



**MURRAY**  
CITY COUNCIL

# Council Meeting November 14, 2023



# **Murray City Municipal Council**

## **City Council Meeting Notice**

**November 14, 2023**

**PUBLIC NOTICE IS HEREBY GIVEN** that the Murray City Municipal Council will hold a City Council meeting beginning at **7:00 p.m.** on Tuesday, November 14, 2023 in the Murray City Council Chambers located at Murray City Hall, 10 East 4800 South, Murray, Utah.

The public may view the Council Meeting via the live stream at [www.murraycitylive.com](http://www.murraycitylive.com) or <https://www.facebook.com/Murraycityutah/>. Those wishing to have their comments read into the record may send an email by 5:00 p.m. the day prior to the meeting date to [city.council@murray.utah.gov](mailto:city.council@murray.utah.gov). Comments are limited to less than three minutes (approximately 300 words for emails) and must include your name and address.

### **Meeting Agenda**

**7:00 p.m.**      **Council Meeting** – Council Chambers  
Pam Cotter conducting.

#### **Opening Ceremonies**

Call to Order  
Pledge of Allegiance

#### **Approval of Minutes**

None scheduled.

#### **Special Recognition**

1. Murray City Employee of the Month, Kathy Miller, Mayor's Office Administrative Assistant – Brett Hales and Pam Cotter presenting.
2. Consider a Joint Resolution of the Mayor and Murray City Municipal Council recognizing National Hispanic Heritage Month in Murray City. Rosalba Dominguez presenting.

#### **Citizen Comments**

Comments will be limited to three minutes, step to the microphone, state your name and city of residence, and fill out the required form.

#### **Consent Agenda**

None scheduled.

#### **Public Hearings**

None scheduled.

### **Business Items**

1. Consider a resolution requesting the recertification of the Murray City Municipal Justice Court. Doug Hill and Karen Gallegos presenting.
2. Consider a resolution to acknowledge completion and receipt of the independent audit for Fiscal Year 2022-2023 and direct that notice be published pursuant to Section 10-6-152 of the Utah Code. Brenda Moore presenting.
3. Consider a resolution authorizing the issuance and sale of not more than \$25,000,000 aggregate principal amount of Lease Revenue Bonds, Series 2024; and related matters. Brenda Moore presenting.
4. Consider a resolution adopting the regular meeting schedule of the Murray City Municipal Council for calendar year 2024. Jennifer Kennedy presenting.

### **Mayor's Report and Questions**

### **Adjournment**

#### **NOTICE**

Supporting materials are available for inspection on the Murray City website at [www.murray.utah.gov](http://www.murray.utah.gov).

Special accommodations for the hearing or visually impaired will be made upon a request to the office of the Murray City Recorder (801-264-2663). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speaker phone. The speaker phone will be amplified so that the other Council Members and all other persons present in the Council Chambers will be able to hear all discussions.

On Thursday, November 9, 2023, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder. A copy of this notice was posted on Murray City's internet website [www.murray.utah.gov](http://www.murray.utah.gov) and the state noticing website at <http://pmn.utah.gov>.



Jennifer Kennedy  
Council Executive Director  
Murray City Municipal Council



**MURRAY**  
CITY COUNCIL

# Call to Order

# Pledge of Allegiance



**MURRAY**  
CITY COUNCIL

# Special Recognition



**MURRAY**  
CITY COUNCIL

# Special Recognition #1



**MURRAY**

# City Council/Mayor

## Employee of the Month - Kathy Miller

### Council Action Request

#### Council Meeting

Meeting Date: November 14, 2023

<b>Department Director</b> Jennifer Kennedy	<b>Purpose of Proposal</b> Employee of the Month recognition
<b>Phone #</b> 801-264-2622	<b>Action Requested</b> Informational only
<b>Presenters</b> Pam Cotter Brett Hales	<b>Attachments</b> Recognition Form
	<b>Budget Impact</b> None
<b>Required Time for Presentation</b>	<b>Description of this Item</b> See Employee of the Month Recognition Form
<b>Is This Time Sensitive</b> No	
<b>Mayor's Approval</b>	
<b>Date</b> October 31, 2023	

## EMPLOYEE OF THE MONTH RECOGNITION

DEPARTMENT:

DATE:

Mayor

09/18/2023

NAME of person to be recognized:

Submitted by:

Kathy Miller

Tammy Kikuchi

DIVISION AND JOB TITLE:

Mayor's Office Administrative Assistant

YEARS OF SERVICE:

4 years

REASON FOR RECOGNITION:

I am nominating Kathy Miller for the Employee of the Month award for her exceptional contributions and outstanding performance within our team.

Kathy has consistently demonstrated a strong work ethic, dedication, and a positive attitude towards her work and colleagues.

Furthermore, Kathy consistently goes above and beyond her job responsibilities. She is always willing to assist others, especially those who call the Mayor's office with seemingly impossible questions or requests or don't know where or how to share their concerns.

Kathy contributes positively to team dynamics. When she takes vacation time, we are lost! She keeps Mayor Hales looking good with her preparation and ability to discern the necessity of meetings for him. Kathy is deserving of recognition as Employee of the Month.

