

# AGENDA ITEM SUMMARY

September 12, 2017

City Council

## STAFF

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

## SUBJECT

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Second Reading of Ordinance No. 115, 2017, Amending Section 2-493 of the Code of the City of Fort Collins Regarding Duties of Municipal Judges.

## EXECUTIVE SUMMARY

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This Ordinance, unanimously adopted on First Reading on August 15, 2017, sets out the duties of the Municipal Judges as referenced in Article VII, Section 1, of the City Charter.

## STAFF RECOMMENDATION

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Staff recommends adoption of the Ordinance on Second Reading.

## ATTACHMENTS

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1. First Reading Agenda Item Summary, August 15, 2017 (PDF)
2. Ordinance No. 115, 2017 (PDF)

## AGENDA ITEM SUMMARY

August 15, 2017

City Council

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### STAFF

Judge Kathleen M. Lane, Municipal Judge  
Carrie Daggett, City Attorney  
Ingrid Decker, Legal

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### SUBJECT

First Reading of Ordinance No. 115, 2017, Amending Section 2-493 of the Code of the City of Fort Collins Regarding Duties of Municipal Judges.

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### EXECUTIVE SUMMARY

The purpose of this item is to set out the duties of the Municipal Judges as referenced in Article VII, Section 1, of the City Charter.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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### 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." This ordinance is designed to set out, in general terms, the duties of the Chief Judge, including supervising any Assistant Municipal Judges appointed by City Council. The expectation is that each Municipal Judge would continue to have a contract with the City, as in the past, which could add more specificity in terms of duties.

ORDINANCE NO. 115, 2017  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING SECTION 2-493 OF THE CODE OF THE CITY OF  
FORT COLLINS REGARDING DUTIES OF MUNICIPAL JUDGES

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, City staff is recommending that Section 2-493 of the City Code, which spells out the duties of the Municipal Judge, be amended to be consistent with the Charter Change and to set out in general terms the duties of the Chief Judge, including supervising any Assistant Municipal Judges appointed by the City Council.

NOW, THEREFORE, BE IT ORDAINED 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 Section 2-493 of the City Code is hereby amended to read in its entirety as follows:

**Sec. 2-493 Judicial – Municipal Court; duties of Municipal Judges**

(a) The Municipal Court shall be in the charge of the Chief Judge, who shall be appointed by the City Council and shall be directly responsible to the City Council for the functions and duties of the Municipal Court. The Chief Judge shall manage the Municipal Court and its caseload, and shall serve as a member of the Board of Elections in accordance with the provisions of Article VIII, Section 5 of the Charter.

(b) The City Council may appoint one or more Assistant Municipal Judges as may be necessary to handle the case load of the Municipal Court. Assistant Municipal Judges shall be supervised by the Chief Judge.

(c) As the City Council determines necessary, the City Council may also appoint one or more qualified attorneys to serve as a temporary judge, either directly or through an intergovernmental agreement with another city or cities.

Introduced, considered favorably on first reading, and ordered published this 15th day of August, A.D. 2017, and to be presented for final passage on the 12th day of September, A.D. 2017.

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Mayor

ATTEST:

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Interim City Clerk

Passed and adopted on final reading on the 12th day of September, A.D. 2017.

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Mayor

ATTEST:

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Chief Deputy City Clerk