

**CHAPTER 4-06: JUSTICE COURT JUDGE AND STAFF**

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**4-06-010. Justice Court Judge.**

The Justice Court shall be presided over by a municipal justice court judge known as the Woods Cross City Justice Court Judge, herein referred to as the "Justice Court Judge."

**4-06-020. Powers of Justice Court Judge.**

The Justice Court Judge has the same authority regarding matters within his or her jurisdiction as judges of courts of record including, but not limited to, the power and authority to:

- (a) Issue search warrants and warrants of arrest upon a finding of probable cause;
- (b) Conduct proceedings to determine:
  - (1) Probable cause for any case within his or her jurisdiction; and
  - (2) An accused person's release on bail or his or her own recognizance;
- (c) Preserve and enforce order in his or her immediate presence, and in proceedings before him or her, when he or she is engaged in the performance of official duty;
- (d) Compel obedience to his or her lawful orders as provided by law;
- (e) Compel the attendance of persons to testify in a proceeding before him or her in the cases and manner provided by law;
- (f) Administer oaths to persons in a proceeding pending before him or her, and in all other cases where it may be necessary in the exercise of his or her powers and duties;
- (g) Exercise the powers of a magistrate to the extent permitted by law as enumerated in *Utah Code Ann.* ' 78-7-17.5, as amended; and
- (h) Punish for contempt in the cases provided by law for the effectual exercise of the powers conferred herein.

**4-06-030. Powers of Judge Contradistinguished from Court.**

The Justice Court Judge may exercise out of court all the powers expressly conferred upon a judge as contradistinguished from the Court.

**4-06-040. Eligibility.**

(a) The Justice Court Judge shall be:

- (1) A citizen of the United States;
- (2) Twenty-five (25) years of age or older;
- (3) A resident of Utah for at least three (3) years immediately preceding appointment;
- (4) A resident of Davis County or an adjacent county for at least six (6) months immediately preceding appointment; and
- (5) A qualified voter of the county of residence.

(b) The Justice Court Judge is not required to be admitted to practice law in the State as a qualification to hold office but shall have at the minimum a diploma of graduation from high school or its equivalent. This requirement does not apply to justice court judges holding office on July 1, 1989, who successfully complete continuing education requirements under *Utah Code Ann.* ' 78-5-127, as amended. A Justice Court Judge shall be a person who has demonstrated maturity of judgment, integrity, and the ability to understand and apply appropriate law with impartiality.

**4-06-050. Appointment.**

(a) Generally. The Justice Court Judge shall be appointed by the Mayor and confirmed by a majority vote of the City Council in accordance with *Utah Code Ann.* ' 78-5-134, as amended.

(b) Report to Judicial Council. After a newly appointed Justice Court Judge has been confirmed, the City Council shall report the confirmed Judge's name to the Judicial Council.

**4-06-060. Certification and Annual Training.**

(a) Certification. Prior to assuming office, the Justice Court Judge shall attend an orientation seminar conducted under the direction of the Judicial Council. The Judicial Council shall certify the Justice Court Judge as qualified to hold office upon successful completion of the orientation program and upon the written opinion of the City attorney that the Justice Court Judge meets the statutory qualifications for office. No Justice Court Judge may perform judicial duties until so certified by the Judicial Council.

(b) Annual Training. The Justice Court Judge shall attend continuing education conducted under the supervision of the Judicial Council each calendar year which education shall include instruction regarding competency and understanding of constitutional provisions and laws relating to the jurisdiction of the Court, rules of evidence, and rules of civil and criminal procedure. Completion of such continuing education is evidenced by a certificate awarded by the Judicial Council. Any Justice Court Judge not obtaining said certificate for two (2) consecutive years may be removed from office for cause under this Section.

(c) Costs. The City shall assume the expenses of travel, meals, and lodging for any Justice Court Judge to attend the education and training seminars conducted by the Judicial Council and required herein.

**4-06-070. Residence Requirement.**

The Justice Court Judge shall reside in Davis County, or in a county adjacent to Davis County.

**4-06-080. Term and Vacancy.**

(a) The term of office of the Justice Court Judge is four (4) years, beginning the first Monday in February, 1992. A Justice Court Judge holding office when this Ordinance takes effect or appointed to fill any vacancy shall hold office until reappointed or a successor is appointed and certified by the Judicial Council.

(b) If a vacancy occurs in the office of the Justice Court Judge before the completion of his or her term of office, the City Council may fill the vacancy in accordance with procedures set forth in *Utah Code Ann.* " 78-5-134 and 20A-1-506, as amended.

(c) The City Council shall notify the office of the State Court Administrator in writing of the appointment, resignation, or the contractual agreement for services of a Justice Court Judge under this Section within thirty (30) days after filling the vacancy.

**4-06-090. Compensation.**

(a) Amount. The Justice Court Judge shall be paid a fixed compensation determined by the City Council taking into consideration recommendations of the office of the State Court Administrator as provided in *Utah Code Ann.* ' 78-5-128, as amended. The compensation shall be comprised of a monthly salary and shall be computed upon the number of hours, days or other periods of time that the Justice Court Judge is to be available to perform all judicial functions, but in no case may the salary be an amount greater than 85% of the salary of a district court judge.

(b) Review. The City Council shall annually review the compensation paid to the Justice Court Judge and may adjust such compensation as deemed appropriate; provided however, that the salary fixed for a Justice Court Judge may not be diminished during the term for which the Justice Court Judge has been appointed or elected.

(c) Notice. A copy of the resolution, ordinance, or other document fixing the salary of the Justice Court Judge and any adjustments to the document shall be furnished to the State Court Administrator by the City Council.

