

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

**May 4, 2016  
City Hall – City Manager’s Office  
749 Main Street  
8:30 am**

- 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 March 31, 2016 Minutes**
- 6. Process to Replace Municipal Judge**
- 7. Lawsuit Settlements/Litigation Updates**
- 8. June 9 Meeting Potential Discussion Items**
- 9. Adjourn**

# ***City Council Legal Review Committee***

## ***Meeting Minutes***

**March 31, 2016  
City Hall  
749 Main Street  
4:00 PM**

**Call to Order** – Chairperson Leh 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:** *Malcolm Fleming, City Manager  
Heather Balsler, Deputy City Manager  
Sam Light, City Attorney  
Meredyth Muth, Public Relations Manager*

**Others:** *Susan Honstein*

### **APPROVAL OF AGENDA**

The agenda was amended to discuss procurement of bond counsel first on the agenda.

### **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA**

None

### **APPROVAL OF MINUTES FROM DECEMBER 17, 2015**

The minutes were approved by all members as presented.

### **PROCUREMENT OF BOND COUNSEL SERVICES**

Balsler stated that for 2016 staff suggests we continue using existing Bond Counsel, Dee Wisor, for work on the proposed Recreation Center bond election.

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#### ***City of Louisville***

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

Light noted that in general, the City has procured bond counsel on a transactional basis, not by term.

Leh asked if this process is consistent with the City's purchasing policies.

Light noted it is as professional services are exempt from the bidding requirement. Light added the City would do an official engagement letter with Wisor if the tax question is placed on the ballot.

### **501C3 ORGANIZATIONS AFFILIATES WITH THE CITY**

Leh stated he had been thinking about whether this is a problem to be solved and what the goals of this process should be. He noted it started as a liability issue but now thinks that may not be the primary goal. He stated he thinks it is important that whatever the Committee decides, this should not discourage people from donating money or cause the 501s unnecessary disruption.

He continued, asking where/how should the city be involved, are the boards distinct enough from the 501s, how do public records and open meetings rules apply, and how is staff time allocated. He asked if addressing these issues is enough of a reason to affect the City's relationships with the various boards. He stated that liability alone shouldn't drive this conversation; the bigger issue is how these groups raise money.

Leh stated people can donate to the City and still take deductions, but they don't know that. Maybe there are ways to bring fold the fund raising of the 501s into the City.

Loo noted that if these boards want to come into the City's fold they will have to abide by all of our financing and open government rules whereas if they stay separate they can act on their own.

Lipton added that liability and reputational liability are still important and we need to protect the City's interests. We want to protect both the City and the 501 members, but don't want the process to be cumbersome. Make it simple, and help everyone reach a good conclusion with everyone protected.

Leh noted some board members do not know they are appointed to the 501 automatically (Cultural Council). Those boards need to decide if having a 501 is a necessity to raise money.

Lipton stated the City is not set up to staff and manage fund raising. It has a lot of overhead.

Leh would like to educate the 501s on their option to do their fund-raising as a part of the City. He thinks it would solve a lot of issues. He worries a new policy will keep people from volunteering.

Lipton noted that having City appointees serve on 501 boards is absolutely problematic. The boards and the 501s need to be entirely separate.

Susan Honstein stated the Cultural Council's system is not working and the LCC's identity is in being a City board, not a 501. She suggested maybe the 501 should split away from the City board.

Lipton stated his concern that City funds and 501 funds could be comingled. The boards or the City should establish priorities and then get the 501s to fund raise for those priorities. We need a policy where board and commission members are not in control of a 501. They groups must be independent.

Leh stated we need a process that will get to a final resolution without causing these groups any issues or concerns. We don't want this to ruin small town volunteerism.

Light noted that the overlapping directorate of some boards is problematic. There could be one or two that overlap just to act as liaisons.

Leh wanted the draft policy to be sharpened and to outline the educational process of what a 501 can/cannot do and the pros and cons.

Loo asked if the Committee should get Council buy-in before moving forward.

Lipton suggested an update to the Council at a future meeting.

Leh will work on sharpening the policy and share it with the group.

#### **LAWSUIT SETTLEMENTS/LITIGATION UPDATES**

Light have a brief update.

#### **NEXT MEETING DATE AND POTENTIAL DISCUSSION ITEMS**

The next meeting will be during the City Council's summer break. Muth will send out an alternate meeting date.

#### **ADJOURN**

The meeting adjourned at 5:35 PM.

