

***City Council
Legal Review Committee
Meeting Agenda***

**December 17, 2015
City Hall – City Manager’s Office
749 Main Street
4:00 pm**

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Agenda**
- 4. Public Comments on Items Not on the Agenda**
(Council requests that public comments be limited to 3 minutes.)
- 5. Approval of September 17, 2015 Minutes**
- 6. Municipal Court Appointments – Interviews**
 - a. Prosecuting Attorney Collette Cribari, 4:15 PM – 4:30 PM**
 - b. Judge Bruce Joss, 4:30 - 4:45 PM**
- 7. Associate Judge Needs**
- 8. Draft Policy for 501c3 Organizations Affiliated with the City**
- 9. Lawsuit Settlements/Litigation Updates**
- 10. Next Meeting Date and Potential Discussion Items**
- 11. Adjourn**

City Council Legal Review Committee

Meeting Minutes

September 17, 2015

City Hall

749 Main Street

4:00 PM

Call to Order – Chairperson Sue Loo called the meeting to order at 4:05 PM.

Roll Call: The following members were present:

Committee Members: *Jeff Lipton, City Council
Chris Leh, City Council
Sue Loo, City Council*

Absent: *None*

Staff Present: *Heather Balser, Deputy City Manager
Sam Light, City Attorney
Meredyth Muth, Public Relations Manager*

Others: *Bruce Joss, Municipal Judge*

APPROVAL OF AGENDA

The agenda was approved as presented.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Judge Joss asked to speak to his request for salary increases for municipal judge position and the associate judge position. He noted he hasn't had a raise since 2011 and he spends more time on court sessions than before and the caseload is only projected to continue to trend upwards once all of the vacancies at the Police Department have been filled. Judge Joss noted he was comfortable with the associate judge position being paid an hourly rate with a two-hour minimum.

APPROVAL OF MINUTES FROM MARCH 19, 2015

The minutes were approved by all members as presented.

PRESENTATION – JUDGE JOSS, MINOR IN POSSESSION PROGRAM

City of Louisville

City Council *749 Main Street* *Louisville CO 80027*
303.335.4533 (phone) *303.335.4550 (fax)* *www.LouisvilleCO.gov*

Judge Joss made a presentation about the “Minor in Possession Program” he has instituted at the Court. He noted it has been working very well and it has helped many of the kids. The program deals with juveniles under 18 charged with possession of alcohol and/or marijuana. The kids get no jail time, appear with an adult in court, and the judge has instituted treatment and other options to help them successfully through the court process.

DRAFT POLICY FOR 501c3 ORGANIZATIONS AFFILIATED WITH THE CITY

Muth recapped the liability concerns the City has regarding the five 501c3s currently affiliated with the City. The five organizations are the Cultural Council, the History Foundation, the Friends of the Arboretum, the Seniors of Louisville, and the Library Foundation.

Muth stated staff is recommending the following policy:

Any nonprofit 501c3 organization formed specifically to raise funds for City facilities or programs, or created in association with an official City board, shall agree to the following rules:

1. The 501c3 shall carry, at its own cost, liability insurance covering the actions of its directors.
2. A clear scope of work identifying the duties of the directors of the 501c3 as separate from the duties of City board members shall be created.
3. The 501c3 shall provide the City with an annual financial report and yearly tax returns.
4. No City funds shall be used by the 501c3 for advocacy purposes. If the 501c3 donates money for a political cause it shall clearly be from non-City funding.
5. City staff time, use of City facilities, and use of City resources by the 501c3 will be limited to what a department director approves.
6. The 501c3 shall have a nondiscrimination policy.

Loo asked if requiring liability insurance will be a deal breaker for some of the 501s.

Light replied that if the intent of a board is to operate outside of the City for fund raising, then the board shouldn't be doing so without insurance.

Lipton stated that if the groups want to act outside of the City's rules, they shouldn't be under the City's insurance.

Loo noted the liability insurance could be a real difficulty for the Friends of the Arboretum.

Leh asked how staff thought the boards will respond.

Muth stated staff doesn't know how the boards will respond, but once a final draft of the policy is ready it will be taken to each of the five groups for their input before going to the full City Council for consideration.

Leh asked how we make clear to the boards that the money they bring to a city project or facility comes with expectations of transparency.

Loo added it should be clear to the 501 that as the money they raise is specifically for City facilities or resources so there is a shared liability.

JUDICIAL APPOINTMENT PROCESS & JUDICIAL SALARIES AND FEES FOR 2016

Muth asked members if they wanted to see any changes in the appointment process for the judges and prosecuting attorney in 2016.

Lipton asked if the Committee should do any kind of evaluation of the appointees.

Leh agreed there should be some kind of review.

Members agreed to a self-evaluation form for the judge and prosecuting attorney to complete, followed by interviews with the Committee in December. Muth will ask the Judge and Prosecuting Attorney to attend the Committee meeting in December so each may have a short interview.