**4-06-100. Limitation on Additional Activities.**

(a) The Justice Court Judge may not appear as an attorney in any criminal matter in a federal, state, or justice court or appear as an attorney in any justice court or in any juvenile court case involving conduct which would be criminal if committed by an adult.

(b) The Justice Court Judge may not hold any office or employment including contracting for services in any justice agency of State government or any political subdivision of the State, including law enforcement, prosecution, criminal defense, corrections, or court employment; provided however, that the Justice Court Judge may, with the concurrence of the governing bodies of both Davis County and the City, hold both the offices of county and municipal Justice Court Judge as defined in *Utah Code Ann.* ' 78-5-102, as amended.

(c) The Justice Court Judge may not hold any office in any political party or organization engaged in any political activity or serve as an elected official in State government or any political subdivision of the State.

(d) The Justice Court Judge may not own or be employed by any business entity which regularly litigates in small claims court.

(e) Any Justice Court Judge who violates this Section may be subject to removal by the Judicial Conduct Commission under Title 78, Chapter 8, of the Utah Code Annotated, as amended.

**4-06-110. Reappointment.**

Upon the expiration of a Justice Court Judge's term of office, the Justice Court Judge shall be reappointed absent a showing of good cause by the City. If the City asserts good cause not to reappoint a Justice Court Judge, a hearing may be held before the City Council in accordance with *Utah Code Ann.* ' 78-5-134, as amended. Before reappointment, each Justice Court Judge shall be evaluated in accordance with the performance evaluation program established in *Utah Code Ann.* ' 78-3-21, as amended.

**4-06-120. Retirement.**

(a) Except as otherwise provided in *Utah Code Ann.* ' 78-5-137, as amended, the Justice Court Judge shall retire upon attaining the age of seventy-five (75) years.

(b) The Justice Court Judge whose tenure in office has terminated due to retirement and who is physically and mentally able to perform the duties of the office may hear cases as prescribed by rule of the Supreme Court.

(c) The retired Justice Court Judge shall take and subscribe an oath of office only upon the first appointment. The retired Justice Court Judge shall receive reasonable compensation for services as set by the City Council by ordinance.

**4-06-130. Disqualification.**

(a) Except by consent of all parties, no Justice Court Judge may sit or act in any action or proceeding:

(1) To which he or she is a party, or in which he or she is interested;

(2) When he or she is related to either party by consanguinity or affinity within the third degree, computed according to the rules of common law; or

(3) When he or she has been attorney or counsel for either party in the action or proceeding.

(b) The provisions of this Section shall not apply to the arrangement of the calendar or the regulation of the order of business, nor to the power or transferring the action or proceeding to some other court.

**4-06-140. Grounds for Removal.**

The Justice Court Judge may be removed from office, suspended, censured, involuntarily retired, or publicly or privately reprimanded in accordance with the procedures set forth in Chapter 8 of Title 78, as amended.

**4-06-150. Temporary Justice Court Judge.**

If the Justice Court Judge is absent or disqualified, the City Council may appoint another Justice Court Judge currently holding office within the judicial district to serve as a temporary Justice Court Judge. A retired Justice Court Judge may also be appointed as a temporary Justice Court Judge under rule of the Utah Supreme Court.

**4-06-160. Clerical Personnel.**

(a) The City shall provide and compensate clerical personnel to conduct the business of the Justice Court.

(b) The selection, employment, supervision, and discipline of Court clerical personnel shall be in accordance with City personnel policies, with the concurrence of the Justice Court Judge, and Title 52, Chapter 3 of the *Utah Code Annotated*, as amended, regarding employment of relatives.

(c) The City shall assume the cost of travel and training expenses of clerical personnel at required training sessions conducted by the Judicial Council.

**4-06-170. Justice Court Staff.**

The City shall provide:

(a) Sufficient staff and public prosecutors to attend the Justice Court and perform the duties of prosecution before the Justice Court;

(b) Adequate funding for the costs of defense for persons charged with a public offense who are determined by the Justice Court to be indigent under Title 77, Chapter 32 of the *Utah Code Annotated*, as amended; and

(c) Sufficient local law enforcement officers to attend and provide security for the Justice Court when required.

**4-06-180. Bail Commissioners.**

(a) Appointment. The Mayor, with the advice and consent of the City Council, may appoint from among the officers and members of the police department of the City one or more discreet persons to serve as a bail commissioner. A bail commissioner appointed under this part shall serve at the pleasure of the City and shall receive no compensation as a bail commissioner. Before beginning duties as a bail commissioner, each officer shall take and subscribe an oath to faithfully and impartially discharge the duties of his or her office; give a \$2,500 bond to the City with two good and sufficient individual sureties or with a single corporate surety, that is approved by the City for the faithful performance of his or her duties as a bail commissioner.

(b) Powers and Duties. A bail commissioner shall have authority to fix and receive bail for a person arrested within the corporate limits of the City in accordance with the uniform bail schedule adopted by the Judicial Council or a reasonable bail for City Ordinances not contained in the schedule for misdemeanors under the laws of the State or violation of City Ordinances. In addition to the duty of fixing bail, a bail commissioner shall have power to collect and receipt moneys tendered in payment of the fine of a person serving sentence in default of the payment of such fine, when the Court is closed. Any money or bond collected by a bail commissioner shall be delivered to the appropriate court within three (3) days of receipt of the money or bond.

(c) Return of Property. At the expiration of his or her term of office, the bail commissioner shall surrender and turn over all funds, bonds, property, papers and records then in his or her hands pertaining to the City.