

RESOLUTION 2020-078  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE FIRST ADDENDUM TO ASSISTANT  
MUNICIPAL JUDGE BRANDI NIETO'S EMPLOYMENT AGREEMENT

WHEREAS, on May 21, 2019, the City Council approved Resolution 2019-062 appointing Brandi Lynn Nieto as an Assistant Municipal Judge at a rate of Seventy-Five Dollars (\$75) per hour; and

WHEREAS, on May 22, 2019, the Mayor executed an agreement with Judge Nieto to serve at that hourly rate, which expires May 21, 2021 (the "Agreement"); and

WHEREAS, on July 21, 2020, the City Council approved Resolution 2020-066 appointing Assistant Municipal Judge Michelle Kline at a rate of Eighty-Five Dollars (\$85) per hour, which is comparable to similar jurisdictions in the State of Colorado; and

WHEREAS, Judge Nieto is currently receiving a lower hourly rate of pay than both Judge Kline and the other Assistant Municipal Judge, Judge Ablao; and

WHEREAS, the City Council wishes to compensate assistant municipal judges fairly and consistently, and finds it is in the best interests of the City to increase Judge Nieto's rate to Eighty-Five Dollars (\$85) per hour; and

WHEREAS, the funds necessary to cover this increase are available in the current Municipal Court budget.

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 Mayor is hereby authorized to enter into an addendum to the Agreement in a form consistent with Exhibit "A", attached hereto and incorporated herein by reference, increasing Judge Brandi Nieto's pay rate to Eighty-Five Dollars (\$85) per hour to effectuate the purposes of this Resolution.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 18th day of August, A.D. 2020.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



FIRST ADDENDUM TO ASSISTANT MUNICIPAL  
JUDGE BRANDI LYNN NIETO'S EMPLOYMENT AGREEMENT

THIS FIRST ADDENDUM is made and entered into this 18<sup>th</sup> day of August, 2020, by and between the City of Fort Collins, hereinafter referred to as the "City," and Brandi Lynn Nieto, hereinafter referred to as the "Employee," pursuant to these terms and conditions:

WITNESSETH:

WHEREAS, pursuant to Resolution 2019-062, the City Council approved of the appointment of the Employee as Assistant Municipal Judge and authorized the Mayor to enter into an employment agreement with the Employee and

WHEREAS, the City and the Employee have previously entered into that certain agreement dated May 22, 2019; and

WHEREAS, Chief Judge Heuser has researched what other Colorado municipalities pay relief judges and recommends an increase in the hourly rate of pay for the Employee; and

WHEREAS, the City and the Employee have agreed to increase the Employee's compensation to the regular rate of Eighty-Five Dollars per hour.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree to amend the terms and conditions of the Agreement as follows:

1. That Subsection 2 of the Agreement is hereby amended to read in its entirety as follows:

**2. Compensation**

The Employee shall be compensated at the regular rate of Eighty-Five Dollars (\$85.00) per hour, less deductions and withholdings required by law, or authorized by Personnel Policies and Procedures, or authorized by the Employee. The Court Administrator, in coordination with the Employee, shall maintain and submit to the City a time sheet showing all hours worked prior to any payment therefor. All payments shall be made within thirty (30) days of receipt of said time sheet. This position shall be considered exempt for the purposes of the Fair Labor Standards Act and applicable state laws; accordingly, the Employee shall not be eligible for overtime pay.

2. That except as expressly amended by this First Addendum, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this First Addendum to the Employment Agreement to be executed as of the day and year first above written.

**CITY OF FORT COLLINS, COLORADO,**  
a municipal corporation

**ATTEST:**

By: \_\_\_\_\_  
Wade O. Troxell, Mayor

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**

**EMPLOYEE:**

\_\_\_\_\_  
Senior Assistant City Attorney

**APPROVED:**

\_\_\_\_\_  
Brandi Lynn Nieto, Esq.

\_\_\_\_\_  
Chief Human Resources Officer

**APPROVED:**

\_\_\_\_\_  
Chief Judge Jill A. Hueser