Light explained the judge's salary is set by ordinance while the associate judge's salary is set by resolution and the prosecuting attorney's salary is determined through the budget process.

Lipton stated the salaries should be looked at each year.

Leh felt the Judge's salary request for an increase was reasonable and suggested raising it to \$2600 per month based on both the cost of living (the position hasn't had a raise since 2011) and on the increased workload in the Court. Members agreed.

Members agreed to change the Associate Judge's salary to \$70/hour with a 2-hour minimum and increasing the Prosecuting Attorney's fees to \$115/hour.

Muth stated staff will reflect these increases in the proposed 2016 budget for full City Council consideration.

LAWSUIT SETTLEMENTS/LITIGATION UPDATES

Light gave an update.

DATE OF NEXT MEETING

The next meeting will be December 17 at 4 PM.

POTENTIAL DISCUSSION ITEMS FOR NEXT MEETING

- Draft policy of 501c3 affiliation with the City
- Interviews with Judge and Prosecuting Attorney

ADJOURN

The meeting adjourned at 5:55 PM.

DRAFT

SUBJECT: MUNICIPAL COURT APPOINTMENTS – INTERVIEWS

DATE: DECEMBER 17, 2015

PRESENTED BY: MEREDYTH MUTH, PUBLIC RELATIONS MANAGER

SUMMARY:

The Legal Review Committee members asked both the Municipal Judge and Prosecuting Attorney to complete a short self-evaluation (attached) and will be conducting 15 minute interviews with each.

ATTACHMENT(S):

1. Colette Cribari Self-Evaluation
2. Bruce Joss Self-Evaluation

SELF APPRAISAL FORM

This Self Appraisal is designed to assist you in providing input regarding your performance and to assist in obtaining a more comprehensive performance assessment. Responses to all questions are encouraged but are not required.

Please complete and return to Meredyth Muth (MeredythM@LouisvilleCO.gov) by December 7.

NAME: Colette Cribari

DATE: December 7, 2015

1. Over the past twelve months, what do you think your most outstanding accomplishment was, and why?

Over the past 12 months, we implemented several new programs within the municipal court-- a) a system for dealing with juvenile cases within the municipal court, in particular MIP's; (b) prosecuting sales tax violations; and finally, (c) rewriting and updating some of the municipal ordinances such as nuisances and abatement, FTAs, and violations on parks and rec land.

Juvenile cases: Working with the police department and the judge, we put together a format for handling juvenile cases within the city instead of sending them to district court in Boulder. We determined the types of cases we wanted to keep at the local level, then put together a tiered level of enforcement for dealing with MIPs in particular. First time offenders are offered a type of diversion (deferred prosecution), with more serious offenders being offered deferred sentences or convictions, depending on criminal history. We put together a questionnaire for both the juveniles and for their parents to fill out prior to court. I then researched programs to refer juveniles for treatment needs based on their level of offense, criminal history and answers to the questionnaires. The numbers of juvenile cases being handled at the municipal level have increased dramatically.

Taxes: I started working closely with the finance department of the city to charge businesses that fail to pay sales taxes with criminal violations under the code. There were approximately 6-7 cases that were charged into the municipal court over the past year. In each case, we were able to recover the taxes from the various businesses through the deferred sentence process. In addition, we prepared a summons for Xcel Energy for criminal charges relating to Xcel's failure to comply with the City's requests for information relating to taxes collected from Xcel's customers that are owed to the City.

Code updates: I updated the City's Nuisance and Abatement sections of the Code. I researched the Nuisance and abatement codes of 8 other municipalities in the surrounding area and completely rewrote Louisville's nuisance and abatement procedures. I compiled a listing of what constitutes nuisances and then laid out a format for initiating an abatement action by the city. In particular, I included notice requirements for abatement, plus due process procedures in the event that a business or individual chooses to contest an abatement action, or to contest the costs of the abatement. I also updated the code in regards to the penalties imposed

SELF APPRAISAL FORM

for offenses that occur on open space or parks and rec areas, so that criminal offenses are handled similarly throughout the city. I added Failure to Appear as a criminal offense and updated the dollar amounts on crimes such as damage to property to track the state statutes.

2. **Over the past twelve months, were there any problems or obstacles that impacted your duties and performance? If so, please explain whether they still exist or how you overcame them.**

I am concerned about the high number of police officers who have left or will be leaving the force over the next few months. I have several cases set for hearings or trials involving officers who are no longer with the police department. I have been informed that a number of other police officers are either actively looking for other employment or plan to do so in the next few months. It will become increasingly difficult to conduct hearings and trials with officers who are no longer employed by Louisville PD, and may impact my ability to resolve cases. In one case where an officer has left the state, we are considering the possibility of testifying by phone or video. In another case set for trial, the officers are still in Colorado and have expressed a willingness to return and testify. I have a case set in January with an officer who has just left the department, so I am in the process of locating that officer to determine if the trial can be held. In future cases, if I am unable to locate an officer, or that person is either unwilling or unable to return for trial, the charges may have to be dismissed.

