

RESOLUTION 2016-028
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF FORT COLLINS AND THE TOWN OF WINDSOR
FOR THE EXCHANGE OF JUDICIAL SERVICES AND APPOINTING
A TEMPORARY JUDGE

WHEREAS, on occasion, Municipal Judges may be prevented from sitting on the bench by reason of personal conflict of interest, illness, vacation, or other reason, and the Assistant Municipal Judge presiding over and conducting the Municipal Court in such event may also be unavailable; and

WHEREAS, in order to provide cost-effective special judicial services to temporarily replace the services of the Municipal Judge in the event of a conflict of interest or other circumstance, the City should cooperatively exchange the services of the City's Municipal Judge with that of another entity; and

WHEREAS, Section 1 of Article VII of the City Charter sets forth the requirements for the appointment of the Municipal Judge and temporary judge; and

WHEREAS, the City Council has the authority to designate a reputable and qualified attorney to serve as temporary judge through calendar year 2016; and

WHEREAS, the City Council recognizes that Windsor's Municipal Judge, the Honorable Michael E. Manning, is a reputable and qualified attorney; and

WHEREAS, staff has discussed with Windsor representatives the proposed terms of an intergovernmental agreement providing for the exchange of judicial services when needed to temporarily substitute when the City's or Town's Municipal Judge and temporary judge are unavailable, including the provision of replacement judicial services and compensation for costs directly incurred to provide such services; and

WHEREAS, pursuant to Colorado Revised Statutes Section 29-1-203, governments may cooperate or contract with one another to provide any function service lawfully authorized to each of the cooperating or contracting units of government; and

WHEREAS, the City Council has determined that it is in the best interests of the City that the Mayor be authorized to execute an intergovernmental agreement between the City and Windsor in support thereof.

NOW, THEREFORE, BE IT RESOLVED 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 City Council hereby authorizes the Mayor to execute an intergovernmental agreement between the City and the Town of Windsor consistent with this Resolution for the purpose of appointing Judge Michael E. Manning as the temporary judge, with such language as the City Manager, in consultation with the City Attorney, determines necessary and appropriate to protect the interests of the City or further the purposes of this Resolution, as set forth above.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 15th day of March, A.D. 2016.


Mayor

ATTEST:

W Winkelmann
City Clerk