COUNCIL USE:

MONTH/YEAR HONORED November 2023







# Special Recognition #2



**MURRAY**

# City Council

## National Hispanic Heritage Month

### Council Action Request

### Council Meeting

Meeting Date: November 14, 2023

<b>Department Director</b> Jennifer Kennedy	<b>Purpose of Proposal</b> Joint Resolution recognizing National Hispanic Heritage Month
<b>Phone #</b> 801-264-2622	<b>Action Requested</b> Approval of attached resolution
<b>Presenters</b> Jennifer Kennedy	<b>Attachments</b> Joint Resolution
	<b>Budget Impact</b> None
<b>Required Time for Presentation</b>	<b>Description of this Item</b> Approve a Joint Resolution of the Mayor and Council recognizing National Hispanic Heritage Month in Murray City.
<b>Is This Time Sensitive</b> Yes	
<b>Mayor's Approval</b>	
<b>Date</b> October 3, 2023	

**A JOINT RESOLUTION OF THE MAYOR AND MURRAY CITY MUNICIPAL COUNCIL RECOGNIZING NATIONAL HISPANIC HERITAGE MONTH IN MURRAY CITY**

WHEREAS, Hispanic Heritage Month began as a commemorative week, when Congress passed Public Law 90-48 on September 17, 1968, officially authorizing, and requesting the president to issue annual proclamations declaring September 15 and 16 to mark the beginning of National Hispanic Heritage Week; President Lyndon B. Johnson issued the first Hispanic Heritage Week presidential proclamation the same day<sup>1</sup>; and

WHEREAS, on August 17, 1988, President Ronald Reagan signed into law a bill to expand the commemorative week into a Hispanic Heritage Month; and on September 14, 1989 President George H. W. Bush declared the period of September 15 to October 15 as National Heritage Month; and

WHEREAS, September 15 was chosen as the kickoff date because it coincided with the independence day celebrations of five Central American neighbors, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua; Additionally, National Hispanic Heritage Month coincides with the dates in September in which Mexico, Chile and Belize declared their independence (September 16, 1810, September 18, 1810, and September 21, 1981, respectively); and

WHEREAS, Murray City proudly recognized **National Hispanic Heritage Month** from September 15 to October 15, 2023, in honor of the historic and cultural contributions of the Hispanic community in our City, state and the United States; and

WHEREAS, Hispanic Americans have been integral to the prosperity of the United States. Their contributions to the nation are immeasurable, and they embody the best of American values. The Hispanic America community has left an indelible mark on U.S. culture and economy; and

WHEREAS, just as Hispanic Americans have impact the United States, it is also true of the impact of Hispanic Americans on Murray City; and

WHEREAS, many members of the Hispanic community trace their roots to the cultures of various groups including the indigenous peoples of the Americas, Spanish and other European explorers, or to enslaved Africans who were brought to the Americas against their own will; and

---

<sup>1</sup> <https://www.history.com/topics/hispanic-history/hispanic-heritage-month>

WHEREAS, Murray City recognize the significant contributions by the Hispanic community in all parts of our society including, but not limited to, economics, politics, sciences, healthcare, and education; and

WHEREAS, the Hispanic community represents [10.9%](#)<sup>2</sup> of the population of Murray City and is an important and vital part to the fabric of our community; and

WHEREAS, in 2023, there were close to [500,000](#)<sup>3</sup> or more Hispanic residents in the State of Utah; and

WHEREAS, the Hispanic community have served in all branches of the Armed Forces and fought bravely to defend liberty and democracy in every war in the history of the United States; and

WHEREAS, Murray City recognizes and honors the resilience of those in the Hispanic community who overcame discrimination and prejudice so they themselves, and their families, could attain the American dream; and

WHEREAS, in 2020, Hispanics from all corners of the state of Utah have participated in and enjoyed commerce activities within Murray City, including at Fashion Place Mall; and

WHEREAS, in 2020, the annual purchasing power of Hispanic Americans was an estimated \$1,900,000,000,000, accounting for 11.1% of U.S. buying power, which is an amount greater than the economy of all except 17 countries in the world<sup>4</sup>; and

WHEREAS, Mexico is one of the main trading partners of the state of Utah benefiting families in both locations with the creation of job opportunities and exchange of knowledge and technology; and

WHEREAS, there is not a comprehensive history of the considerable contributions of the Hispanic community in Murray City; some stories we may never know, and some are yet to be discovered; and

WHEREAS, there are extensive and significant achievements and contributions of the Hispanic community in Murray City; and

WHEREAS, Hispanic Heritage Month is an opportunity to recognize Hispanic residents, business owners, organizations, and educators of Murray City; and

---

<sup>2</sup> <https://www.census.gov/quickfacts/fact/table/murraycityutah/RHI725221>

<sup>3</sup> <https://www.census.gov/quickfacts/fact/table/UT/PST045221>

<sup>4</sup> <https://news.uga.edu/selig-multicultural-economy-report-2021/#:~:text=Hispanic%20buying%20power%20also%20has,from%20only%205%25%20in%201990.>

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Murray City Municipal Council that the City hereby recognizes the celebration of National Hispanic Heritage Month from September 15th – October 15th, 2022, and encourages the Murray City community to join us in celebrating the great contributions of Hispanic and Hispanic Americans to our city, state, and nation.

