

DATE: June 4, 2013
STAFF: Kathleen Lane

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

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SUBJECT

Second Reading of Ordinance No. 072, 2013, Amending Sections 19-36 and 19-41 of the City Code Pertaining to Municipal Court Referees.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on May 21, 2013, makes two minor changes to the Code provisions relating to Municipal Court Referees. First, it removes the residency requirement for such Referees from Section 19-36 so that the Assistant Municipal Judge, who lives outside the City limits, can serve as a back-up Referee, especially on animal infraction cases. Second, it revises Section 19-41 so that all Referees have the same authority to reduce or waive penalties and assessments when appropriate. It removes the previous distinction between the authority of the Parking Referee and the Civil Infraction Referee, which was creating some confusion.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary without attachments - May 21, 2013

DATE: May 21, 2013
STAFF: Kathleen Lane

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

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SUBJECT

First Reading of Ordinance No. 072, 2013, Amending Sections 19-36 and 19-41 of the City Code Pertaining to Municipal Court Referees.

EXECUTIVE SUMMARY

This Ordinance makes two minor changes to the Code provisions relating to Municipal Court Referees. First, it removes the residency requirement for such Referees from Section 19-36 so that the Assistant Municipal Judge, who lives outside the City limits, can serve as a back-up Referee, especially on animal infraction cases. Second, it revises Section 19-41 so that all Referees have the same authority to reduce or waive penalties and assessments when appropriate. It removes the previous distinction between the authority of the Parking Referee and the Civil Infraction Referee, which was creating some confusion.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

ORDINANCE NO. 072, 2013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTIONS 19-36 AND 19-41 OF THE
CODE OF THE CITY OF FORT COLLINS
PERTAINING TO MUNICIPAL COURT REFEREES

WHEREAS, there is currently a residency requirement for Municipal Court Referees contained in City Code Section 19-36; and

WHEREAS, there is no such requirement applicable to the Municipal Judge or the Assistant Municipal Judge; and

WHEREAS, the Municipal Judge wishes to have the Assistant Municipal Judge act as a back-up for the Municipal Court Referees, especially with the addition of animal infraction cases beginning May 1, 2013; and

WHEREAS, the authority of the Referees to reduce or waive penalties and assessments contained in City Code Section 19-41 should be revised so that it is the same for all Referees; and

WHEREAS, the City Council believes that it would be in the best interests of the City to approve the above recommended amendments to the City Code.

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

Section 1. That Section 19-36 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 19-36. Creation; jurisdiction; qualifications.

(a) The Municipal Judge is authorized and empowered to appoint one (1) or more Referees to hear certain municipal ordinance violations relating to parking or Municipal Code violations designated as civil infractions, and to review any costs of abatement or removal assessed pursuant to civil infraction provisions of this Code, as the Municipal Judge may from time to time designate. Such alleged violations may include any offense or infraction which may now or in the future be included in the schedule of payable fines established by the Municipal Judge pursuant to law except any offense which might result in the assessment of points by the State Department of Revenue against the responsible party's driving license or privilege.

(b) The Referee shall be an attorney admitted to practice law in the State, and have a minimum of five (5) years of legal or judicial experience.

(c) A Referee appointed by the Municipal Judge to hear civil infractions shall be appointed from a list of candidates chosen by a staff committee representing each of

the following: Neighborhood Services, the City Attorney's Office and the Human Resources Department.

(d) The City Manager is authorized to appoint a designee to represent the City's interest, with the advice and consent of the City Attorney's Office, in parking and civil infraction proceedings heard by the Referee.

Section 2. That Section 19-41 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 19-41. Authorization to reduce or waive penalties and assessments.

(a) The Referee may assess a penalty less than the fine prescribed in the schedule of fines published by the Municipal Judge or may suspend such fine in any case where the Referee determines, based upon evidence obtained during the course of the hearing, that such action would be in the best interests of justice.

In addition, the Referee may impose any other costs, damages, expenses and orders that may be authorized under Subsection 1-15(f).

(b) The Referee may also reduce or waive any costs or fees assessed by the City in connection with the abatement or removal of a nuisance, except those fees that may be imposed by the City to defray the cost of hearing an appeal of the amount of the assessment, if the Referee determines, based upon mitigating circumstances, that such reduction or waiver would be in the best interests of justice.

Introduced, considered favorably on first reading, and ordered published this 21st day of May, A.D. 2013, and to be presented for final passage on the 4th day of June, A.D. 2013.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 4th day of June, A.D. 2013.

Mayor

ATTEST:

City Clerk