Courts
P. O. Box 140241
Salt Lake City, Utah 84114-0241

SAMPLE RESOLUTION

**A RESOLUTION REQUESTING THE RECERTIFICATION OF
THE _____ 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 present Court shall expire on the _____ day of _____ 20____; and

WHEREAS, the members of the _____ (City Council or County Commission) have received an opinion letter from _____, City/County Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the _____ (City Council or County Commission) have determined that it is to the best interests of _____ (Municipality or County) to continue to provide for a Justice Court.

BE IT RESOLVED, the _____ (name of Commission, Council or Board) hereby requests recertification of the _____ Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

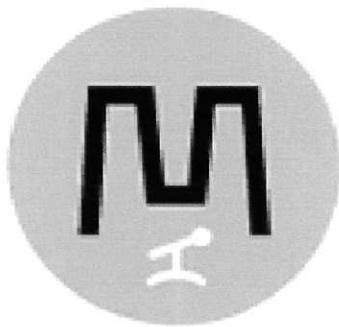
BE IT FURTHER RESOLVED, the _____ (name of Commission, Council, Board) of (Municipality or County) hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the _____ Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

APPROVED and signed this _____ day of _____, 20____.

(Municipality or County)

by _____
(Title)

ATTEST: _____



MURRAY
CITY COUNCIL

New Business Item #3



MURRAY

Murray City Council

**Proposed Revisions to the Rules of the
Murray City Council.**

Council Meeting

Council Action Request

October 15, 2019

Department Director Janet M. Lopez Phone #801-264-2622	Purpose of Proposal <ul style="list-style-type: none">Revision to the Rules of the Murray City Council to include the Audit Committee. Action Requested <ul style="list-style-type: none">Consider approval of revisions to the Rules of the Murray City Council. Attachments <ul style="list-style-type: none">Proposed revisions to the Rules. Budget Impact <ul style="list-style-type: none">None Description of this item Please note the following proposed revisions: <ul style="list-style-type: none">Minor wording addition on Section IV. M 4 g. Page 6.Addition of The Audit Committee, Section VIII, E. Page 10
Required Time for Presentation 10 minutes	
Is This Time Sensitive	
Approval: October 15, 2019	

RULES OF THE MURRAY CITY MUNICIPAL COUNCIL MURRAY CITY CORPORATION

Adopted January 5, 1982. Re-adopted February 23, 1988. Amended April 26, 1988. Amended August 23, 1988. Amended April 25, 1989. Amended July 11, 1989. Amended December 12, 1989. Amended January 28, 1992. Amended January 25, 1994. Amended August 23, 1994. Amended July 11, 1995. Amended March 10, 1998. Amended June 9, 1998. Amended September 21, 1998. Amended January 4, 2000. Amended January 16, 2001. Amended May 15, 2001. Amended January 8, 2002. Amended April 29, 2003. Amended November 13, 2007. Amended October 7, 2008, October 20, 2009. Amended November 17, 2009, September 3, 2013, amended February 14, 2017, amended March 20, 2018, amended August 27, 2019.

I. INTRODUCTION

- A. Function of Rules. These Rules shall be the governing procedures of the Murray City Municipal Council, hereafter referred to as the "Council".
- B. Adoption. The Council shall adopt these Rules in a regular Council meeting.
- C. Amendment. Any member of the Council may propose amendments to these Rules. Amendments shall be submitted in writing to Council members. Amendments shall be approved by a two-thirds vote of the entire Council in a regular Council Meeting.
- D. Suspension. The Council may suspend the Rules by a two-thirds vote of Council members present.

II. ORGANIZATION

- A. Chair. A Chair shall be elected for each calendar year by majority vote of the Council in the first regular Council meeting in January. Council members may not serve more than two consecutive calendar years as Chair.

The Chair shall be a member of the Council and its presiding officer, sign all ordinances, resolutions, and official correspondence, supervise staff, approve Council agendas, issue Council-approved press releases, represent the Council at meetings, represent the Council at official ceremonies where required, and shall serve as official spokesperson for the Council. The Chair shall also perform all other such duties prescribed by these Rules.