PASSED, APPROVED AND ADOPTED this 14th day of November 2023

MAYOR

MURRAY CITY MUNICIPAL COUNCIL

---

Brett A. Hales

---

David Rodgers, District 1

---

Pam Cotter, District 2

---

Rosalba Dominguez, District 3

---

Diane Turner, District 4

---

Garry Hrechkosy, District 5



**MURRAY**  
CITY COUNCIL

# Citizen Comments

Limited to three minutes, unless otherwise approved by Council



**MURRAY**  
CITY COUNCIL

# Business Items



**MURRAY**  
CITY COUNCIL

# Business Item #1





**MURRAY**


# Mayor's Office

## Recertifying the Murray Justice Court

### Council Action Request

### Council Meeting

Meeting Date: November 14, 2023

<b>Department</b> <b>Director</b> Mayor Brett Hales  <b>Phone #</b> 801-264-2600  <b>Presenters</b> Doug Hill Karen Gallegos          <b>Required Time for Presentation</b> 10 Minutes  <b>Is This Time Sensitive</b> Yes  <b>Mayor's Approval</b>  <b>Date</b> October 26, 2023	<b>Purpose of Proposal</b> State statute requires that municipal justice courts be re-certified by the Utah Judicial Council every four years.  <b>Action Requested</b> Consider approval of Resolution  <b>Attachments</b> Resolution, Final Recertification Packet, Judge Affidavit  <b>Budget Impact</b> N/A  <b>Description of this Item</b> State statute requires that municipal justice courts be re-certified by the Utah Judicial Council every four years. Because certification of the Murray Justice Court expires on January 31, 2024.  In order to be re-certified, the Judicial Council requires that Murray submit the following: <ul style="list-style-type: none"><li>- an affidavit completed by Judge Thompson</li><li>- an opinion letter from the city's attorney</li><li>- a resolution adopted by the city council</li></ul> Each of these items is described in more detail in the attached packet. To ensure that the Board of Justice Court Judges has sufficient time to review your application and make a recommendation to the Judicial Council, all materials must be received by the Administrative Office of the Courts no later than December 15, 2023.
---	---

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 term of the present Court shall expire on the 31<sup>st</sup> day of January, 2024; 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;

BE IT RESOLVED, the Murray City Municipal Council hereby requests recertification of the Murray City Municipal Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

BE IT FURTHER RESOLVED that 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 November 2023.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Garry Hrechkosy, Chair

ATTEST:

\_\_\_\_\_  
Brooke Smith, City Recorder

**APPLICATION  
FOR RECERTIFICATION  
OF EXISTING JUSTICE COURTS**



**OCTOBER 2023**

## **INSTRUCTIONS TO APPLICANT FOR RECERTIFICATION**

As part of the recertification process, each entity should carefully review all requirements for the operation of justice courts. ***These requirements now include changes to Appendix B of the Code of Judicial Administration which took effect on May 1, 2023.***

In order to aid governing bodies in obtaining the necessary information regarding the continuing obligations of an entity with respect to the operation of the justice 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. ***This opinion must address all requirements for operating a justice court, including those which took effect earlier this year.*** 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 24 of this packet.

**(1) Statutory Requirements.** Statutes of the State of Utah require that certain standards be met in the operation of a justice court. These statutory requirements include:

(1)(A) 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 (Section 78A-7-213).

(1)(B) Each court shall be open and judicial business shall be transacted every day as provided by law (Section 78A-7-213), although the judge is not required to be present during all hours that the court is open.

(1)(C) The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (Section 78A-7-213).

(1)(D) The judge and the clerk of the court shall attend the court at regularly scheduled times (Section 78A-7-213).

(1)(E) The entity operating the justice court shall provide and compensate a judge and clerical personnel to conduct the business of the court (Section 78A-7-206).

(1)(F) The entity operating 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 (Section 78A-7-205).

(1)(G) The entity operating a justice court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (Section 78A-7-103).

(1)(H) The entity operating the justice court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (Section 78A-7-103).

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

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

(1)(K) Witness and jury fees as required by law shall be paid by the entity which operates the court (Sections 10-7-76 and 17-50-319).

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

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

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

(1)(O) The entity operating 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 (Section 78A-7-103).

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

(1)(Q) All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (Section 78A-7-213).

(2) **Judicial Council Minimum Requirements.** In addition to those requirements which are directly imposed by statute, the Judicial Council has established additional requirements for the creation and ongoing certification of justice courts, as follows:

(2)(A) A clerk shall be available for at least one hour each day that the court is required to be open and during court hearings, as required by the judge. These hours shall be posted on the court's website.

(2)(B) The judge shall be available to conduct court business as needed, performing all duties required and exercising ultimate responsibility for the administration of justice as an independent branch of government.

(2)(C) All court hearings shall be conducted in a designated courtroom, including remote transmission, as permitted by the Judicial Council, or in another location authorized by the Presiding Judge.

(2)(D) The minimum furnishings for a courtroom shall include: a desk and chair for the judge (on a riser at least six inches above the well), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and

defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses, which is separate from the public, as well as a judicial robe, a gavel, and necessary forms and supplies.

- (2)(E) Office space for the judge and clerk shall be appropriate. (Under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed.) The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box for each clerk performing cashiering duties, a computer with word processing software, and access to a scanner and copy machine.
- (2)(F) The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration.
- (2)(G) The entity shall have at least one peace officer (which may be contracted).
- (2)(H) A current court security plan shall be submitted for approval as required by Rule 3-414 of the Code of Judicial Administration.
- (2)(I) Each court shall 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 the Driver License Division and the Bureau of Criminal Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety.
- (2)(J) Each court shall report required case disposition information to the DLD, BCI and the Administrative Office of the Courts electronically, as described in Section (2)(I) above.
- (2)(K) Clerks' education hours shall be reported to the Administrative Office of the Courts on an annual basis.
- (2)(L) The appointment of the clerk(s) assigned to serve the court shall be subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion.
- (2)(M) Court staff shall be certified as contemplated by Rule 3-303 of the Code of Judicial Administration.
- (2)(N) Any interlocal agreement relating to court operations, as amended to date, shall be provided to the Justice Court Administrator.
- (2)(O) The court shall accept credit and debit cards through a system that integrates with CORIS.

