

ORDINANCE NO. 004, 2017
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF FORT
COLLINS A PROPOSED AMENDMENT TO SECTION 1 OF ARTICLE VII OF THE CITY
CHARTER PERTAINING TO APPOINTMENT OF MUNICIPAL JUDGES

WHEREAS, Article IV, Section 8 of the Charter of the City of Fort Collins (“Charter”) provides that the Charter may be amended as provided by the laws of the State of Colorado; and

WHEREAS, Section 31-2-210, Colorado Revised Statutes, provides that Charter amendments may be initiated by the adoption of an ordinance by the City Council submitting a proposed amendment to a vote of the registered electors of the City of Fort Collins; and

WHEREAS, Article VII, Section 1 of the Charter of the City of Fort Collins provides for the appointment of a Municipal Judge; and

WHEREAS, the demands on the Fort Collins Municipal Court and Municipal Judge have increased over the years, due to changes in the case load as well as the addition of Liquor Licensing Authority duties; and

WHEREAS, additional flexibility to hire additional Municipal Judge(s) when appropriate and necessary and to appoint a Chief Judge with specified duties would allow the Municipal Court to better evolve along with the Court’s evolving case load and schedule; and

WHEREAS, Charter provisions allowing city councils to appoint more than one municipal judge are common in Northern Colorado; and

WHEREAS, the proposed language calls for the appointment of a Chief Judge, with duties to be established in the Code, and details relating to assignment of duties between Municipal Judges could be addressed in employment agreements, or by the Chief Judge, at Council’s discretion; and

WHEREAS, the proposed language also updates the authorization for appointment of temporary judge to allow such appointments as Council determines necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the following proposed changes to Section 1 of Article VII of the City Charter shall be submitted to the registered electors of the City as “Proposed Charter Amendment No. 4” at the regular municipal election to be held on Tuesday, April 4, 2017:

**ARTICLE VII.
MUNICIPAL COURT**

Section 1. Municipal court.

There shall be a Municipal Court vested with original jurisdiction of all causes arising under the City's Charter and ordinances. The Council shall appoint the judge or judges of Municipal Court for two (2) year terms. Council shall designate a Chief Judge to carry out related duties as adopted by the Council by ordinance, and shall fix the compensation of the Municipal Judges. Such compensation shall in no manner be contingent upon the amount of fees, fines or costs imposed or collected. Each Municipal Judge shall be licensed to practice law in the State of Colorado during his or her tenure in office, but need not be so licensed prior to appointment. As Council determines necessary, the Council may designate one (1) or more reputable and qualified attorneys to serve as temporary judge. The Council may remove a Municipal Judge for cause.

Rules of procedure, costs and fees shall be enacted by the Council upon recommendation of the Chief Municipal Judge.

Section 3. That the following ballot title and submission clause are hereby adopted for submitting Proposed Charter Amendment No. 4 to the voters at said election:

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. 4**

Shall Section 1 of Article VII of the Charter of the City of Fort Collins, pertaining to Municipal Court, be amended to allow the City Council to appoint multiple judges of Municipal Court, to designate a Chief Judge, and to specify the duties for the Chief Judge by ordinance, and further to appoint temporary judges as Council determines necessary?

_____ Yes/For
_____ No/Against

Introduced, considered favorably on first reading, and ordered published this 3rd day of January, A.D. 2017, and to be presented for final passage on the 17th day of January, A.D. 2017.

ATTEST:



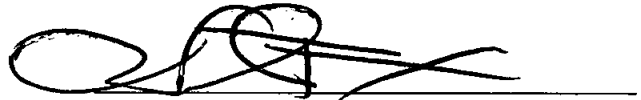

Mayor

W Winkelmann

City Clerk

Passed and adopted on final reading on the 17th day of January, A.D. 2017.

ATTEST:


Mayor

Rita R. Knoll
City Clerk / Chief Deputy