- B. Vice-Chair. A Vice-Chair shall be elected for each calendar year by majority vote of the Council in the first regular meeting in January.

The Vice-Chair shall be the presiding Council officer in the temporary absence of the Chair, in the event that the Chair is incapacitated due to illness or is otherwise unable to attend Council meetings and shall sign as the Chair on all ordinances, resolutions, and official correspondence.

- C. Vacancy in Office of Chair. In the event that the Chair shall vacate his/her office for any reason before the term has expired, the Vice-Chair shall become Chair for the remainder of that term.

- D. Vacancy in the Office of Vice-Chair. In the event that the Vice-Chair shall vacate his/her office for any reason before his/her term has expired, the Council members, by a simple majority vote, shall elect a Vice-Chair to complete the term at the first regular Council meeting following the

vacancy announcement.

E. Committees. The Council shall have two standing committees: (1) Committee of the Whole and (2) Budget and Finance Committee.

1. The Budget and Finance Committee will convene exclusively for budget related meetings.
2. Ad hoc committees may be formed as necessary by majority vote of the Council.

F. Committee Membership. Each Council member shall be a member of both standing committees. The membership of ad hoc committees shall be determined by the Council at the time such committees are created.

G. Committee Chairs. Committee Chairs shall be as follows:

1. The Council Chair shall serve as the Chair of the Committee of the Whole.
2. A Chair and Vice Chair of the Budget and Finance Committee shall be elected for a term of one calendar year in the first regular Council meeting in January. Council members may not serve more than two consecutive calendar years as Chair of the Budget and Finance Committee.
3. Board and Committee Membership. Membership on the following committees shall be determined in the Committee of the Whole meeting.
 - a. Association of Municipal Councils/Salt Lake County Council of Governments
 - b. Utah League of Cities and Towns/Legislative Policy Committee.
 - c. Murray Area Chamber of Commerce Board.
 - d. Capital Improvement Program (two members).
 - e. Murray City Business Enhancement Committee (two members).
 - f. Other committees as deemed necessary.

Committee members above shall be elected for a term of one calendar year in the first regular Committee of the Whole meeting in January.

I. Absences. Any Council member absent in excess of six times from Council meetings and Budget and Finance Committee meetings (except those absences due to personal illness, urgent family matters or due to Council or personal business) shall forfeit whatever Council leadership position that member holds. Any Council member exceeding these guidelines (1) may appeal the case to the Council and (2) the Council, by majority vote, may excuse any of the absences and waive the penalty. (See Murray City Code 2.06.050 for compensation penalty relating to Council member absences).

III. MEETINGS

- A. Regular Meetings. The City Council shall meet not less than once monthly.
- B. Open Meetings. All Council meetings shall be governed by the Utah Open and Public Meetings Act.
- C. Type of Meetings. The Council shall meet in Council Meetings, closed meetings, workshops,

retreats and committee meetings as provided by State law.

D. Time and Place. As provided by City ordinance, the Council shall meet for Council Meetings, and committee meetings at the following times and places:

1. Committee of the Whole. The first and third Tuesdays of each month, at a time determined by the Council Chair, in Conference Room #107 in the Murray City Center, unless cancelled by the Chair.
2. Budget and Finance Committee. As approved by the Council.
3. Council Meeting. The first and third Tuesdays of each month at 6:30 p.m., (or otherwise at a time determined by the Council) in the Council Chambers in the Murray City Center, unless cancelled by the Chair.
4. Special meetings including workshops and retreats may be held as provided by State law and City Ordinance.
5. Closed meetings. As per State Code Sections 52-4-204 and 52-4-205, before any part of a public meeting may be closed for one of the valid reasons detailed below, the Council must be called together in an open meeting. At least two-thirds (2/3) of the Council members present must vote to close the meeting. The Council may close portions of its meetings to do the following:
 - a. Discuss the character, professional competence, or physical or mental health of an individual.
 - b. Hold a strategy session to discuss collective bargaining.
 - c. Hold a strategy session to discuss pending or reasonable imminent litigation.
 - d. Hold a strategy session to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction.
 - e. Hold a strategy session to discuss the sale of real property.
 - f. Discuss the deployment of security devices and investigative proceedings regarding criminal conduct.