(2)(P) The court shall have access to UCJIS.

(2)(Q) An audio recording system shall maintain a digital recording of all court proceedings (78A-7-103).

(2)(Q)(i) 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

(2)(Q)(ii) 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.

(2)(Q)(iii) The Board of Justice Court Judges may create a list of products that meet these criteria.

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 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 Class III minimum requirements below), and court must be scheduled at least twice per month.

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 Class II minimum requirements below), 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 Class II minimum requirements below), 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 full-time clerks, at least one of whom is available 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)(A)-(1)(Q) above). 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 Peters, Justice Court Administrator, by calling (801) 578-3824 or emailing [jamesp@utcourts.gov](mailto: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 twice per year. 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. 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 for approval consistent with Rule 3-414 of the Code of Judicial Administration.

**- 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 certification requirements 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. 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 for approval consistent with Rule 3-414 of the Code of Judicial Administration.

**- 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 certification requirements 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 twice per month.

**- 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. 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 for approval consistent with Rule 3-414 of the Code of Judicial Administration.

- **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 certification requirements 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. 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 for approval consistent with Rule 3-414 of the Code of Judicial Administration.

**- 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 certification requirements 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 them. 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 (six inches) 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 (18 inches). 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**

Justice Court: \_\_\_\_\_

Judge: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Court's Website: \_\_\_\_\_

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 digital 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. A clerk is available each day to conduct court business, including hearings as required by the judge, for the number of hours required for the classification of the court. \_\_\_\_\_
2. Hours during which a clerk is available are posted on the court's website. \_\_\_\_\_
3. The judge is available to conduct court business as needed. \_\_\_\_\_
4. The judge performs all duties required and exercises ultimate responsibility for the administration of justice as an independent branch of government. \_\_\_\_\_
5. All court hearings are conducted in a designated courtroom, by remote transmission, or in another location authorized by the Presiding Judge. \_\_\_\_\_
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 new Utah State flag that will be on display no later than March 9, 2024 \_\_\_\_\_
  - 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 \_\_\_\_\_
  - 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 for each clerk performing cashiering duties \_\_\_\_\_
  - v. At least one computer with word processing software and internet access \_\_\_\_\_
  - w. Access to a scanner and copy machine \_\_\_\_\_
- 4. The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration. \_\_\_\_\_
  - 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 court security plan has been submitted for approval as required by Rule 3-414 of the Code of Judicial Administration. \_\_\_\_\_
  - 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. Clerks' education hours shall be reported to the Administrative Office of the Courts on an annual basis. \_\_\_\_\_
  - 10. The appointment of the clerk(s) assigned to serve the court are subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion. \_\_\_\_\_
  - 11. Court staff are current with all certification requirements required by the Board of Justice Court Judges from the month after starting with the court through September 30, 2023.  
\_\_\_\_\_

12. Any interlocal agreement relating to court operations shall be submitted to the Administrative Office of the Court with the city's application for recertification. \_\_\_\_\_
13. The court accepts credit and debit cards through a system that integrates with CORIS. \_\_\_\_\_
14. The court has access to UCJIS. \_\_\_\_\_
15. An audio recording system that complies with the description below maintains a digital recording of all court proceedings. \_\_\_\_\_

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

- Be a stand-alone unit that records and audibly plays back the recording;
- Index, back-up and archive the recording and enable the record to be retrieved;
- Have at least four recording channels;
- Have a one-step "on" and "off" recording function;
- Have conference monitoring of recorded audio;
- Have external record archiving from the unit with local access; and
- Be capable of being integrated with the court's public address system.

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

- Be a stand-alone unit that records and audibly plays back the recording;
- Index, back up and archive the recording and enable the record to be retrieved; and
- Have at least two recording channels.

16. 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 \_\_\_\_\_



17. If the court is a **Class II** court:
- a. 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
  - b. Trial calendar is set at least weekly \_\_\_\_
  - c. Courtroom configuration is permanent \_\_\_\_
  - d. Courtroom, judge's chambers, and clerk's office are within the same building \_\_\_\_
  - e. Judge has his or her own private chambers \_\_\_\_
18. If the court is a **Class III** court:
- a. Trial calendar is set at least twice per month \_\_\_\_
  - b. 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
19. If the court is a **Class IV** court:
- a. Trial calendar is set at least monthly \_\_\_\_
  - b. Court is open at least 1 hour per day \_\_\_\_
20. **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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
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 \_\_\_\_\_, 2023.

## **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 Rule 3-414 of the Code of Judicial Administration.
5. \_\_\_\_ A copy of any interlocal agreement(s) relating to court operations, as amended to date.

**ALL OF THESE DOCUMENTS MUST BE RECEIVED BY THE ADMINISTRATIVE  
OFFICE OF THE COURTS BY:  
DECEMBER 15, 2023.**

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

**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 31st day of January 2024; and

WHEREAS, the members of the \_\_\_\_\_ City Council have received an opinion letter from \_\_\_\_\_, 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 \_\_\_\_\_ City Council have determined that it is to the best interests of \_\_\_\_\_ Municipality to continue to provide for a Justice Court.