**SUBJECT:           PROCESS TO REPLACE MUNICIPAL JUDGE**

**DATE:               MAY 4, 2016**

**PRESENTED BY:   MEREDYTH MUTH, PUBLIC RELATIONS MANAGER**

**SUMMARY:**

On April 13, Judge Joss informed the Mayor he is retiring as of June 30<sup>th</sup>. The Legal Review Committee will meet to discuss what process they would like to use to replace the judge.

Attached for consideration is a draft advertisement for a new municipal judge. Staff can send out this announcement through various judicial and city attorney listservs.

The Court's two associate judges have been scheduled to cover the Court in July and August to allow time to hire a replacement.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

Discussion.

**ATTACHMENT(S):**

1. Draft Advertisement for Municipal Judge
2. Joss Retirement Letter

# CITY OF LOUISVILLE ANNOUNCEMENT MUNICIPAL JUDGE APPOINTMENT

The City of Louisville, Colorado is accepting applications for the position of Municipal Judge. Candidates shall be admitted to, and currently licensed in, the practice of law in the State of Colorado.

## **Description of the Court:**

- The Louisville Municipal Court is a qualified court of record as defined under C.R.S. 13-10-102.
- The types of cases heard in the Municipal Court are traffic and municipal code violations.
- The City Council has decriminalized some traffic cases. Municipal Code violations are generally criminal in nature.
- The City offers mail-in plea bargains on decriminalized traffic cases. Minor code violations (first offense) are payable by mail.
- There is an established schedule of fines for the Police Department and Court staff to assess fines for mail-in violations.
- There is an established schedule of bond amounts for various criminal cases.
- The Court utilizes default judgment on failures to appear in decriminalized traffic offenses and bench warrants for failures to appear on all criminal cases.
- Further details may be found in Section 2.32 of the Louisville Municipal Code.

**COURT SCHEDULE** – The Court has six sessions per month, schedule negotiable

### Arraignments

Twice monthly

1<sup>st</sup> and 3<sup>rd</sup> Mondays of each month

1:00 p.m. – 5:00 p.m. The number of cases heard at each arraignment averages 45 - 50 per day.

### Trials

*To Court:* 1<sup>st</sup> and 3<sup>rd</sup> Thursdays 1:00 – 4:00 p.m.

4-6 Trials per month

*Jury Trials* Scheduled as needed – approximately 2 per year  
(Traffic decriminalized – very few traffic cases go to Jury Trial)

### Court

1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month, 10:00 a.m. – 4:00 p.m.

Overflow: established as needed

## **OTHER DUTIES:**

Swearing in of City Council members

Swearing in of police officers

**SALARY**

The Municipal Judge is paid \$2,600 per month. The hours spent in Court range from 15-20 per month. Court Staff has the liberty to contact the Municipal Judge during business hours for direction on non-routine Court matters.

The Municipal Judge is a contract position with the appointment made by City Council. The process is governed by C.R.S. 13-10-105 and Chapter 2.32 of the Louisville Municipal Code.

Please submit letter of interest and resume to:

City of Louisville  
Attn: City Manager's Office  
749 Main Street  
Louisville, CO 80027

**Application Deadline:** \_\_\_\_\_

W. BRUCE JOSS  
1540 SE STONEBRIDGE DRIVE  
CEDAREGE, COLORADO 81413

Mayor Bob Muckle  
City of Louisville  
749 Main Street  
Louisville, Colorado 80027

April 13, 2016

Re: Retirement from Municipal Court

Mayor Muckle,

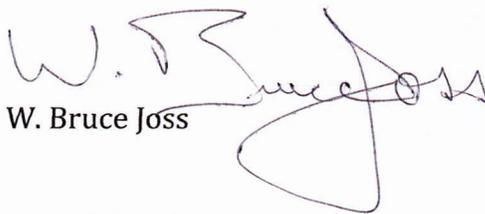
This letter is to notify you and the City Council that I will retire from my position as the Presiding Judge in the Louisville Municipal Court on June 30, 2016.

We unexpectedly sold our house in Boulder County and have now moved to Cedaredge, Colorado—a move and relocation that had not been planned.

It has been an honor to hold this position with the City for the last 13 years. The work has been the most rewarding and challenging in my forty-one years of practice. During that time, I think we have significantly improved Court operations to better serve the City of Louisville and its residents.

I will be happy to assist you and the City staff in any way possible with the process to appoint a replacement for the Presiding Judge position.

Best regards,

A handwritten signature in black ink, appearing to read "W. Bruce Joss", with a large, stylized flourish at the end.

W. Bruce Joss

cc: Chris Leh  
Malcolm Fleming