No ordinance, resolution, rule, regulation, contract or appointment can be approved at a closed meeting. The closed portion of a meeting must be recorded and detailed minutes may be kept. These recordings and minutes are protected records under the Government Records Access and Management Act.

D. Neighborhood Meetings. Neighborhood meetings may be scheduled away from the Council's usual meeting place for the purpose of gathering or sharing information regarding current matter(s) being considered by the Council. The Council Executive Director shall arrange for a suitable place for such meetings.

F. Rules. The Council shall conduct its meetings according to the most current edition of *Robert's Rules of Order*, as amended by these Rules, provided the Council may, by majority vote, waive a rule.

G. Minutes. The Council Executive Director ensures that minutes are taken of all Council, committee and special meetings. The City Recorder shall cause to be kept, in a format adopted by the Council, minutes of all proceedings of all regular and special Council meetings. A recording shall be kept of all Council, committee and special meetings.

H. Presiding Officer at Meetings. The presiding officer at Council Meetings shall be rotated monthly among Council members according to district (District 1, District 2, etc.). If the presiding officer is not present or declines this responsibility, the Council Chair shall preside.

I. Order of Calling the Vote. The City Recorder shall call the vote beginning with the Council District number immediately higher than the District number of the Council Member presiding at that meeting. This shall ensure that the Council Member presiding shall always vote last.

J. Electronic Means of Meeting Participation. Section 52-4-207 of the *Utah Code Annotated* authorizes public bodies to hold meetings electronically by means of a telephonic, telecommunications or computer conference. The Council adopts the use of electronic means for a Council Member to participate in a meeting under the following conditions:

1. The meeting will be held with a quorum (3 members) physically present;
2. Electronic means will be used only for a declared City emergency or to accommodate Council Members who are traveling outside the City;
3. The meeting will be held within City limits at a facility that allows the public to attend, monitor and participate in open portions of the meeting;
4. Comments of Council Members participating electronically will be audible to the public;
5. As with any public meeting, electronic meetings must be properly noticed in compliance with the Utah Open and Public Meetings Act. Additionally, the notice must inform the public that electronic means will be used and how Council Members will be electronically connected to the meeting.

IV. AGENDAS

A. Responsibility. The Council Executive Director shall see that agendas are properly prepared, posted, and published in a timely manner according to the Utah Open and Public Meetings Act.

B. Public Notice. Council agendas shall be posted in the Murray City Center, submitted to a newspaper of general circulation in Murray City, posted on the Utah Public Notice Website and on the Murray City website.

C. Submission of Agenda Items. Procedures for submitting items for the agenda are as follows:

1. Anyone wishing to bring a matter before the Council shall submit it in writing, together with forms approved by the Council, to the Council staff.
2. All new items for the agenda must be submitted by 5:00 p.m. the Wednesday thirteen (13) days prior to the Council meeting. The Chair may waive an item from this requirement.
3. The Council Executive Director shall ensure that all matters are submitted in a timely manner to the Council. Before matters are placed on the agenda, they must first be reviewed by the Council Chair.
4. Council staff shall review supporting materials to be considered by the Council and ensure the completeness of the materials.

D. Delivery to Council Members. The agenda, together with all documents relating to items on it,

shall be delivered to Council members as preliminary documents approximately eleven (11) days prior to the meeting, and the final agenda and documents will be delivered by the Friday prior to the Council meeting. The Chair may waive this requirement.

E. Notice of Meeting. All Council agendas and "Notice of Meeting" documents shall contain the following:

NOTICE

SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST DIRECTED TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270-2425 or CALL RELAY UTAH AT #711.

