

**MINUTES FOR REGULAR COMMISSION MEETING HELD SEPTEMBER 27,  
2010 BEGINNING AT 1:00 P.M. IN THE COMMISSION BOARD ROOM IN  
DUCHESNE, UTAH**

***Present***

Commission Chairman Kent R. Peatross, Commissioner Kirk J. Wood, Commissioner Ronald Winterton, Clerk Auditor Diane Freston, Tom Bruton with Central Utah Water Conservancy District (CUWCD), Uintah Basin Standard Reporter Steve Puro, and Commission Assistant BobbiJo Bailey taking minutes of the meeting.

***Opening Comments***

Mr. Bruton gave the prayer. There were no other comments.

***Pledge of Allegiance***

Any wishing to participate.

***Consideration Of Payment Vouchers***

The commission reviewed vouchers #115482 through #115555 dated September 27, 2010 in the amount of four hundred twenty seven thousand five hundred twenty three dollars and five cents (\$427,523.05). *Commissioner Winterton motioned to approve the vouchers presented by Auditor Freston. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For A Day To Remember***

*Chief Deputy Clerk JoAnn Evans joined the meeting at 1:07P.M...*

Deputy Clerk Evans stated that this is a mobile business. The Planning and Zoning Department wrote on the application that they are not allowed to have business signs at their home address. *Commissioner Winterton motioned to approve the application as presented by Deputy Clerk Evans. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For Bill Pierce Construction, Inc.***

Deputy Clerk Evans stated that this is a construction business and they aren't allowed to have outdoor storage or business signs at their residence per the Planning and Zoning Department. *Commissioner Winterton motioned to approve the application as presented by Deputy Clerk Evans. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of A Business License Application For MJC Pressure Washing***

Deputy Clerk Evans stated that this is also a mobile business and they aren't allowed to have business signs at their residence per the Planning and Zoning Department. *Commissioner Winterton motioned to approve the application as presented by Deputy Clerk Evans. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Approval Of Deeds For The Nine Mile Canyon Road***

Chairman Peatross stated that these are easements, one is a permanent drainage easement and the other two are for a temporary construction easement; they are with Todd Moon and Moon Ranch LLC and have been notarized. This is on the portion that the water district is doing on the Nine Mile Canyon Road. Commissioner Winterton stated that this is giving approval to put a culvert in for drainage. *Commissioner Winterton motioned to approve the easements as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of A Resolution Fixing Salaries For Justice Court Judges***

*Deputy County Attorney Jonathan Stearmer and KNEU Announcer Jean Liddell joined the meeting at 1:15P.M...*

Attorney Stearmer stated he had the opportunity to review this draft resolution with Chairman Peatross and it is now being presented to the full commission. The commission is aware of letters that the county has received from the AOC regarding the salaries of our justice court judges and the county's responsibility to annually review and set the judges' salaries. The county took action on Resolution No. 10-10, where the commission made the decision to close the east precinct of the Justice Court system in Duchesne County and sets out findings regarding compensation and the need to close the east precinct. The whereas clauses in this resolution will

become the findings of the commission. Chairman Peatross stated that we discussed changing the 7-12 year schedule up to 60% and the 13018 year schedule up to 70%, which would leave some discretion, to the extent permitted under State law. Both Commissioner Winterton and Commissioner Wood agreed with the change. Commissioner Wood suggested that the nineteen plus years be changed up to 90%. Both Chairman Peatross and Commissioner Winterton agreed with the change.

