

AGENDA ITEM SUMMARY

September 5, 2017

City Council

STAFF

Judge Kathleen M. Lane, Municipal Judge
Ingrid Decker, Legal

SUBJECT

Resolution 2017-083 Appointing Kathleen M. Lane as Chief Judge of the Fort Collins Municipal Court and Authorizing the Fourteenth Addendum to Judge Lane's Employment Agreement.

EXECUTIVE SUMMARY

The purpose of this item is to appoint existing Judge Kathleen M. Lane as Chief Judge and authorize the Fourteenth Addendum to Judge Lane's employment agreement.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

In April 2017, a revision to the Charter provision relating to Municipal Court was approved by the voters. Article VII, Section 1 now provides that Council shall appoint the judge or judges of Municipal Court and designate a Chief Judge "to carry out related duties as adopted by the Council by ordinance." Judge Kathleen M. Lane has served as Municipal Judge for Fort Collins since 1989, having been reappointed every 2 years. Judge Lane has been fulfilling duties normally handled by a Chief Judge since she was first appointed. Her current appointment is through December 31, 2018.

This Resolution designates Judge Kathleen M. Lane as Chief Judge and authorizes the Fourteenth Addendum to the Judge's Employment Agreement to change all references to the "Municipal Judge" to read "Chief Judge". The term of her appointment, pay, and other terms of her Employment Agreement remain unchanged.

RESOLUTION 2017-083
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPOINTING KATHLEEN M. LANE AS CHIEF JUDGE OF THE
FORT COLLINS MUNICIPAL COURT AND AUTHORIZING THE
FOURTEENTH ADDENDUM TO JUDGE LANE'S EMPLOYMENT AGREEMENT

WHEREAS, on January 17, 2017, the City Council adopted Ordinance No. 004, 2017, submitting to a vote of the City's registered electors a proposed amendment to Article VII, Section 1 of the City Charter pertaining to appointment of municipal judges (the "Charter Change"); and

WHEREAS, at the regular municipal election on April 4, 2017, voters approved the Charter Change; and

WHEREAS, the purpose of the Charter Change was to give the City flexibility to hire additional Municipal Judges when appropriate to handle changes in the Municipal Court caseload, and to appoint a Chief Judge with specified duties; and

WHEREAS, Judge Kathleen M. Lane has served as Municipal Judge for Fort Collins since 1989, effectively serving as the Chief Judge of the Court, and her current appointment is through December 31, 2018; and

WHEREAS, the City and Judge Lane previously entered into that certain Employment Agreement dated July 31, 1989 (the "Employment Agreement"), which has been amended by 13 previous addenda, the most recent of which is dated December 6, 2016; and

WHEREAS, the Council finds it is appropriate and in the best interests of the City to appoint Judge Lane as the Chief Judge of the Fort Collins Municipal Court; and

WHEREAS, such appointment revises only Judge Lane's title; the terms of her appointment, pay, and other terms of her Employment Agreement with the City remain unchanged; and

WHEREAS, the City Council wishes to make a change to Judge Lane's Employment Agreement to reflect the Judge's new title.

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 Judge Kathleen M. Lane is hereby appointed Chief Judge of the Fort Collins Municipal Court.

Section 3. That the Mayor is hereby authorized to execute a Fourteenth Addendum to the Employment Agreement between the City and Kathleen M. Lane to show the change in title of the Judge, 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 interests of the City.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 5th day of September, A.D. 2017.

Mayor

ATTEST:

Chief Deputy City Clerk

FOURTEENTH ADDENDUM TO MUNICIPAL JUDGE
EMPLOYMENT AGREEMENT

THIS FOURTEENTH ADDENDUM is made and entered into the _____, day of September, 2017, 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”).

WITNESSETH:

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 thirteen addenda to the Agreement 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, December 5, 2012, December 16, 2014, December 16, 2015 and December 6, 2016, respectively; and

WHEREAS, the City’s registered electors voted at a regular municipal election on April 4, 2017 to approve a change to the Charter of the City; and

WHEREAS, the change to the Charter of the City, in part, gave the City flexibility to appoint a Chief Judge with specified duties; and

WHEREAS, Judge Kathleen M. Lane has served as Municipal Judge for Fort Collins since 1989, effectively serving as the Chief Judge of the Court; and

WHEREAS, the parties wish to amend the Agreement and subsequent addenda to reflect the change to Judge Lane’s title in such documents to “Chief Judge.”

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 and addenda as follows:

1. That all references to “Municipal Judge” shall be changed to “Chief Judge”.
2. That except as expressly amended by this Fourteenth Addendum and the previous thirteen Addenda, all other terms and conditions of this Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Fourteenth Addendum to the 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