BE IT RESOLVED, the \_\_\_\_\_ (name of 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 Council or Board) of Municipality 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 \_\_\_\_\_, 2023.

\_\_\_\_\_

Municipality

by \_\_\_\_\_

(Title)

ATTEST: \_\_\_\_\_

**COURT CERTIFICATION AFFIDAVIT**

Justice Court: Murray Justice Court

Judge: W. Paul Thompson

Address: 688 E Vine Street, Suite 13 Murray Utah 84107

Telephone: 801-284-4280

Court's Website: [murray.utah.gov/83/Justice-Court](http://murray.utah.gov/83/Justice-Court)

Level of Court (Circle one) I II III IV

Average Case Filings Per Month: 603

Daily Court Hours: 8-5 and we don't close for lunch.

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 Municipal Justice Court**

and, except as specifically noted below, certifies as follows:

## **SECTION I**

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

Please indicate **Yes or No** to each of the following:

1. All official court business is conducted in a public facility. Yes
2. Court is open daily. Yes
3. The hours of court operation are posted conspicuously. Yes
4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. Yes
5. The judge is compensated at a fixed rate, 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
  - 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 digital 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. A clerk is available each day to conduct court business, including hearings as required by the judge, for the number of hours required for the classification of the court. Yes
2. Hours during which a clerk is available are posted on the court's website. Yes
3. The judge is available to conduct court business as needed. Yes
4. The judge performs all duties required and exercises ultimate responsibility for the administration of justice as an independent branch of government. Yes
5. All court hearings are conducted in a designated courtroom, by remote transmission, or in another location authorized by the Presiding Judge. 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 new Utah State flag that will be on display no later than March 9, 2024 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

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 for each clerk performing cashiering duties Yes

v. At least one computer with word processing software and internet access Yes

w. Access to a scanner and copy machine Yes

4. The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration. 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 court security plan has been submitted for approval as required by Rule 3-414 of the Code of Judicial Administration. 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. Clerks' education hours shall be reported to the Administrative Office of the Courts on an annual basis. Yes

10. The appointment of the clerk(s) assigned to serve the court are subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion. Yes

11. Court staff are current with all certification requirements required by the Board of Justice Court Judges from the month after starting with the court through September 30, 2023. Yes

12. Any interlocal agreement relating to court operations shall be submitted to the Administrative Office of the Court with the city's application for recertification.

13. The court accepts credit and debit cards through a system that integrates with CORIS. Yes

14. The court has access to UCJIS. Yes

15. An audio recording system that complies with the description below maintains a digital recording of all court proceedings. Yes

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

- Be a stand-alone unit that records and audibly plays back the recording; · Index, back-up and archive the recording and enable the record to be retrieved; · Have at least four recording channels;
- Have a one-step "on" and "off" recording function;
- Have conference monitoring of recorded audio;
- Have external record archiving from the unit with local access; and
- Be capable of being integrated with the court's public address system.

For Class III and Class IV justice courts, the system must, at a minimum: · Be a stand-alone unit that records and audibly plays back the recording; · Index, back up and archive the recording and enable the record to be retrieved; and · Have at least two recording channels.

16. 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

- 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 30th day of October, 2023.

  
Justice Court Judge

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

Executed on the 30th day of October, 2023.



# Business Item #2



**MURRAY**


# Finance & Administration

## Completion and Receipt of Independent Audit FY2022-2023

### Council Action Request

Committee of the Whole & City Council

Meeting Date: November 14, 2023

<b>Department Director</b> Brenda Moore  <b>Phone #</b> 801-264-2513  <b>Presenters</b> Brenda Moore          <b>Required Time for Presentation</b> 45  <b>Is This Time Sensitive</b> Yes  <b>Mayor's Approval</b>   <b>Date</b> October 30, 2023	<b>Purpose of Proposal</b>  Acknowledging completion and receipt of the independent audit for fiscal year 2022-2023.  <b>Action Requested</b>  Discussion in committee of the whole and consideration of a resolution in council meeting.  <b>Attachments</b>  Resolution   <b>Budget Impact</b>          <b>Description of this Item</b>  A PDF of the completed audit will be sent as soon as it is finalized. Printed materials will be available the day of the meeting.   The resolution is an acknowledgment that the audit is complete and you have received it and telling the Recorder to publish notice of that fact.
---	---

RESOLUTION R23-

A RESOLUTION TO ACKNOWLEDGE COMPLETION AND RECEIPT OF THE INDEPENDENT AUDIT FOR FISCAL YEAR 2022-2023 AND DIRECT THAT NOTICE BE PUBLISHED PURSUANT TO SECTION 10-6-152 OF THE UTAH CODE.

WHEREAS, sections 10-6-151, 51-2a-201 and 51-2a-202 of the Utah Code require the City to have, at least annually, an independent audit of its accounts by a certified public accountant; and

WHEREAS, pursuant to section 10-6-152 of the Utah Code, within ten (10) days following receipt of the independent audit, the City is required to publish notice advising the public that the audit is complete and available for inspection; and

WHEREAS, the City retained HBME, LLC, a certified public accountants, to do an independent audit of the City's accounts for fiscal year 2022-2023; and

WHEREAS, HBME has completed the independent audit of the City's accounts for fiscal year 2022-2023; and

WHEREAS, HBME has presented the independent audit to the Mayor and Murray City Municipal Council; and

WHEREAS, the Murray City Municipal Council wants to acknowledge receipt of the completed audit and order that notice be published pursuant to section 10-6-152 of the Utah Code.