3. **If the city council were to establish goals for you, what would you recommend and why?**

I believe there are sections of the code relating to criminal offenses that have not been updated for a number of years. Since I'm the one responsible for enforcing these ordinances, I believe that these sections of the code should be scrutinized and perhaps rewritten to either track state statutes, or be written in more concise language, or in some instances removed from the code entirely.

4. **What suggestions, ideas, or concerns do you have for yourself, the Court, or the City that have not been addressed above?**

I love working for the City of Louisville. For many people, their only contact with the criminal justice system is through the municipal court. I strive to make that contact a positive one so that even if they end up losing points or paying a fine, they feel that they've had a fair chance to express their opinions and that they were treated with respect. I believe that Judge Joss does a terrific job handling the citizens who come through his court and they often express their satisfaction as they leave the courtroom. I think the City of Louisville has always strived to protect and serve the community, starting with the police force through to the municipal courts. I am hopeful that the police force will be able to solve their problems. I have known many of these officers for a number of years and respect the force and the difficult job they perform on a daily basis.

SELF APPRAISAL FORM

This Self Appraisal is designed to assist you in providing input regarding your performance and to assist in obtaining a more comprehensive performance assessment. Responses to all questions are encouraged but are not required.

Please complete and return to Meredyth Muth (MeredythM@LouisvilleCO.gov) by December 7.

NAME: Bruce Joss

DATE: December 1, 2015

1. Over the past twelve months, what do you think your most outstanding accomplishment was, and why?

The finalization of our MIP program. By creating the program, we are able to appropriately handle alcohol and marijuana cases for minors in our court taking into consideration the defendant's age, their history in using alcohol and/or marijuana, the facts of the case that resulted in the filing of the criminal charges, and the defendant's prior contact with the court system. To be able to handle these cases locally avoids sending these cases to the state court system where the case numbers are much higher, resulting in less personalization of the defendant's case.

2. Over the past twelve months, were there any problems or obstacles that impacted your duties and performance? If so, please explain whether they still exist or how you overcame them.

There has been an on-going issue with the preparation of the yearly operating budget for the court. There has been little input by myself or by the court clerk in the preparation of the budget. For the 2016 budget, we did have direct input into the budget. Going forward, we should continue to have direct input since we are involved in the day to day operation of the court.

3. If the city council were to establish goals for you, what would you recommend and why?

The court should continue to operate as the independent third branch of government. A fully independent court is necessary as a part of the checks and balances system for our government.

4. What suggestions, ideas, or concerns do you have for yourself, the Court, or the City that have not been addressed above? Unfortunately our world has changed drastically.

We now have an armed bailiff only for arraignments on Monday afternoons. We have no in court security for our Wednesday and Thursday dockets. I would like to have court security for **all** court sessions. For the safety of myself and everyone involved.

SUBJECT: ASSOCIATE JUDGE NEEDS

DATE: DECEMBER 17, 2015

PRESENTED BY: MEREDYTH MUTH, PUBLIC RELATIONS MANAGER

SUMMARY:

Judge Joss has requested the appointment of three associate judges (see below). Currently the City only has one. The City Council may appoint as many judges as it sees fit to fill the position. Curriculum vitae for the three suggested judges are attached.

Judge Joss's Request:

I would like to request the City of Louisville Legal Committee to appoint three current municipal court judges as Associate Judges for the Louisville Municipal Court. Associate Judges are appointed to serve in the court in the event that the Presiding Judge is unavailable due to sickness, travel, conflicts, or some other issue. Having a number of Associate Judges better insures that court matters will proceed without need for delays. Associate Judges will only serve upon the request of the Presiding Judge and only serve one a time, so the addition of more Associate Judges will have no effect on the operational costs of the court. Please note it is not uncommon for most municipal courts to have a number of Associate Judges. Longmont has three associates, Broomfield has four, and the Boulder municipal court has four.

I nominate Judges Jeff Cahn, David Thrower, and Robert Frick. Judge Cahn has been an Associate Judge in Louisville for a number of years. Given that he serves in three other municipalities, his schedule is somewhat limited. He is available on Monday to cover our arraignments, but is not available on Wednesdays or Thursday mornings.

Judge Thrower is the Presiding Judge in Superior. He has previously served as the substitute prosecutor in our court. He lives in Superior and works in Boulder and his schedule is fairly flexible. He would be available for most court dates if needed.

Judge Frick is currently an associate judge in Wheat Ridge. He previously was the full time Presiding Judge in Greeley. He lives in Arvada and works in Boulder and again has a fairly flexible schedule.

