

RESOLUTION 10-03-2003

A RESOLUTION REQUESTING THE RECERTIFICATION OF THE SANTAQUIN JUSTICE COURT

WHEREAS, the provisions of U.C.A. 78-5-139(3) 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 December, 2003; and

WHEREAS, the members of the Santaquin City Council have received an opinion letter from Brett Rich, City Legal Counsel, 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 Santaquin City Council have determined that it is to the best interest of Santaquin City to continue to provide for a Justice Court;

BE IT RESOLVED, the Santaquin City Council hereby requests recertification of the Santaquin Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

BE IT FURTHER RESOLVED that the City Council of Santaquin City hereby affirm their willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Santaquin 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 15 day of October, 2003.

Signed by:

A. LaDue Scovill
A. LaDue Scovill, Mayor

Attest:

S. Farnsworth
Susan B. Farnsworth, City Recorder



COURT CERTIFICATION AFFIDAVIT

Court Location: 45 WEST 100 50. Santagumi Justice Crt.

Judge: Haveron. - TIMOTHY C. HAVERON

Address: 45 WEST 100 50. Santagumi

Telephone: 801-754-5376

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

Average Case Filings Per Month: 173

Daily Court Hours: daily 8hrs

Number of Full-time Clerks: 1
Hours Worked Per Week Per Clerk: 40

Number of Part-time Clerks: 0
Hours Worked Per Week Per Clerk: 0

This form is divided into two parts. Section I contains those requirements that are statutory and are not waivable. 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 the application for certification.

Comes now Judge TIMOTHY C. HAVERON

Justice Court Judge for Santagumi Justice Crt-

_____ 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. 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 the clerk for the purposes of attending training sessions conducted by the Judicial Council. yes
9. The responsible governmental entity provides the Court with:
 - a. Sufficient prosecutorial support yes
 - b. Funding for attorneys for indigent defendants, as appropriate yes
 - c. Sufficient local law enforcement officers to attend court as provided by statute yes
 - d. Security for the court as provided by statute yes
 - e. Witness and juror fees yes
 - f. Copies of the motor vehicle laws of the State of Utah, appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials 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 (78-5-107).
yes
12. All required reports and audits are filed as required by law or Rule of the Judicial Council.
yes

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the instructions to applicant included with this application for recertification.

Please indicate YES or NO to each of the following:

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

- p. Necessary forms and supplies yes
 - q. Office space for the judge yes
 - r. Office space for the court clerk yes
 - s. Secure filing cabinets yes
 - t. Appropriate office supplies yes
 - u. A cash register or secured cash box yes
 - v. A typewriter or word processor yes
 - w. Access to a copy machine yes
4. The appropriate number of clerks as required by the classification of the court, are present during the time court is open each day and as needed during court sessions. yes
5. Does the applicant have a law enforcement department? yes
6. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant: _____

7. A security plan has been filed consistent with C.J.A. Rule 3-414. yes
8. The court has the ability to electronically report to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. yes
9. If the court is a Class I court:
- a. Judge is employed on a full-time basis _____
 - b. Dedicated courtroom which meets the master plan guidelines adopted by the Judicial Council _____
 - c. Court has a jury deliberation room _____
 - d. Judge's chambers, clerk's office, and courtroom are in the same building _____
 - e. Judge has his or her own private chambers _____
 - f. Clerk's office is separate from any other entity _____

g. Court is open during normal business hours _____

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

a. Court is open (check one)

- _____ 1. 201-300 average monthly filings: at least 4 hrs./day
_____ 2. 301-400 average monthly filings: at least 5 hrs./day
_____ 3. 401-500 average monthly filings: at least 6 hrs./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 _____

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

a. Trial calendar is set at least every other week yes

b. Court is opened (check one):

- yes _____ 1. 61-150 average monthly filings: at least 2 hrs./day
yes _____ 2. 151-200 average monthly filings: at least 3 hrs./day

12. 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 _____

13. **If you have responded with a "no" to any item in Section II above, you must request a waiver or extension below and justify that request.** If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended).

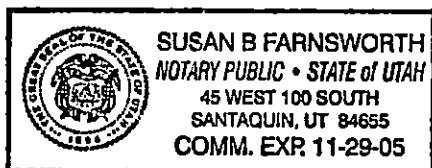
I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the City to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this 7th day of OCTOBER, 2003.

Timothy C Haveron
Justice Court Judge

SUBSCRIBED AND SWORN to before me this 7 day of October, 2003.

Susan B. Farnsworth
NOTARY PUBLIC



Residing at: 45 W 100 S
Santaquin UT

Commission Expires:

11-29-05

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. X A copy of your court security plan, as required by C.J.A. Rule 3-414, unless it has not changed since last submitted.. Has not changed since last submitted

**ALL FOUR OF THESE DOCUMENTS MUST BE RECEIVED BY THE
JUSTICE COURT STANDARDS COMMITTEE AT THE ADDRESS BELOW BY:
OCTOBER 24, 2003 .**

Justice Court Standards Committee
Attention: Richard Schwermer
Administrative Office of the Courts
P. O. Box 140241
Salt Lake City, Utah 84114-0241