

**AGENDA ITEM SUMMARY**

December 16, 2014

City Council

**STAFF**

Amy Sharkey, Benefits & HRIS Manager

**SUBJECT**

Items Relating to the Employment of the Municipal Judge.

**EXECUTIVE SUMMARY**

- A. Resolution 2014-121 Reappointing Kathleen M. Lane as Municipal Judge and Authorizing the Eleventh Addendum to the Judge's Employment Agreement.
- B. First Reading of Ordinance No. 178, 2014, Amending Section 2-606 of the Code of the City of Fort Collins and Setting the Salary of the Municipal Judge.

City Council met in executive session on November 12, 2014, to conduct the performance review of Municipal Judge Kathleen Lane. Resolution 2014-111 reappoints Judge Lane for another two-year term to expire December 31, 2016 and authorizes the Mayor to execute an addendum to the Judge's employment agreement to reflect the change in term. Ordinance No. 178, 2014, establishes the 2015 salary of the Municipal Judge.

**STAFF RECOMMENDATION**

Not applicable.

**BACKGROUND / DISCUSSION**

Article VII, Section 1 of the Charter provides that the Municipal Judge is to be appointed for a term of two years. Kathleen M. Lane was first appointed to serve as the City's Municipal Judge effective July 1, 1989. Resolution 2012-116 reappointed Judge Lane for a two-year term ending on December 31, 2014. Resolution 2014-111 reappoints Judge Lane for another two-year term to expire December 31, 2016 and authorizes the Mayor to execute an addendum to the Judge's employment agreement to reflect her new term of office.

City Council is committed to compensating employees in a manner which is fair, competitive and understandable. The goal as an employer is to attract and retain quality employees and to recognize and reward quality performance. In order to accomplish this goal the City Council and the Municipal Judge meet twice a year to discuss performance and set goals for the coming year.

In 2014, the total compensation paid to the Municipal Judge included the following:

<b>2014 Salary and Benefits</b>	<b>Annual</b>
Salary (.80 FTE)	\$105,159
Medical Insurance	\$ 8,316
Dental Insurance	\$ 516
Life Insurance	\$ 184
Long Term Disability	\$ 486
ICMA (457)	\$ 3,155
ICMA (401)	\$ 10,516
Total Monetary Compensation	\$128,332

Non-Monetary Benefits

Vacation (30 days per year)

Holidays (11 days per year)

Resolution 2014-096, which establishes the process for evaluating the performance of the City Manager, City Attorney, and Municipal Judge, states that any change in compensation for the City Manager, City Attorney and Municipal Judge will be adopted by the Council by ordinance in sufficient time for the change in compensation to take effect as of the first full pay period of the ensuing year. The Ordinance will amend the City Code to reflect Judge Lane's 2015 salary.

RESOLUTION 2014-120  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
REAPPOINTING KATHLEEN M. LANE AS MUNICIPAL JUDGE AND  
AUTHORIZING THE ELEVENTH ADDENDUM TO THE JUDGE'S  
EMPLOYMENT AGREEMENT

WHEREAS, Municipal Judge Kathleen M. Lane was first appointed to the position of Municipal Court Judge of the City for a term commencing July 1, 1989, which appointment was for a period of two years as required by Article VII, Section 1 of the City Charter; and

WHEREAS, Judge Lane has subsequently been reappointed by the City Council for successive two-year terms; and

WHEREAS, by adoption of Resolution 2012-116, Judge Lane was most recently reappointed by the City Council for a two-year term that will expire on December 31, 2014; and

WHEREAS, the City and Judge Lane previously entered into that certain Employment Agreement dated July 31, 1989 ("the Employment Agreement"), and have also entered into ten previous addenda to the Employment Agreement which are dated June 19, 1991, January 23, 1995, December 31, 1996, January 11, 2001, December 11, 2003, December 7, 2004, December 5, 2006, December 9, 2008, December 13, 2010 and December 5, 2012, respectively; and

WHEREAS, the City Council wishes to reappoint Judge Lane for another two-year term as provided in Article VII, Section 1 of the City Charter and to make changes to the Employment Agreement to reflect the Judge's new term of office.

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

Section 1. That Kathleen M. Lane is hereby reappointed as Municipal Judge for the City of Fort Collins for a two (2) year term commencing January 1, 2015, and ending December 31, 2016.