I will obtain CVs and other information from these gentlemen to submit to the Legal Committee for your review and consideration.

SUBJECT: ASSOCIATE JUDGE NEEDS

DATE: DECEMBER 17, 2015

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Please let me know if you have any questions or comments.

RECOMMENDATION:

Discussion of position needs

ATTACHMENT(S):

1. Jeffrey Cahn CV
2. David Thrower CV
3. Robert Frick CV

JEFFREY HOWARD CAHN
2915 Heidelberg Drive
Boulder, Colorado 80305
(303) 499-8882
jeffcahn@comcast.net

EMPLOYMENT

- February, 2009-present **Presiding Judge**, Town of Frederick Municipal Court. Preside over arraignment sessions, hearings and trials. Establish court procedures.
- September, 2002-present **Associate Judge**, Boulder Municipal Court. Preside over arraignment sessions, hearings and trials. Assist Presiding Judge with administrative tasks, including development of bond schedule, implementation of strategic plan and various court policies.
- March, 2003-present **Judge Pro Tem**, Westminster Municipal Court. Preside over arraignment sessions, hearings and trials during absences of Presiding Judge.
- April, 1996-August, 2002 **Lead Prosecutor**, Westminster Municipal Court. Recruited, trained and supervised attorneys and staff for municipal prosecution operation.
- January, 1992-March, 2007 **Attorney, Private Practice**, Boulder and Westminster, Colorado. Practice focused primarily on trial issues, including defense of criminally accused and representation of plaintiffs in personal injury matters.
- January, 1991-January, 1992 **Judicial Clerk**, Denver District Court, Judge Morris Hoffman. Assisted judge with research, writing and administration of civil caseload.

EDUCATION

University of Colorado School of Law, Boulder, Colorado.
Juris Doctor awarded May, 1990.
Class Rank, 6/145. Admitted to Bar, October 1990.

Stanford University, Stanford, California.
B.A. Economics, June, 1986.
Graduated *with distinction*.

MEMBERSHIPS

Vice-President, Colorado Municipal Judges Association (present)
Secretary, Colorado Municipal Judges Association (2009- 2010)
Board of Directors, Colorado Municipal Judges Association (2007-2009)
Member, Boulder County Bar Association (1992-present)
Admitted: Colorado State Courts, Federal District Court and 10th Circuit

INTERESTS

Enjoy travel and outdoor sports, including snow skiing, surfing and mountain biking. Active as a youth sports coach for Boulder Valley Girls Softball Association and Boulder Valley YMCA Youth Basketball.

**JEFFREY H. CAHN
REFERENCES**

The Honorable Morris Hoffman
District Court Judge, Denver District Court
1437 Bannock Street
Denver, CO 80202
(720) 865-8305

The Honorable Linda Cooke
Presiding Judge, Boulder Municipal Court
P.O. Box 8015
Boulder, CO 80306
(303) 441-1842

Ms. Lynne Reynolds
Court Administrator, Boulder Municipal Court
P.O. Box 8015
Boulder, CO 80306
(303) 441-1843

The Honorable John Stipech
Presiding Judge, Westminster Municipal Court
3030 Turnpike Drive
Westminster, CO 80030
(303) 204-4889

The Honorable Paul Basso
Associate Judge, Westminster Municipal Court
3030 Turnpike Drive
Westminster, CO 80030
(303) 650-6503

Ms. Carol Barnhardt
Court Administrator, Westminster Municipal Court
3030 Turnpike Drive
Westminster, CO 80030
(303) 658-2241

The Honorable Lael Montgomery
District Court Judge, 20th Judicial District
P.O. Box 4249
Boulder, CO 80306
(303) 441-1866



DIETZE AND DAVIS, P.C.
ATTORNEYS AT LAW

Serving the West from Boulder since 1972

Peter C. Dietze
Robyn W. Kube
Karl F. Kumli, III*
Carmen S. Danielson
David J. Thrower
Renée Ezer*
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Glenn H. Lenzen

Siena Square Building
2060 Broadway, Suite 400
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Joshua E. Anderson
Gabriella Stockmayer

Of Counsel:
Joel C. Maguire
Star L. Waring
Jennifer L. Lorenz
Nicholas G. Muller

Joel C. Davis 1936-2013
**Also admitted in California*

October 23, 2015

Honorable W. Bruce Joss
Presiding Judge, City of Louisville
992 West Via Appia
Louisville, Colorado 80027

Dear Judge Joss:

I am pleased to express my interest in serving as an Associate Municipal Court Judge, and I appreciate the opportunity to provide you with information about my service and experience. I currently serve as the presiding judge in the Superior Municipal Court, after having spent 13 years as a prosecutor in that jurisdiction. I also serve as a backup prosecutor for the City of Louisville.

