

AGENDA ITEM SUMMARY

City Council



STAFF

Judge Jill A. Hueser, Chief Judge

SUBJECT

Second Reading of Ordinance No. 019, 2024, Amending Article III of Chapter 19 of the Code of the City of Fort Collins Regarding Municipal Court Referees.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on February 6, 2024, amends the City Code to clarify that municipal court referees may hear cases involving camera radar and red light photo citations. Defendants in this type of case would have a choice to have a hearing with a referee in a more informal setting or a hearing in front of a municipal judge. The proposed Code changes would also allow the Chief Judge in the future to authorize referees to hear cases involving other zero-point infractions.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

BACKGROUND / DISCUSSION

Currently, the Code is unclear as to whether municipal referees may hear cases arising from camera radar or red light citations. Code section 19-36(a) states that the Chief Judge may appoint referees “to hear certain municipal ordinance violations relating to parking or Municipal Code violations designated as civil infractions...” Later, it states “[s]uch alleged violations may include any offense or infraction which may now or in the future be included in the schedule of payable fines established by the Chief Judge pursuant to law except any offense which might result in the assessment of points by the State Department of Revenue against the responsible party’s driving license or privilege.”

Camera radar and red light photo citations do not result in points assessed against the license and are payable prior to hearing. However, they are neither civil infractions nor parking violations; they are traffic infractions. Therefore, the Court recommends clarifying that these violations can be heard by a referee if the defendant chooses. The Court also recommends that the Chief Judge have clear authority to allow referees to hear other offenses or infractions that do not require appearance in court and do not result in the assessment of points, so long as the Code does not specifically provide otherwise.

Currently, when a defendant is charged with civil infractions or parking violations, the person is advised of their right to a hearing before a judge or their option to choose to have the case heard by a referee. Many individuals choose the referee option because it is a less formal (and thus intimidating) setting. Additionally, the rules of evidence are relaxed in a referee hearing, allowing individuals who may not have legal training

to better present their cases. Defendants are advised both in writing and on the record by the referee prior to the hearing that they may choose to have a judge hear their case instead.

With the recent and future expansion of the camera radar and red-light programs, this will allow the Court to manage the anticipated increase in hearings related to these violations.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration