

RESOLUTION 2019-046
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITIES OF FORT COLLINS AND LOVELAND, WITH THE OPTION
TO ADD GREELEY, FOR THE EXCHANGE OF JUDICIAL SERVICES,
AND APPOINTING TEMPORARY JUDGES

WHEREAS, on occasion, Municipal Judges may be prevented from sitting on the bench by reason of personal conflict of interest, illness, vacation, or other reasons, 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 its 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 those of other entities; and

WHEREAS on March 21, 2017, the City Council approved Resolution 2017-034, authorizing an intergovernmental agreement ("IGA") between the City, Loveland and Greeley for the exchange of judicial services through 2018; and

WHEREAS, the 2017 IGA has expired and the Fort Collins and Loveland Municipal Judges recommend entering into a new IGA through the end of 2020; and

WHEREAS, the City of Greeley has identified a residency requirement that presently prevents it from continuing to participate in the proposed exchange of judicial services, although if that requirement can be changed in the near future, Greeley would like the option to enter into an IGA with Fort Collins and Loveland; and

WHEREAS, Article VII, Section 1 of the City Charter sets forth the requirements for the appointment of the Municipal Judge and temporary judge, including that the temporary judge be a reputable and qualified attorney; and

WHEREAS, the City Council has the authority to designate reputable and qualified attorneys to serve as temporary judges through calendar year 2020; and

WHEREAS, the City Council recognizes that the Loveland Municipal Judge, the Honorable Geri Joneson, the Loveland Deputy Municipal Judge, the Honorable Marco Scalise, and the Greeley Municipal Judge, the Honorable Mark Gonzales, are reputable and qualified attorneys; and

WHEREAS, City staff has discussed with Loveland's representatives the proposed terms of an intergovernmental agreement providing for the exchange of judicial services if needed to temporarily substitute when a Municipal Judge and temporary or assistant judges 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 or 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 IGA between the City and Loveland in support thereof with the option to amend the IGA in the future to add Greeley.

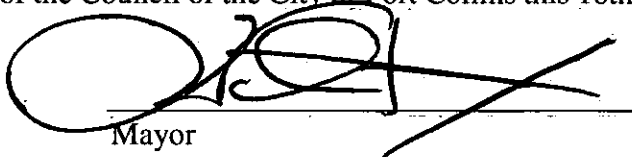
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

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


Section 2. That the City Council hereby authorizes the Mayor to execute an intergovernmental agreement between the City and the City of Loveland, consistent with this Resolution, for the purpose of appointing Judge Geri Joneson and Judge Marco Scalise as the temporary judges for Fort Collins, 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.

Section 3. That if the City of Greeley wishes to participate in the intergovernmental agreement, the City Council further authorizes the Mayor to execute an amended intergovernmental agreement, consistent with this Resolution, for the purpose of adding Greeley as a party and appointing Judge Mark Gonzales as a temporary judge for Fort Collins, 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.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 16th day of April, A.D. 2019.


Mayor

ATTEST:


City Clerk