As you may know, I am the managing shareholder at Dietze and Davis, P.C. The law firm of Dietze and Davis, P.C. was established in 1972, and has a reputation of excellence, particularly in the areas of land use law, local government law, energy, estate planning, business, general real estate practice, and litigation. The firm has an AV rating, the highest possible, from Martindale-Hubbell.

I was admitted to practice law in Colorado in October, 1994, and have appeared in courts ranging from the Colorado Court of Appeals to municipal courts throughout the Front Range. I have been a Shareholder at Dietze and Davis, P.C. since January, 2003, and both prior to and during my tenure, I practiced in municipal courts, both as defense counsel and as prosecutor

Given that most people have their only contact with our justice system at the municipal level, I strive to make certain that defendants are heard and that the system treats them fairly, while at the same time ensuring that there are appropriate consequences for violations of the law. Because we serve as an exemplar of the larger justice system, I believe that working within a municipal court is an important service to the community, and thus have continued in this area while other aspects of my practice have grown and changed.

Honorable W. Bruce Joss
October 23, 2015
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Prior to my employment at Dietze and Davis, P.C., I was a Shareholder at Frankel & Thrower, P.C. My practice focused on domestic litigation and criminal defense, and I frequently appeared in the Denver Drug Court as defense counsel in felony drug cases. I therefore have experience on both sides of the criminal courts, and believe that such experience is essential for a judge.

My experience as a judge, prosecutor and former criminal defense attorney, makes me an ideal candidate for the position of Municipal Court Judge. My involvement in court administration as well as a challenging private practice demonstrates that I have the ability to manage a busy docket, and use time effectively. As a judge, I am often thanked by defendants simply for listening to their side of the case and understanding their point of view. As a litigator, I have successfully prosecuted thousands of cases, both through dispositions and trials, and have used finite resources to defend clients from allegations in very serious matters. In short, I have the experience and judicial bearing to be an effective and successful Associate Municipal Court Judge.

I enclose with this letter a copy of my résumé. Again, I appreciate the opportunity to be considered for this position, and have full confidence in my abilities to continue to provide excellent service to the City of Louisville. I look forward to discussing this exciting position with you. Thank you.

Very truly yours,

DIETZE AND DAVIS, P.C.

A handwritten signature in black ink, appearing to read "David J. Thrower". The signature is written in a cursive, flowing style with some loops and flourishes.

David J. Thrower



DIETZE AND DAVIS, P.C.
ATTORNEYS AT LAW

Serving the West from Boulder since 1972

RÉSUMÉ OF DAVID J. THROWER

Current Practice Emphasis

Municipal Court Judge; Business Formation; Transactions; Real Estate; Estate Planning; Estate Administration; F.E.D.; Landlord/Tenant Matters; Management of 15 Attorneys and 8 Staff Members

Professional Experience

<i>Managing Shareholder</i> Dietze and Davis, P.C., Boulder, Colorado	2011-Present
<i>Shareholder</i> Dietze and Davis, P.C., Boulder, Colorado	2004-2011
<i>Associate Attorney</i> Dietze and Davis, P.C., Boulder, Colorado	2001-2003
<i>Shareholder & Co-Founder</i> Frankel & Thrower, P.C., Boulder, Colorado	1995-2001
<i>Law Clerk</i> Honorable Larry Fugit, Sarpy County Court, Bellevue, Nebraska	1994
<i>Legal Intern</i> Offut Air Force Base, Nebraska	1993

Education

Creighton University School of Law, Omaha, Nebraska
Juris Doctor 1994
Honors: First Place-National Law Student Legal Writing Competition; Moot Court

The Colorado College, Colorado Springs, Colorado
Bachelor of Arts 1991: History/Political Science
Honors: Dean's List

Admitted

Colorado, October 14, 1994
United States District Court for the District of Colorado, April 23, 2001

Affiliations

Colorado Bar Association
Boulder Bar Association
Colorado Municipal League

Awards and Honors

Colorado Bar Association 100 Pro-Bono Hours Club
 1997-1998 200 Hours
 1998-1999 150 Hours
 1999-2000 200 Hours
 2000-2001 225 Hours

Subject of article, June, 1998 *Colorado Lawyer*

Fellow, Boulder County Bar Association

Robert J. Frick, Esq.

Authorized to practice law in Colorado and U.S. District Court

10295 W. 79th Way
Arvada, CO 80005

(970) 397-3980
fricklaw@gmail.com
bobfrick@hotmail.com

EXPERIENCE

James & Associates, LLC, Boulder, CO. September 15, 2015 to Present
Of Counsel Attorney for the law firm of James & Associates, LLC specializing in family law, criminal law, and general civil litigation. Represents clients in civil and criminal matters before the State of Colorado Courts and in Federal District Court.

