

RESOLUTION 2023-001  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE CITIES OF FORT COLLINS, GREELEY AND LOVELAND 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, 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 and Assistant Judges with those of other entities; and

WHEREAS on November 4, 2020, the City Council approved Resolution 2020-101, authorizing an intergovernmental agreement ("IGA") between the City, Greeley and Loveland for the exchange of judicial services through October 2022; and

WHEREAS, because of residency requirements in the Greeley City Charter, Judge Hueser is currently the only Fort Collins or Loveland judge who can provide special judicial services to the City of Greeley; and

WHEREAS, City staff has discussed with Loveland's and Greeley's representatives the proposed terms of an updated IGA to provide 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, 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 October 31, 2024; and

WHEREAS, based on research conducted by the Chief Judge and the City Attorney's Office, the City Council recognizes that the Loveland Municipal Judge, the Honorable Geri Joneson; the Loveland Deputy Municipal Judges, the Honorable Marco Scalise and the Honorable Carrie Klein; the Greeley Municipal Judge, the Honorable Mark Gonzales; and Greeley's Assistant Municipal Judges, the Honorable Diane Knutson, the Honorable Keith Coleman, and the Honorable Amy Penfold-Rutz, are all reputable and qualified attorneys; 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 Loveland City Council voted to approve the proposed IGA, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, at its regular meeting on November 15, 2022, and the City of Greeley voted to approve the IGA at its regular meeting on December 6, 2022; and

WHEREAS, the City Council has determined that the proposed IGA between the Cities of Fort Collins, Loveland and Greeley is in the best interests of the City.

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 the City Council hereby authorizes the Mayor to execute the intergovernmental agreement between the City and the Cities of Loveland and Greeley for the purpose of appointing Judges Geri Joneson, Marco Scalise, Courtenay Patterson, Carrie Clein, Mark Gonzales, Diane Knutson, Keith Coleman, and Amy Penfold-Rutz, as the temporary judges for Fort Collins effective November 1, 2022, *nunc pro tunc*, through October 31, 2024, in substantially the form attached as Exhibit "A" along with such additional language as the City Manager, in consultation with the City Attorney, determines to be 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 17th day of January, 2023.

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Mayor

ATTEST:

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City Clerk