Section 2. That the Mayor is hereby authorized to execute an Eleventh Addendum to the Employment Agreement between the City and Kathleen M. Lane in substantially the form shown on Exhibit "A", attached hereto and incorporated herein by this reference, with such modifications, if any, as the Mayor may, upon consultation with the City Attorney, consider to be in the best interest of the City.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 16th day of December, A.D. 2014.

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Mayor

ATTEST:

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City Clerk

ELEVENTH ADDENDUM TO MUNICIPAL JUDGE  
EMPLOYMENT AGREEMENT

THIS ELEVENTH ADDENDUM is made and entered into the \_\_\_\_\_ day of December, 2014, by and between THE CITY OF FORT COLLINS, COLORADO, a municipal corporation (hereinafter referred to as “the City”) and KATHLEEN M. LANE hereinafter referred to as “the Employee”).

W I T N E S S E T H:

WHEREAS, the City and the Employee have previously entered into that certain Agreement dated July 31, 1989 (hereinafter referred to as “the Agreement”), and have also entered into nine previous addenda to the Agreement which are dated June 19, 1991, January 23, 1995, December 31, 1996, January 11, 2001, December 2003, December 7, 2004, December 5, 2006, December 9, 2008, December 13, 2010, and December 5, 2012, respectively; and

WHEREAS, the City and the Employee have agreed upon a new term to the Agreement which they wish to set forth in this Eleventh Addendum to the Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein 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.B. of the Agreement is hereby amended so as to read in its entirety as follows:

2. TERM.

B. The Employee agrees to remain in the exclusive employ of the City as Municipal Judge until December 31, 2016, and neither to seek or accept other employment nor to become employed by any other employer until after said termination date, unless the employment of the Employee is terminated earlier as herein provided.

2. That except as expressly amended by this Eleventh Addendum and the previous ten Addenda, 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 Eleventh Addendum to the Municipal Judge Employment Agreement to be executed as of the day and year first above written.

THE CITY OF FORT COLLINS, COLORADO,  
A Municipal Corporation

By: \_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Kathleen M. Lane

ORDINANCE NO. 178, 2014  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING SECTION 2-606 OF THE CODE  
OF THE CITY OF FORT COLLINS AND  
SETTING THE SALARY OF THE MUNICIPAL JUDGE

WHEREAS, pursuant to Article VII, Section 1 of the City Charter, the City Council is responsible for fixing the compensation of the Municipal Judge; and

WHEREAS, the City of Fort Collins is committed to compensating its employees in a manner that is fair, competitive and understandable; and

WHEREAS, the City's pay philosophy is based on total compensation, which includes not only base salary but also deferred compensation payments, vacation and holiday leave, and amounts paid by the City for medical, dental, life and long-term disability insurance; and

WHEREAS, each year the City Council conducts a review of the past year's performance and the next year's goals of the Municipal Judge; and

WHEREAS, the City Council supports a compensation philosophy of paying employees a competitive salary based on established market data, and is adjusting the salary of the Municipal Judge to bring that salary more in line with the appropriate market data; and

WHEREAS, the City's philosophy is to reward performance that meets or exceeds expectations; and

WHEREAS, the City Council has determined that the base salary of the Municipal Judge should be established at the amount of \$\_\_\_\_\_, effective January 5, 2015, so that the total compensation of the Municipal Judge for 2015 will be \$\_\_\_\_\_.

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

Section 1. That Section 2-606 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 2-606. Salary of the Municipal Judge.**

The base salary to be paid to the Municipal Judge for working 0.8 FTE shall be ~~One Hundred Five Thousand One Hundred Fifty Nine dollars (\$105,159.)~~ \_\_\_\_\_ per annum, payable in biweekly installments, which sum shall be charged to general government expense.

Section 2. That the effective date of the salary adjustment shall be January 5, 2015, to be paid retroactively within a reasonable period of time after this Ordinance becomes final.

Introduced, considered favorably on first reading, and ordered published this 16th day of December, A.D. 2014, and to be presented for final passage on the 6th day of January, A.D. 2015.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 6th day of January, A.D. 2015.

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Mayor

ATTEST:

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City Clerk