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

It hereby acknowledges that the independent audit of the City's accounts for fiscal year 2022-2023 has been completed by HBME and submitted to the Murray City Municipal Council. As required by section 10-6-152 of the Utah Code, the City Recorder is directed to publish notice, advising the public that the independent audit is complete and available for inspection.

PASSED AND APPROVED this      day of              2023.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Garry Hrechkosy, Chair

ATTEST:

---

Brooke Smith, City Recorder





**MURRAY**  
CITY COUNCIL

# Business Item #3



**MURRAY**


## Department/Agency Finance & Administration

### Consider resolution authorizing the issuance of Bonds for Public Works

#### Council Action Request

#### Council Meeting

Meeting Date: November 14, 2023

<b>Department Director</b> Brenda Moore  <b>Phone #</b> 801-264-2513  <b>Presenters</b> Brenda Moore	<b>Purpose of Proposal</b> Public Works Bond Parameters resolution  <b>Action Requested</b> Consideration of the Bond Parameters Resolution  <b>Attachments</b> Draft of the resolution  <b>Budget Impact</b>   <b>Description of this Item</b> This resolution authorizes the City to enter into the appropriate Ground and building leases, necessary in order for the MBA to issue bonds, within the parameters outlined below, to pay for the construction the Public works site.  The bond parameters summary: Principal Amount : \$25,000,000 Maturity in Years: 26 years Sales Price: 98% (meaning you won't discount more than 2%) Interest Rate: 6.5% Designated Officer: Mayor and Finance Director
<b>Required Time for Presentation</b> 15 Minutes  <b>Is This Time Sensitive</b> No  <b>Mayor's Approval</b>   <b>Date</b> October 31, 2023	

**Continued from Page 1:**

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.

The City is using Stifel Public Finance as financial advisors and Gilmore & Bell as bond counsel on this debt issuance project.

This also includes a certification that the Utah opens records act was followed, and will be followed for the Public hearing.

CERTIFICATE OF RESOLUTION OF MUNICIPAL COUNCIL  
(November 14, 2023 Meeting)

The Municipal Council of Murray City, Utah (the "Council") met in regular session on Tuesday, November 14, 2023, at its regular meeting place in Murray City, Utah, at 6:30 p.m. with the following members of the Council present:

Garry Hrechkosy	Chair
Pam Cotter	Council Member
Diane Turner	Council Member
Rosalba Dominguez	Council Member
David Rodgers	Council Member

Also present:

Brett Hales	Mayor
G.L. Critchfield	City Attorney
Brooke Smith	City Recorder

Absent:

After the meeting had been duly called to order and after other matters not pertinent to the resolution had been discussed, the City Recorder presented to the Council a Certificate of Compliance with Open Meeting Law with respect to the November 14, 2023 meeting attached hereto as Exhibit A.

Thereupon, Resolution No. \_\_\_\_\_ was introduced in written form, discussed in full, and pursuant to motion made by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_, adopted by the following vote:

AYE:

NAY:

The resolution was then signed by the Chair and recorded in the official records of the Municipal Council of Murray City, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my signature this November 14, 2023.

(SEAL)

---

City Recorder

## EXHIBIT A

### CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Brooke Smith, the duly qualified and acting City Recorder of Murray City, Utah (the “Issuer”), do hereby certify, according to the records of the Issuer in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time, and place of the November 14, 2023, public meeting held by the Issuer as follows:

(a) By causing a Notice, in the form attached hereto as Schedule 1, to be posted at the meeting location at least twenty-four (24) hours prior to the convening of the meeting, said Notice having continuously remained so posted and available for public inspection until the completion of the meeting;

(b) By causing a copy of such Notice, in the form attached hereto as Schedule 1, to be posted to the Utah Public Notice Website (<http://pmn.utah.gov>) at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a Notice, in the form attached hereto as Schedule 1, to be posted on the City’s official website at least twenty-four (24) hours prior to the convening of the meeting.

In addition, the Notice of 2023 Annual Meeting Schedule for the City Council (attached hereto as Schedule 2) was given specifying the date, time, and place of the regular meetings of the City Council to be held during the year, by causing said Notice to be posted at least annually (a) on the Utah Public Notice Website created under Section 63A-16-601, Utah Code Annotated 1953, as amended, (b) on the City’s official website and (c) in a public location within the City that is reasonably likely to be seen by residents of the City.

IN WITNESS WHEREOF, I have hereunto subscribed my signature this November 14, 2023.

