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Town of Stevensville
PO Box 30
Stevensville MT 59870

RESOLUTION 275

**A RESOLUTION OF THE TOWN OF STEVENSVILLE COUNCIL ESTABLISHING A
"CITY COURT OF RECORD".**

WHEREAS, the Montana State Legislature passed legislative bill SB 0041 allowing city/municipal courts the option of becoming a "court of record" on or after July 1, 2011; and

WHEREAS; prosecuting attorney Brian West, and Town Attorney Keithi Worthington, have advised the Town Council of the benefits of becoming a "City Court of Record";

WHEREAS, currently all cases heard by the Stevensville City Court can be automatically appealed to a higher court without cause; and

WHEREAS, the Town incurs the cost of prosecution at all trials but receives none of the fees from fines or judgment if the case is appealed as it is received by a higher court; and

WHEREAS, by becoming a "court of record" appeals without technical merit are not allowed; and

WHEREAS, Judge Martha Berkeneder and Police Chief James Marble supported by Prosecuting Attorney Brian West advise and recommend to become a court of record; and

WHEREAS, the Town Council desires to have a "city court of record" by use of electronic recording; and

WHEREAS, applicable electronic recordings shall be retained for a period of time as stated in the State of Montana Disposition Schedule and/or Supreme Court recommendations and guidelines; and


WHEREAS, this resolution shall be incorporated into the minutes of a regularly scheduled, duly noticed meeting of the Town Council.

NOW THEREFORE BE IT RESOLVED by the Stevensville Town Council for the Stevensville city Court to become a "City court of Record" as of the 4 day of Aug., 2011 as permitted by State of Montana SB 0041 amending MCA 3-1-102, 3-11-101, 25-33-301 and 46-17-311.

NOW THEREFORE BE IT FURTHER RESOLVED that the Judge and the Prosecuting Attorney are directed to take the steps necessary to implement the change by the City Court to a court of record.

PASSED AND APPROVED by the Stevensville Town Council this 4 day of July, 2011 at a duly noticed, regularly scheduled meeting thereof.

ATTEST:


Susan L. Gibson, Clerk


Lewis Barnett, Mayor