Town of Nederland Municipal Court, Nederland, Colorado. October 15 to Present
Associate Municipal Judge for the Town of Nederland. The Nederland Municipal Court processes and resolves all municipal Charter and Ordinance violations, primarily consisting of misdemeanor, code violations, and traffic offenses. The relief municipal judge assists the duties of the Court when needed.

Law Office of Robert J. Frick, Arvada, CO. July 1, 2015 to Present
General Practice Attorney specializing in criminal defense, family law and divorce, probate, oil and gas, business law, appeals, and general civil litigation. Represents clients in civil and criminal matters before the State of Colorado Courts and in Federal District Court.

Weld County Attorney – Department of Law, Greeley, CO. December 1, 2014 to June 30, 2015
County Attorney for the Weld County, CO. Served as the legal advisor for the Board of County Commissioners, and all departments and divisions of Weld County government. When directed by the Board, the County Attorney represents Weld County, county officers, county employees, and appointed boards and commissions and their members in suits, actions and other legal proceedings.

Colorado Oil and Gas Conservation Commission, Denver, Colorado. July 1, 2012 to November 30, 2014
Hearings Manager for the Department of Natural Resources, Colorado Oil and Gas Conservation Commission. The Hearings Manager and Unit are responsible for all matters related to the Colorado Oil and Gas Conservation Commission hearings. Receives, analyzes and processes all applications for adjudicatory hearings, rulemaking requests, enforcement matters, and coordinates local governmental outreach. Manages the daily operation of the Hearing Unit, presides over prehearing conferences and adjudicatory hearings, and supervises the Enforcement Officer, Hearings Officers, Local Governmental Liaisons, and staff. The Hearings Manager works with the Assistant Attorney General on legal and litigation matters, reviews legal pleadings for factual and technical accuracy, and serves on the management team within the Commission.

City of Wheat Ridge Municipal Court, Wheat Ridge, Colorado. September 1, 2012 to Present
Relief Municipal Judge for the City of Wheat Ridge. The Wheat Ridge Municipal Court processes and resolves all municipal Charter and Ordinance violations, primarily consisting of misdemeanor, code violations, and traffic offenses. The relief municipal judge assists the duties of the Court when needed.

City of Greeley Municipal Court, Greeley, Colorado.
Presiding Municipal Judge June 16, 2008 to June 16, 2012
Assistant Municipal Judge June 16, 2012 to December 31, 2014
Appointed and sworn to the bench on June 16, 2008 for the City of Greeley, a municipality of approximately 95,000 people. The Greeley Municipal Court processes and resolves all municipal Charter and Ordinance violations, primarily consisting of misdemeanor, code violations, and traffic offenses. The Municipal Judge has all judicial powers relating to the operation of the Municipal Court. Duties also include Administrative Hearing Officer for civil code violations, business, animal, and for the Greeley Liquor Licensing Authority. The Presiding Municipal Judge serves on the City of Greeley executive team, works directly with City Council, Mayor, City Manager, and the City Attorney, and oversees the assistant municipal judges and the assistant administrative hearing officers. The assistant municipal judge assists the duties of the Court when needed.

Weld County District Attorney's Office - 19th Judicial District, Greeley, Colorado. 2000 to June 13, 2008
Deputy District Attorney for Weld County, Colorado. Areas of prosecution have included misdemeanor, traffic, juvenile, and felony level cases. Primary duties have included court appearances, jury trials, motions hearings, and managing heavy docket loads on thousands of criminal cases, including homicide cases. Special duties have included appointment as special prosecutor, department of motor vehicle appeals, county court appeals, appeals to the Colorado appellate courts, and training of local law enforcement agencies. Final assignment was to the intake unit and appellate unit for the filing of criminal charges in all matters, approval of search warrants and other orders as submitted by law enforcement, and providing legal advice to local law enforcement agencies. Recipient of the Weld County District Attorney's Office "Beyond the Badge Award" on March 30, 2007.

Aims Community College, Greeley, Colorado. 2003
Part-time Instructor for Peace Officer Academy Program of Aims Community College.

Amstar Group, Ltd., Denver, Colorado. Contracted October 12, 1999 to November 1999
Executive Legal Secretary for capital management group. Prepared legal documents and correspondence, filed organizational documents of entity incorporation/ formation, organized entity records and files, and fulfilled other responsibilities as needed to assist General Counsel.

Lipper Analytical Services, Inc., Denver, Colorado. Contracted September 13, 1999 to September 24, 1999
Executive Assistant for Lipper Analytical Services, Inc., a Reuters Company, providing data and analysis on investment company business.

Creighton Legal Clinic, Creighton University School of Law, Omaha, Nebraska. Spring 1999
Internship for the Creighton Legal Clinic which operates as a small law firm and provides free legal assistance on civil matters to low-income residents of Douglas County, Nebraska. Interviewed clients, identified the legal needs of the client, prepared legal documents, represented clients in court as a senior certified law student, while balancing the business realities of a small firm.