---

City Recorder

(SEAL)

#### ATTACHMENTS:

SCHEDULE 1—NOTICE OF MEETING

SCHEDULE 2—NOTICE OF ANNUAL MEETING

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MUNICIPAL COUNCIL OF MURRAY CITY, UTAH AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT AND A FIRST AMENDMENT TO MASTER LEASE AGREEMENT EACH 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 2024, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT MORE THAN \$25,000,000; AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY BY THE AUTHORITY OF A GENERAL INDENTURE OF TRUST, A SECOND SUPPLEMENTAL INDENTURE OF TRUST, A 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 2024 (the “Series 2024 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 \$25,000,000 to (a) finance the acquisition, construction, furnishing, and equipping of, and improvements to, public works buildings and related public works site improvements (collectively, the “2024 Project”); (b) fund any required deposits to a debt service reserve fund; and (c) pay costs associated with the issuance of the Series 2024 Bonds; and

WHEREAS, the Series 2024 Bonds are to be issued pursuant to a General Indenture of Trust dated as of November 1, 2020 (the “General Indenture”), as previously supplemented and as further supplemented by a Second Supplemental Indenture of Trust (the “Second 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 2024 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 or any amendment thereto (a “Ground Lease”), in substantially the form presented to the Council at this meeting and attached hereto as Exhibit C and herein authorized and approved; and

WHEREAS, the 2024 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 dated as of November 1, 2020 (the “Master Lease”), as amended and supplemented by a First Amendment to Master Lease Agreement (the “First Amendment to Master Lease” and together with the Master Lease, the “Lease”) each 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 2024 Project pursuant to: (i) a Leasehold Deed of Trust, Assignment of Rents and Security Agreement as supplemented by a First Supplement to Leasehold Deed of Trust, Assignment of Rents and Security Agreement, and (ii) an Assignment of Ground Lease, or any amendment thereto 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 Indenture, a Ground Lease, the Lease and the Security Agreements; (ii) the issuance of the Series 2024 Bonds; and (iii) the financing of the 2024 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 2024 Bonds (the “Underwriter”), in substantially the form attached hereto as Exhibit F; and

WHEREAS, in connection with the issuance of the Series 2024 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 2024 Project, including a certificate of the engineer/architect responsible for planning the 2024 Project (which certificate sets forth the estimated useful life of the 2024 Project) and (ii) the estimated costs of the 2024 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 2024 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 2024 Bonds and the financing of the 2024 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 2024 Project and the estimated costs of the 2024 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 2024 Bonds and the financing of the 2024 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 2024 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 2024 Bonds by the Authority in accordance with the provisions of the Indenture and the leasing of the 2024 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 the Council at 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 2024 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 the Council at this meeting and attached hereto as exhibits for and on behalf of the Authority.

Section 4. The Council hereby authorizes the financing of the 2024 Project and the delegation by the Authority, to certain officers of the Authority, the ability to set the final terms of the Series 2024 Bonds within the parameters established by the Authority in the Authority Resolution, which parameters are as follows: maximum aggregate principal amount shall not exceed \$25,000,000; the maximum interest rate shall not exceed 6.50% per annum; the maximum maturity shall not exceed twenty-six (26) years from the dated date of the Series 2024 Bonds; and the maximum discount from par at which the Series 2024 Bonds may be sold shall not exceed 2%.

Section 5. Should the Authority determine to have the Series 2024 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 2024 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 2024 Project, (b) fund any required deposits to a reserve fund, and (c) pay costs associated with the issuance of the Series 2024 Bonds and for such other purposes as may be authorized under the Indenture, the Authority shall issue the Series 2024 Bonds which shall be designated the “Municipal Building Authority of Murray City, Utah Lease Revenue Bonds, Series 2024” (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 2024 Bonds shall not exceed the parameters referenced in Section 4 herein). The Series 2024 Bonds shall be dated, shall bear interest, and shall mature as set forth in the Second Supplemental Indenture.

Section 7. The Authority is authorized to issue and sell the Series 2024 Bonds to the Underwriter thereof pursuant to the terms of the Bond Purchase Contract in the aggregate principal amount of not to exceed \$25,000,000 and at the purchase price set forth therein. The Series 2024 Bonds shall be dated as of their date of delivery, shall bear interest, and mature as set forth in the Second Supplemental Indenture.

Section 8. The form, terms, and provisions of the Series 2024 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 2024 Bonds shall mature prior to the expiration of the estimated useful life of the 2024 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 2024 Bonds, to place thereon the seal of the Authority and to deliver the Series 2024 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 2024 Bonds and to authenticate the Series 2024 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 2024 Project, and to lease the 2024 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 2024 Bonds.

Section 10. Upon their issuance, the Series 2024 Bonds will constitute special limited obligations of the Authority payable solely from and to the extent of the sources set forth in the Series 2024 Bonds, the Indenture and the Security Documents. No provision of this Resolution, the Lease, the Ground Lease, the Indenture, the Series 2024 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 2024 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. 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 13. 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 14. 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 15. 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 16. 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 17. This Resolution shall become effective immediately upon adoption by the City.

Section 18. 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  
NOVEMBER 14, 2023.

(SEAL)

By: \_\_\_\_\_  
Garry Hrechkosy, Chair

ATTEST:

By: \_\_\_\_\_  
Brooke Smith, City Recorder

EXHIBIT A

CERTIFICATE OF RESOLUTION

EXHIBIT B  
INDENTURE



EXHIBIT C

GROUND LEASE AGREEMENT

EXHIBIT D

MASTER LEASE AGREEMENT

AND FIRST AMENDMENT TO MASTER LEASE AGREEMENT

EXHIBIT E  
SECURITY DOCUMENTS

EXHIBIT F

BOND PURCHASE CONTRACT

EXHIBIT G

PRELIMINARY OFFICIAL STATEMENT

EXHIBIT H

CERTIFICATE OF USEFUL LIFE

CERTIFICATE REGARDING  
ESTIMATED USEFUL LIFE

The undersigned, James Trae Stokes of Murray City Corporation, has acted as the engineer for the Municipal Building Authority of Murray City, Utah in connection with the acquisition, construction, furnishing, and equipping of, and improvements to, public works buildings and related public works site improvements (the "2024 Project"), and based upon the foregoing, the undersigned hereby certifies to the best of his/her knowledge that the estimated useful life of the 2023 Project is not less than twenty-six (26) years assuming proper maintenance and repair.