F. Order of Business. The Council agenda shall conform to the following order of business:

1. Committee of the Whole
 - a. Approval of Minutes
 - b. Discussion Items
 - c. Internal Council Business or Announcements
 - (1) Staff Report
 - (2) Other
 - d. Adjournment
2. Council Meeting
 - a. Opening Ceremonies
 - (1) Pledge of Allegiance
 - (2) Approval of Minutes
 - (3) Special Recognition(s)
 - b. Citizen Comments
 - c. Consent Agenda
 - d. Public Hearings
 - e. Unfinished Business
 - f. New Business
 - g. Mayor
 - (1) Report
 - (2) Questions to the Mayor
 - h. Adjournment

NOTE: Paragraphs G through N elaborate on the various provisions of the agenda.

G. Committee of the Whole. The purpose of the Committee of the Whole meeting is: (1) To consider items of internal Council business, (2) To give further consideration to items of business referred to the Committee of the Whole from the New Business section of the agenda, and (3) To review items that may require future action by the Council.

Business items referred to Committee of the Whole from the Council agenda are sent for discussion purposes. No vote will be taken on these business items in Committee of the Whole.

All business items considered in Committee of the Whole shall be scheduled for a specific time.

H. Opening Ceremonies. This portion of the Council agenda shall consist of the following

1. Call to Order

2. Pledge of Allegiance

I. Approval of Minutes

J. Special Recognition. Under this part of the Opening Ceremonies section of the agenda, the Council shall consider resolutions of commendation, condolences and appreciation, and similar ceremonial matters.

The order of business for consideration of resolutions under this section shall be as follows:

- a. Reading of the resolution
- b. Motion to adopt
- c. Discussion
- d. Vote on motion
- e. Presentation of resolution and response.

K. Citizen Comments. This section allows any citizen or organization to speak before the Council and the Mayor. Items for which the Council would like to receive additional public input will be specifically listed for that purpose in this section. Comments are limited to three minutes, unless otherwise approved by a majority vote of Council members,

L. Consent Agenda. This section contains items of routine business, all requiring action, but not expected to generate discussion. Each item is briefly reviewed by the presiding officer and any Council Member wishing to do so may ask for any of the items on the Consent Agenda to be taken out and placed on the regular agenda.

M. Public Hearings. This section will be used for all public hearings. The presiding officer shall conduct the public hearing in the following manner, except as waived by the Council:

1. Introduction. The presiding officer informs those attending of the procedure and order of business for the hearing and reads the item for consideration.
2. Staff presentation. City staff briefly summarizes the request that prompted the public hearing. This presentation shall not exceed five minutes, unless otherwise approved by a majority vote of Council members.
3. Sponsor presentation. If desired, the sponsor of the request may also make a presentation. This presentation shall not exceed fifteen minutes, unless otherwise approved by a majority vote of Council members.
4. Comment. The presiding officer asks for public comment on the matter before the Council. Comments are limited to three minutes, unless otherwise approved by a majority vote of Council members, and each speaker shall be allowed to speak only once, unless otherwise approved by a majority of Council members. Speakers are requested to:
 - a. Complete the appropriate form.
 - b. Wait to be recognized before speaking.
 - c. Come to the microphone and state their name and city of residence.
 - d. Be brief and to the point.
 - e. Not restate points made by other speakers.
 - f. Address questions through the presiding officer.
 - g. Confine remarks to the topic, avoiding personality differences.

Deleted: personalities.

After all citizens who wish to comment have spoken, Council members may ask additional questions of participants before the presiding officer closes the hearing.

5. **Sponsor summation/response.** Following citizen comment and questions by the Council, the sponsor or staff shall be given the opportunity to give a fifteen-minute summation and/or response prior to closing of the public hearing.
6. **Closing the hearing.** If there is no further public comment, questions by Council members, or final response by the sponsor, the presiding officer declares the hearing closed.
7. **Consideration of item.** At the close of the public hearing, the Council shall consider the item for action.

N. **Unfinished Business.** The Unfinished Business section is to be used for consideration of:

1. Items which have been referred out of a committee.
2. Items which have appeared as New Business on a previous agenda and which no action has been taken on the item.

O. **New Business.** The New Business section of the Council agenda shall be for the introduction of all new business to be considered by the Council. The Council may, by majority vote, (1) send a business item to committee, (2) postpone final action to a future meeting, or (3) take final action on the matter.