Department of Justice, United States Attorney's Office, Omaha, Nebraska. Fall 1998
Internship for the Robert M. Spire Internship Program. Prosecuted a criminal trial in federal district court as a senior certified law student, participated in court activities, drafted legal documents, conducted legal research, organized evidence and documents, filed court documents, and fulfilled other responsibilities as needed to assist the Assistant United States Attorneys.

Boy Scouts of America,
Group Leader for the Philmont Training Center, Philmont Scout Ranch, Cimarron, New Mexico. August 1999
Instructed and lead groups of Cub and Boy Scouts through back-country activities and training center programs.

Camp Director for Camp C.S. Klaus, Northeast Iowa Council, Colesburg, Iowa. December 1997 to August 1998
Directed all aspects of summer camp life, conducted pre-camp preparations of program, managed all camp personnel and staff during summer camp, employed all staff, advised on camp policy, coordinated volunteers, supervised health and safety, assisted with program planning, and organized budget proposals and outcomes.

Program Director at Camp C.S. Klaus for the Northeast Iowa Council, Colesburg, Iowa. Summer 1994
Supervised entire summer camp program operations, directed program personnel during summer camp, evaluated program staff, advised on camp policy, and worked with unit leaders regarding camp advancement program.

Eagle Scout December 19, 1989
Assistant Scoutmaster, Troop 86, LaMotte, IA. 1991 to 1999
Assistant Scoutmaster, Committee Member, Eagle Scout Advisor, Troop 330, Denver, CO. 1999 to 2008
Explorer Advisor, Post 459, Weld County Sheriff's Office, Greeley, CO. 2005 to 2009
Unit Commissioner, Longs Peak Council, Greeley, CO. 2008
Assistant Den Leader, Pack 528, Arvada, CO. 2008 to 2013
Assistant Scoutmaster, Troop 766, Broomfield, CO. 2013 to Present

Law Office of Deborah D. Cunningham, Omaha, Nebraska. May 1997 to December 1997
Legal Clerkship for a general practice attorney specializing in criminal defense work and family law. Drafted legal documents for court and clients, conducted legal research, filed court documents, participated in client interviews, and fulfilled other responsibilities as needed to assist the practice. Conducted legal research and drafted legal

documents for the Law Office of Norman Bradshaw, a general practice attorney within the same Law Offices as Ms. Cunningham.

EDUCATION

- Juris Doctor, Creighton University School of Law, Omaha, Nebraska.* May 1999
Activities: Initiation Chairman, Phi Delta Phi, Creighton Inn • Judicial Aid Program • Outstanding Oralist, Domestic Moot Court Competition • Student Member, American Bar Association • Robert M. Spire Internship Program • Environmental Law Society
- Bachelor of Science, University of Iowa, Iowa City, Iowa.* December 1995
Major: Political Science. Minor: Business Administration. Activities: University of Iowa Student Government Executive Officer, Public Relations • Senator, Undergraduate Activities Senate • Chairman, Student Activities Board • Member, Student Association Budgeting and Auditing Committee • Student Representative, United Students of Iowa
- Basic Mediation – 40 Hour Training Program – Denver, Colorado.* October 2015
40 Hour Training Program by Bear Wolf Consulting and Mediation Services

PUBLICATIONS AND PRESENTATIONS

- Independent Review of Coal Seam Gas Activities in NSW: National and International Practice, Setbacks,* Contributing Author, Office of the Chief Scientist & Engineer, New South Wales Government, Australia (Fall 2014)
- Independent Review of Coal Seam Gas Activities in NSW: National and International Practice, Regulations & Compliance,* Contributing Author, Office of the Chief Scientist & Engineer, New South Wales Government, Australia (Fall 2014)
- Sorting through the COGCC Process,* National Association of Royalty Owners – Rockies Conference (June 6, 2014)
- Oil and Gas Overview,* Global Energy Management Program, University of Colorado, Denver (April 14, 2014)
- The Role of Citizens, the State, and Local Governments When Oil and Gas Development Moves in Next Door.* Environmental, Regulatory, Legal & Political Environment in the Energy Industry, University of Colorado, Denver (April 22, 2013)
- Introduction to the Colorado Oil and Gas Conservation Commission,* Local Governmental Designee Training and Outreach, Limon, CO- February 6, 2013; Grand Junction, CO – February 20, 2013; Durango – May 23, 2013; Sterling, CO – July 23, 2013; Denver, CO – August 21, 2013; Glenwood Springs, November 20, 2013
- Tools of Law Enforcement, The Bench Press,* C.M.J.A. Newsletter #32
- Hearsay and Confrontation: A Refresher,* Course Review Article, The Bench Press, C.M.J.A. Newsletter #31
- Prosecutor's Boot camp. Moderator and Course Organizer,* Colorado Municipal League (August 26, 2011)
- Visioning and Strategic Planning for Courts,* Course Review Article, The Bench Press, C.M.J.A. Newsletter #30
- Administrative Hearing Systems for Municipalities,* Colorado Municipal Clerk's Association (November 18, 2010)
- Prosecutor's Boot camp, Ethics- 'Fighting the Good Fight',* Colorado Municipal League (August 20, 2010)
- "Nuts and Bolts CLE" Juvenile Delinquency and Dependency and Neglect,* Weld County Bar Association (2008)
- 4th and 5th Amendment Issue,* Presentation to the Windsor Police Department (January 25, 2008)
- Use of Force, 4th and 5th Amendment Issues,* Presentation to the Weld County S.W.A.T. (January 3, 2008)
- Juvenile Laws and crimes affecting the community,* Evans Police Department Citizen's Academy (May 9, 2007)

