

AGENDA ITEM SUMMARY

March 21, 2017

City Council

STAFF

Judge Kathleen M. Lane, Municipal Judge
Carrie Daggett, City Attorney

SUBJECT

Resolution 2017-034 Authorizing an Intergovernmental Agreement Between the Cities of Fort Collins, Loveland, and Greeley for the Exchange of Judicial Services, and Appointing Temporary Judges.

EXECUTIVE SUMMARY

The purpose of this item is to authorize an Intergovernmental Agreement (IGA) with the Cities of Loveland and Greeley for judicial services to be used in the event that a conflict of interest or other circumstance prevents the Municipal Judge and temporary judge from hearing a particular Municipal Court case. This agreement is intended to replace an existing 1994 IGA between the same cities.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On occasion, the Municipal Judge 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.

Executing an Intergovernmental Agreement (IGA) is a cost-effective method of providing for judicial services in the event of an absence of the Municipal Judge.

The City Charter gives Council the authority to name the Municipal Judge and any alternate judge.

The Resolution authorizes the Mayor to execute the agreement with the Cities of Loveland and Greeley as described in the Resolution. The Resolution names the Loveland Municipal Judge, the Honorable Geri Joneson, and the Greeley Municipal Judge, the Honorable Brandi Nieto, attorneys who are both reputable and qualified to act as the Fort Collins Municipal Judge, to provide judicial services to the City in the absence of the current Municipal Judge, through calendar year 2018.

The City Attorney's Office has reviewed public records related to Judge Joneson's and Judge Nieto's status and reputation, and has confirmed their good standing as attorneys in Colorado and their reputations and qualifications. Judge Joneson has been a licensed attorney for 26 years, and has been licensed in Colorado since 2000. She has been the Municipal Judge for Loveland since May 2015. Judge Nieto has been a licensed attorney practicing in Colorado since 2004. She has been the Greeley Municipal Judge since 2012.

RESOLUTION 2017-034
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITIES OF FORT COLLINS, LOVELAND AND 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, 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 2018; and

WHEREAS, the City Council recognizes that the Loveland Municipal Judge, the Honorable Geri Joneson, and the Greeley Municipal Judge, the Honorable Brandi Nieto, are reputable and qualified attorneys; and

WHEREAS, City staff has discussed with Loveland and Greeley'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 intergovernmental agreement between the City, Greeley and Loveland in support thereof; and

WHEREAS, the proposed intergovernmental agreement would replace and supersede an existing agreement between the same parties dated January 18, 1994.

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, the City of Loveland and the City of Greeley, consistent with this Resolution, for the purpose of appointing Judge Geri Joneson and Judge Brandi Nieto 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.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 21st day of March, A.D. 2017.

Mayor

ATTEST:

City Clerk