P. **Mayor.** "Report" affords the Mayor the opportunity to regularly report to the Council about City business. "Questions to the Mayor" affords all members of the Council an opportunity to ask questions or raise issues of concern to the Mayor and to request appropriate action.

Q. **Adjournment.**

V. VACANCY IN ELECTED OFFICE

- A. **Council.** If a Council member vacates his/her seat on the Council before the term of office expires, the Council shall fill the vacant seat, as provided by State laws and City ordinance, and in accordance with the following rules:
 1. Applicants shall be qualified for the office in accordance with all applicable State laws and City ordinance.
 2. Applicants shall complete an application form available through the Council office.
 3. The Council shall, within thirty (30) days of the occurrence and declaration of such Vacancy, appoint a qualified resident of the City and the appropriate Council District to fill the unexpired term.
- B. **Mayor.** If the Mayor vacates his/her office before the term of office expires, the Council shall fill that office, as provided by State laws and the City Ordinance, and in accordance with the following rules:
 1. Applicants shall be qualified for the office in accordance with all applicable State laws and City ordinance.

2. Applicants shall complete an application form available through the Council office.
3. The Council shall, within thirty (30) days of the occurrence and declaration of such Vacancy appoint a qualified resident of the City to fill the unexpired term.
4. The City Council Chair shall become acting Mayor until the vacancy in the office of the Mayor is filled by the City Council as above provided.

VI. PERSONNEL

- A. Council Staff. The Council staff shall consist of a Council Executive Director an Office Administrator II, and such other full-and part time staff as the Council may deem necessary.
- B. Appointment. All Council staff members are appointed by the Council as follows:
 1. Job Descriptions. The Council reviews and approves all job descriptions for Council staff members.
 2. Posting and interviews. All arrangements for job posting and interviews are handled by the Council staff.
 3. Council Executive Director. Applicants are interviewed by the Council Chair and Vice Chair. Finalists may be interviewed by the Council, which selects the person by majority vote from that group.
 4. Other staff. The Council Executive Director with council member involvement interviews applicants and recommends finalists to the Council, which selects the person from that group.
- C. Reporting relationships. The Council Executive Director is supervised by the Chair of the Council. The Council Executive Director supervises all other Council staff.
- D. Performance appraisal. Performance appraisals of Council staff shall be conducted annually using the Performance Pro program provided by the City Human Resource office as follows:
 1. The Council Chair and Vice Chair shall conduct the performance appraisal for the Council Executive Director.
 2. The Council Executive Director shall conduct the appraisal for all other staff members.
 3. Compensation increases, exclusive of COLAs, shall be based on the performance appraisal subject to appropriation of funds.
- E. Compensation and Step Plan. Council staff compensation is determined by the Council and changed as follows:
 1. Council Executive Director compensation may be reevaluated periodically, and changes made based on performance and/or completion of a Wasatch Compensation Salary Survey, subject to appropriation of funds.
 2. Council staff compensation is based on the annual performance appraisal and the Step Plan, subject to appropriation of funds.

3. Each staff member shall receive an annual COLA in the same amount and at the same time as other City employees.

VII. FINANCES

A. Council Budget. Each year, the Council Executive Director shall work with the Council Chair and submit a proposed budget for Council operations to the members of the Council for their review and approval.

B. Review of Council Expenditures. The Council Chair shall have general responsibility to see that all expenditures are made on time and within budget.

C. Public Relations Account. The Council hereby authorizes the creation of a public relations account.

D. Purpose of the Public Relations Account. The purpose of the public relations account is to provide a mechanism for the Council as a whole to purchase and deliver token remembrances or acknowledgments. The events listed below shall be considered first priority use for account funds; all secondary uses not listed, and the donation amounts shall be informally approved by a majority of Council Members. Council Staff will assist in all transactions.

1. Death or serious illness of an employee or an employee's immediate family;
2. Retirement of a City employee.

E. Funds to the Public Relations Account. The public relations account is to be funded solely from the pay of Council members by payroll deduction. The amount deducted shall be decided by a vote of the Council.