MEMBERSHIPS - ASSOCIATIONS

Colorado Municipal Judges Association (President 2015-Present, Vice President 2014-2015, Treasurer 2013-2014, Secretary 2012-2013, Board of Directors 2010-2012) · Colorado Bar Association (approximately 2000 to 2013) · Colorado Municipal League (2008 to 2012) · Eldora Civic Association (Vice President 2012-2013, President 2013 to Present)

REFERENCES

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**SUBJECT: DRAFT POLICY REGARDING 501c3 ORGANIZATIONS
AFFILIATED WITH THE CITY**

DATE: DECEMBER 17, 2015

PRESENTED BY: MEREDYTH MUTH, PUBLIC RELATIONS MANAGER

SUMMARY:

In March and September the Legal Review Committee discussed the role of, and liability issues related to, the five 501c3 nonprofit organizations affiliated with the City. All parties agree the different 501c3s do good work for the City and offer great support for City programs and facilities, however there is concern related to liability issues that may arise and how to differentiate between an outside fund raising group acting independently and the City itself. At that time the Committee directed staff to prepare a draft policy identifying rules a 501c3 would need to abide by to be affiliated with the City. Staff agrees with comments made at the March meeting that we want to make it easy for the 501s to do business. That said, the suggested draft rules are designed to protect both the City and the 501c3s.

Currently there are five 501c3 non-profit entities affiliated with the City, either through a board or commission or through a facility. These boards raise funds that are spent directly on City programs or facilities.

- Cultural Council
- History Foundation
- Friends of the Arboretum
- Seniors of Louisville
- Library Foundation

Attached is a draft policy that takes the information the Committee previously reviewed and puts it into a formal policy. Once the legal committee is comfortable with the draft, staff will circulate it with the five 501s affiliated with the City for their input.

Background

As discussed in March and September, these rules have been formulated to address the following issues.

Liability:

Currently all members appointed to a City board are listed as “public officials” on the City’s liability insurance. They are covered as long as they are acting within their “scope of work” for the board but in some cases there is no distinction between when members are acting for the City board or for the 501c3.

Staff time:

Departments already give the 501s a certain amount of staff time and a meeting place at no charge. It varies, but some departments do not want to offer additional staff time to the 501s and would actually like to lessen the amount of work they do on their behalf. What is the expectation for staff time and the use of City facilities?

Bylaws for some of the groups include specific references where City staff time is required: filing paperwork, reviewing financials, publishing meeting announcements, etc. Should this be a board or City function?

Money/purchasing policies/fund raising:

Are those 501s comprised of City-appointed members required to adhere to the City's policies when spending the 501's money?

FISCAL IMPACT:

None.

RECOMMENDATION:

Discussion.

ATTACHMENT(S):

1. Draft Policy

**Requirements for 501c3, Nonprofit Organizations
Affiliated with City Programming or Facilities**

A nonprofit, 501c3 organization formed specifically to raise funds for City facilities or programs, or created in association with an official City board or facility, shall abide by the following rules:

1. The 501c3 shall carry, at its own cost, liability insurance covering the actions of its directors and program participants in the amount of not less than \$1,000,000. Such policy will list the City of Louisville as an additional insured party and a Certificate of Insurance shall be given to the City annually.
2. The 501c3 shall prepare a clear scope of work identifying the duties of the directors of the 501c3 as separate from the duties of City board members. All directors shall understand the difference in their roles as 501c3 directors and City board members.
3. The 501c3 shall provide the City with an annual financial report and yearly tax returns. Once in the City's possession, those documents may be made public under a Colorado Open Records Act Request.
4. No City funds shall be used by the 501c3 for advocacy purposes. If the 501c3 donates money for a political cause it shall be done so from non-City funding.
5. City staff time, the use of City facilities, and the use of City resources by the 501c3 will be limited to what is approved by the City Manager or his designee.
6. The 501c3 shall have a nondiscrimination policy.