

City of Taylorsville
SPECIAL CITY COUNCIL MEETING
Minutes

Wednesday, February 24, 2010
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84118
6:00 p.m.

Attendance:

Mayor Russ Wall

Council Members:

Council Chairman Bud Catlin
Vice-Chairman Morris Pratt
Council Member Dama Barbour
Council Member Larry Johnson
Council Member Jerry Rechtenbach

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Cheryl Peacock Cottle, City Recorder
Jessica Springer, Council Coordinator
Marsha Thomas, Judge
Shell Summers, Court Clerk
Tess Falkner, Court Clerk
Del Craig, Chief of Police
Michael Kwan, Judge
Laci Mechling, Court Clerk
Wayne Dial, Assistant Police Chief
Donald Adams, Grants Manager

Citizens: John Gidney, Howard Wilson

18:00:31 Chairman Bud Catlin called the Special City Council Meeting to order at 6:00 p.m. and welcomed those in attendance. City Recorder Cheryl Peacock Cottle conducted a Roll Call, wherein all Council Members were present.

1. Ordinance No. 10-03 – Creating a Judicial Code by Enacting Chapter 2.13 of the City of Taylorsville Code of Ordinances – *John Brems*

18:00:54 City Attorney John Brems presented an ordinance creating a judicial code for the City's Code of Ordinances. He cited a court case in Sandy City regarding a challenge to a separation of powers.

18:01:59 Council Member Pratt inquired about specifying certain expectations within the ordinance.

18:02:56 Mr. Brems suggested that such language could be included in clauses at the beginning of the ordinance. He clarified that the proposed judicial code creates a framework and foundation and does not address specific programs.

18:04:01 Council Member Johnson inquired about possible ways to limit time that defendants are allowed to stay in special court programs.

18:04:14 Mayor Wall said that time frames are defined by state statute.

18:04:45 Council Member Barbour inquired about Council control of the Court budget and the requirement to stay within that budget regardless of special programs.

18:05:26 Mr. Brems explained that the Court cannot overspend their budget and the City Council controls budget amounts.

18:06:16 Council Member Rechtenbach discussed scenarios where the Court may spend all of its budget before year end and questioned whether the court can then be shut down. He inquired about the latitude of the Council in controlling the court's budget.

18:07:08 Mr. Brems said that the judges' salaries cannot be reduced because they are statutorily required, but pay could be suspended for others in the court if the budget runs out.

18:09:36 Further discussion ensued regarding the budget for the court.

18:10:22 Additional discussion was held regarding the costs for prosecutors.

18:10:56 Chairman Catlin invited Judge Michael Kwan to address the Council.

18:11:30 Judge Kwan stated his intent to do more collections, and generate additional revenue and fewer expenses. He referenced adjustments that must be made.

Judge Kwan stated that the Council will oversee the budget and the judicial branch will administer the court and ensure that justice is served. He noted that revenue is already increasing through recent collection efforts.

18:13:02 Judge Kwan cited many unknown factors in the handling of cases. He stated his intent to do his best with cases that are sent and to manage as efficiently as possible. He agreed to look at programs that are cost effective.

18:13:53 Discussion was held regarding court staff size and possible reductions based on the caseload.

18:15:18 Judge Kwan cited some things that the court has no control over, but noted the need for close management of expenses.

18:15:45 Council Member Barbour stated her great desire to see the Taylorsville Court succeed. She asked whether Judge Kwan might consider suspending certain programs until the budget is under control.

18:16:32 Judge Kwan stated that special programs are not the real budget problem and noted that only \$29,000 would be saved if such programs were discontinued. He said that if programs were stopped, expenses would then increase due to the need for public counsel and jury trials.

18:17:54 Council Member Johnson inquired about costs for merging the Taylorsville Court with the West Jordan Court.

18:18:18 City Administrator John Inch Morgan stated that West Jordan has expressed interest in discussing a merger, but costs to do so have not yet been determined.

18:19:00 Discussion was held regarding slight amendments needed to language in other city ordinances in order to avoid inconsistencies in the code. Mr. Brems noted a need to amend the organizational chart.

18:21:06 Council Member Johnson asked Judge Kwan if he were confident he could resolve the problems in the court.

18:21:31 Judge Kwan responded that he is absolutely confident and has done so in the past.

18:21:47 Council Member Morris Pratt **MOVED** to adopt Ordinance No. 10-03 – Creating a Judicial Code by Enacting Chapter 2.13 of the City of Taylorsville Code of Ordinances. Council Chairman Bud Catlin **SECONDED** the motion. Chairman Catlin called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Barbour-no,

Catlin-yes, Pratt-yes, Johnson-yes, and Rechtenbach-no. **All City Council members voted and the motion passed with a three-to-two vote.**

2. Other Matters

There were no other matters for discussion.

3. Adjournment

18:22:49 Council Member Morris Pratt **MOVED** to adjourn the City Council Meeting. Council Member Dama Barbour **SECONDED** the motion. Chairman Catlin called for discussion. There being none, he called for a vote. The vote was as follows: Barbour-yes, Catlin-yes, Pratt-yes, Johnson-yes, and Rechtenbach-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 6:22 p.m.



Cheryl Peacock Cottle, City Recorder

Minutes approved: CC 03-03-10

Minutes Prepared by: Cheryl Peacock Cottle, City Recorder