## **RESOLUTION NO. 10-13**

### **A RESOLUTION FIXING THE SALARY OF JUSTICE COURT JUDGES IN AND FOR DUCHESNE COUNTY**

**WHEREAS**, Duchesne County (hereinafter “COUNTY”) operates a justice court system with an East and West precinct; and

**WHEREAS**, it has become readily apparent to the COUNTY, through multiple letters from the Administrative Office of the Courts (hereinafter “AOC”), that current compensation levels, based on caseload percentages, for the COUNTY’S justice court judges are noncompliant with U.C.A. §78A-7-206; and

**WHEREAS**, U.C.A. §78A-7-206 expressly states, “The governing body of the...county shall set a part-time justice court judge's salary as follows:” and then gives the mandatory formula to follow; and

**WHEREAS**, based on this information and other findings, the COUNTY passed Res. 10-10 and gave the Judicial Council proper notice, under U.C.A §78A-7-123(2)(c), of the COUNTY’S intent to close the east precinct justice court; and

**WHEREAS**, the COUNTY set forth five substantial facts justifying the need to shorten the time required between notice and the effective date of dissolution; and

**WHEREAS**, the Judicial Council voted to not grant said reduction in time, citing their history of never granting a reduction unless the justice court judge was happy with the local governing body’s decision to close the court; and

**WHEREAS**, Utah law has established a judicial retention election system for justice court judges wherein the voters must decide whether or not to retain any particular justice court judge; and

**WHEREAS**, the COUNTY has also received at least two letters from the AOC regarding the local government’s responsibility to review justice court judges’ salary information; and

**WHEREAS**, U.C.A §78A-7-207 states: “(1) The governing body of each...county shall annually review and may adjust the compensation paid. (2) The salary fixed for a justice court judge may not be diminished during the term for which the judge has been appointed or elected. (3) A copy of the resolution, ordinance, or other document fixing the salary of the justice court judge...shall be furnished to the state court administrator by the governing body of the...county.”; and

**WHEREAS**, U.C.A. §78A-7-203 states, “the term of a justice court judge is six years beginning the first Monday in January following the date of election.”; and

**WHEREAS**, U.C.A §78A-7-206 outlines the process the governing body of the county must follow to set a part-time justice court judge’s salary (including, but not limited to, the determination of salary range (U.C.A. §78A-7-206(1)(a)); and

**WHEREAS**, U.C.A. §78A-7-123 provides the governing authority of the county the power to dissolve a justice court at any time, irrespective of length of terms; and

**WHEREAS**, it is incumbent on the COUNTY to comply with Utah law regarding the compensation of its justice court judges.

**BE IT HEREBY RESOLVED** by the Board of Duchesne County Commissioners that:

1. The salary of all justice court judges (beginning January 3, 2011) in and for Duchesne County shall be set using the following salary ranges:

Years Of Service	Percentage of a district court judge's salary (U.C.A. §78A-7-206)
0-6	50%
7-12	Up to 60%
13-18	Up to 70%
19+	Up to 90%

2. It is understood, pursuant to U.C.A. §78A-7-206(1)(c), a “justice court judge shall receive an annual salary adjustment at least equal to the average salary adjustment for all county...employees for the jurisdiction served by the judge.”

Dated this 27<sup>th</sup> day of September, 2010.

ATTEST:

THE BOARD OF DUCHESNE  
COUNTY COMMISSIONERS:

\_\_\_\_\_  
Diane Freston  
County Clerk/Auditor

\_\_\_\_\_  
Kent R. Peatross, Chairman

\_\_\_\_\_  
Ronald Winterton, Member

\_\_\_\_\_  
Kirk J. Wood, Member

*Commissioner Wood motioned to adopt Resolution No. 10-13 with the changes. Commissioner Winterton seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of Minutes For Working Commission Meeting Held September 20, 2010***

*Commissioner Winterton motioned to approve the minutes as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Consideration Of The Minutes For Regular Commission Meeting Held September 20, 2010***

*Commissioner Winterton motioned to approve the minutes as presented. Commissioner Wood seconded the motion. All commissioners voted aye and the motion passed.*

***Adjournment***

*Chairman Peatross adjourned the meeting at 1:27P.M.*

*Read and approved this 4<sup>th</sup> day of October 2010.*

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*Kent R. Peatross*  
*Commission Chairman*

\_\_\_\_\_  
*Diane Freston*  
*Clerk/Auditor*

*Minutes of meeting prepared by BobbiJo Bailey*\_\_\_\_\_