Dated: October 25, 2023.



By: \_\_\_\_\_

*James Trae Stokes* 10-25-23



**MURRAY**  
CITY COUNCIL

# Business Item #4





**MURRAY**

# City Council

## 2024 Council Meeting Schedule

### Council Action Request

Committee of the Whole and Council Meeting

Meeting Date: November 14, 2023

<b>Department Director</b> Jennifer Kennedy	<b>Purpose of Proposal</b> Set the 2024 City Council Meeting Schedule.
<b>Phone #</b> 801-264-2622	<b>Action Requested</b> Approve resolution.
<b>Presenters</b> Jennifer Kennedy	<b>Attachments</b> Proposed resolution, proposed schedule and list of anticipated 2024 events.
	<b>Budget Impact</b> None
	<b>Description of this Item</b> Review and adopt the City Council meeting schedule for 2024.
<b>Required Time for Presentation</b>	
<b>Is This Time Sensitive</b> Yes	
<b>Mayor's Approval</b>	
<b>Date</b> October 26, 2023	

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ADOPTING THE REGULAR MEETING SCHEDULE OF  
THE MURRAY CITY MUNICIPAL COUNCIL FOR CALENDAR YEAR  
2024.

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

1. The regular meeting schedule of the Murray City Municipal Council for calendar year 2024 shall be as provided in the attached.

2. The Murray City Municipal Council reserves the right to change the schedule or cancel any meetings it deems necessary consistent with the Utah Open and Public Meetings Act.

3. The City Recorder is directed to publish the attached schedule.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council of Murray City, Utah, this     day of November, 2023.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Garry Hrechkosy, Chair

ATTEST:

\_\_\_\_\_  
Brooke Smith, City Recorder

## ATTACHMENT



**MURRAY**  
CITY COUNCIL

## **MURRAY CITY MUNICIPAL COUNCIL**

### **2024 MEETING SCHEDULE**

**Murray City Hall, 10 East 4800 South**

COMMITTEE OF THE WHOLE  
COUNCIL MEETING 6:30 p.m.

Tuesday, January 2  
Tuesday, January 16

Tuesday, February 6  
Tuesday, February 20

Tuesday, March 5  
Tuesday, March 19

Tuesday, April 2  
Tuesday, April 16

Tuesday, May 7  
Tuesday, May 21

Tuesday, June 4  
Tuesday, June 18

Tuesday, July 2  
Tuesday, July 16

Tuesday, August 6  
Tuesday, August 13

Tuesday, September 3  
Tuesday, September 17

Tuesday, October 1  
Tuesday, October 15

Tuesday, November 5  
Tuesday, November 19

Tuesday, December 3  
Tuesday, December 10

## 2024 City Council Conferences & Events

### Meetings

January 10, 2024	Murray City School Coordinating Council (Second Wednesday)
April 10, 2024	Murray City School Coordinating Council (Second Wednesday)
October 9, 2024	Murray City School Coordinating Council (Second Wednesday)

### Conferences and Events

January 2024	ULCT Local Officials Day at the Legislature
February 25-29, 2024	APPA Legislative Rally
March 11-13, 2024	National League of Cities, Washington, DC
April 17-19, 2024	ULCT Mid-Year Conference (St. George)
May 19-21, 2024	ICSC (Las Vegas, NV)
June 6-11, 2024	APPA National Conference (New Orleans, LA)
August 20-22, 2024	UAMPS Conference (tentative)
September 4-5, 2024	ULCT Annual Convention (Salt Palace Convention Center)

### Budget Process

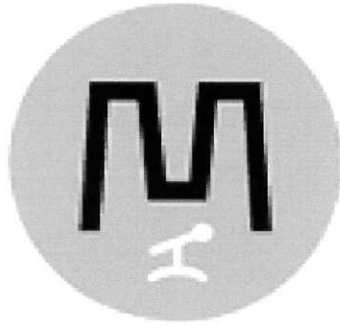
January/February	Mid-Year Budget Review (Date TBD)
May 7, 2024	CM - Mayor's Budget (Last date allowed by State Statute - can be earlier)
May 13-18, 2024	Budget Review with Departments & Reconciliation (Dependent upon receipt of Mayor's Budget.)
May 21, 2024	CM - Adopt Tentative Council Budget & Set Public Hearing
June 4, 2024	CM - Budget Public Hearing
June 18, 2024	CM - Adopt Final FY 2024-2024 Budgets (June 30 – last date allowed by State Statute, unless Truth in Taxation Hearing for property tax increase)
August 2024	Truth in Taxation Meeting (if needed – Date TBD)

### Miscellaneous

July 4, 2024	Murray Fun Day
December 2024	Council Holiday Party for Employees
December 2024	Intermountain Power Association annual meeting & luncheon

December 2024

UAMPS meeting and dinner



**MURRAY**  
CITY COUNCIL

# Mayor's Report And Questions



**MURRAY**  
CITY COUNCIL

**Adjournment**