F. Review of Public Relations Account Expenditures. The Council Chair shall have general responsibility to see that all expenditures are made properly. Disbursement from the Account shall require authorized signature. Those authorized to sign on the Account are the Council Chair, Council Vice-Chair, Council Executive Director or a designee appointed by the Council Chair in writing.

G. Expenses Relating to Neighborhood Meetings. Costs associated with Neighborhood meetings shall be funded from the Council Office budget.

H. Cellular Phones. Council Members will be provided with cellular phone allowances for use in conducting City business during their term of office as determined by the City cell phone policy.

I. Electronic Device. Council Members will be provided an iPad or similar tablet for use in conducting City business during their term of office.

J. Expense Allowance. Council Members will be provided a monthly allowance to offset the costs for meetings, meals and local travel while conducting City business during their term of office.

VIII. INDEPENDENT FINANCIAL AUDIT.

A. The City is required to have an annual independent audit or review of the City's basic financial statements and Comprehensive Annual Financial Report to determine whether the City's financial reporting accurately reflects the financial condition of the City and is prepared in

conformity with criteria established by Generally Accepted Audit Standards, Government Auditing Standards, the Single Audit Act Amendments of 1996, and General Guidance Audits for State, Local Governments and Non-Profit Organizations.

- B. Upon expiration of a financial audit agreement, the City Council shall work with the Council Executive Director, City Recorder/Purchasing Agent, and Finance and Administration Director to create a Request for Proposals (RFP) to provide auditing services.
- C. The City Council will form an Audit Committee to review and score proposals and recommend an independent audit firm to the City Council for consideration.

D. Upon approval of the audit firm and agreement, the City Council Chair shall be authorized to execute the agreement for auditing services.

E. The Audit Committee shall consist of the City Council Budget and Finance Committee Chair and Vice-Chair, and the Council Executive Director as staff support. This committee shall convene as required:

- 1. During the selection of the audit firm;
- 2. Annually to review audit procedures and conclusions, and
- 3. For any other such purposes as the City Council deems appropriate.

IX. COUNCIL RELATIONS

A. Anti-Harassment Policy

- 4. It is City policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the City will not tolerate harassment of any kind that is made by City Councilmembers toward fellow Councilmembers, City Staff or members of the public. City Councilmembers are expected to show respect for one another and the public at all times, despite individual differences.
- 5. Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy, childbirth and related medical conditions), national origin, age (40 or older), disability, genetic information, marital status, sexual orientation, honorably discharged veteran or military status or the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a person with a disability. In some circumstances, it can be deemed unlawful discrimination that violates federal laws and/or state laws. The making of demeaning comments, whether verbally or in writing, or use of unwelcome epithets, gestures or other physical conduct, based on the above-referenced protected classes, toward employees, Councilmembers or members of the public are prohibited. Councilmembers are strongly urged to report all incidents of harassment.
- 6. Sexual harassment is a form of unlawful discrimination.

B. Reporting Discrimination or Harassment

- 1. If the incident involves a city employee, or an appointee to an advisory board or a commission, the incident should be reported as soon as possible to the Mayor.

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2. If the incident involves a Councilmember, the incident should be reported as soon as possible to the City Attorney.
3. All complaints will be investigated promptly. Upon receiving a complaint, an investigation shall be initiated within 24 hours, or as reasonably practicable, usually, by the end of the next business day.
4. All complaints will be kept confidential to the fullest extent possible and will be disclosed only as necessary to allow an investigation and response to the complaint. No one will be involved in the investigation or response except those with a need to know. Any special concerns about confidentiality will be addressed at the time they are raised.
5. Anyone who is found to have violated this policy is subject to corrective action. Corrective action will depend on the gravity of the offense. The City Council will take whatever action it deems necessary to prevent an offense from being repeated.
6. The City Council will not permit retaliation against anyone who makes a complaint or who cooperates in an investigation.
7. Both the person filing the complaint and the alleged offender shall receive a written response that contains the findings of the investigation and any action taken. Unless extra time is needed for a thorough investigation, the response will normally be given within thirty (30) days of when the complaint was received. All parties will be notified of an extended investigation if such an extension is necessary to complete the findings.



MURRAY
CITY COUNCIL

Adjournment