



AGENDA ITEM SUMMARY

City Council

STAFF

Judge Jill A. Hueser, Chief Judge
Ingrid Decker, Legal

SUBJECT

Resolution 2023-001 Authorizing an Intergovernmental Agreement Between the Cities of Fort Collins, Greeley and Loveland for the Exchange of Judicial Services, and Appointing Temporary Judges.

EXECUTIVE SUMMARY

The purpose of this item is to authorize an intergovernmental agreement (IGA) with the Cities of Greeley and Loveland for judicial services to be used in the event that a conflict of interest or other circumstance prevents the Municipal Judge and assistant judges from hearing a particular Municipal Court case. This agreement is intended to replace an existing 2020 IGA between Fort Collins, Loveland, and Greeley. This agreement is updated to include all current, eligible judges from each jurisdiction.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On occasion, the Municipal Judge may be prevented from sitting on the bench by reason of personal conflict of interest, illness, vacation, or other reason, and the Assistant Municipal Judge presiding over and conducting the Municipal Court in such event may also be unavailable.

Executing an intergovernmental agreement (IGA) is a cost-effective method of providing for judicial services in the event of an absence of the Municipal Judge.

The City Charter gives Council the authority to name the Municipal Judge and any alternate judge.

The Resolution authorizes the Mayor to execute the agreement with the Cities of Greeley and Loveland as described in the Resolution. The Resolution names the Loveland Municipal Judge, the Honorable Geri Joneson, and Loveland's Deputy Municipal Judges, the Honorable Marco Scalise and the Honorable Carrie Clein as well as 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, who are all reputable attorneys and qualified to act as the Fort Collins Municipal Judge, to provide judicial services to the City in the absence of the current Municipal Judges, through October 31, 2024.

The Chief Judge and the City Attorney's Office have reviewed public records related to each of these judges' status and reputation and confirmed their good standing as attorneys in Colorado and their reputations and qualifications as attorneys and judges.

- Judge Joneson has been a licensed attorney for 28 years and has been licensed in Colorado since 2000. She has been the Municipal Judge for Loveland since May 2015.
- Judge Scalise has been a licensed attorney in Colorado since 1994. He has had a private law practice in Loveland since 1998 and has been the Loveland Deputy Municipal Judge since July 2015.
- Judge Clein was admitted to the Colorado Bar in 1984 and practiced law as a Deputy Colorado State Public Defender from 1983 to 1993. In 1993, she joined the law firm of Harrington Brewster and Clein, P.C. where she is a partner. Judge Clein was appointed in Loveland in 2019 and is also a judicial officer for Lakewood municipal Court and the Denver Civil Service Commission.
- Judge Gonzales was admitted to the Colorado Bar in 2000 and has been the Greeley Municipal Judge since May 2018. Before that he served as a Weld County District Court Magistrate for nine years. He has also served as a Weld County Deputy District Attorney and a Greeley Assistant City Attorney.
- Judge Knutson was admitted to the Colorado Bar in 1980 and has previously served as the Presiding Municipal Judge for the City of Durango and as the Municipal Judge for the Town of Ignacio prior to her appointment as an Assistant Municipal Judge for the City of Greeley in 2012.
- Judge Coleman was admitted to the Colorado Bar in 1994 and has his own criminal defense practice in Greeley. He was appointed as an Assistant Municipal Judge in Greeley in 2018.
- Judge Penfold-Rutz was admitted to the Colorado Bar in 2012 and appointed in Greeley in 2018. She has a private law practice in Greeley.

The City of Loveland City Council approved the IGA by resolution on November 15, 2022, and the City of Greeley City Council approved the IGA by resolution on December 6, 2022.

ATTACHMENTS

1. Resolution for Consideration
2. Resolution Exhibit A