



FRUITA

COLORADO

AGENDA ITEM COVER SHEET

TO: FRUITA CITY COUNCIL AND MAYOR

FROM: MIKE BENNETT, CITY MANAGER

DATE: NOVEMBER 16, 2021

RE: DISCUSSION AND POSSIBLE ACTION TO CONSIDER A MOTION TO CONVENE IN EXECUTIVE SESSION REGARDING PERSONNEL ISSUES UNDER C.R.S. SECTION 24-6-402(4)(F) (MUNICIPAL COURT JUDGE FORMAL REVIEW)

BACKGROUND

The City Council has reason to convene in Executive Session to discuss a personnel matter. To convene in executive session, state law requires that a motion with specific language requesting the executive session be passed with 2/3 of the governing body voting in the affirmative for said motion.

Pursuant to Article 5 of the Fruita City Charter, the City Council shall appoint a Municipal Judge who is licensed to practice law in the State of Colorado, subject to annual review.

Upon completion of the formal review, the City Council may formalize their review with a motion. If reappointment is the desired action, the Council may enter into another two-year contract with the Judge. A Draft contract is attached hereto.

FISCAL IMPACT

The contract does not have any additional impact on the 2020 or 2021 Proposed Budget. The 2021 Budget includes funds sufficient for payment of the Municipal Judge. Annual compensation is increased by the same amount as other city employees pursuant to the terms of the contract.

APPLICABILITY TO CITY GOALS AND OBJECTIVES

The efficient and effective operations of Municipal Court help the city maintain its core services and provide for Quality of Place through the fair and impartial judgement on violations of city ordinance and other laws.

OPTIONS AVAILABLE TO THE COUNCIL

Upon reconvening the meeting, the Council may:

1. Approve the reappointment of Dan Robinson as Municipal Judge and adopt the contract as presented or with amendments
2. Take no action and provide staff direction on appointment of Municipal Judge

RECOMMENDATION

It is the recommendation of the Fruita City Staff that the Council:

- **MOVE TO MEET IN EXECUTIVE SESSION FOR THE FORMAL REVIEW OF THE MUNICIPAL COURT JUDGE WHICH IS A DISCUSSION OF A PERSONNEL MATTER UNDER C.R.S. SECTION 24-6-402(4)(F) AND NOT INVOLVING ANY SPECIFIC EMPLOYEES WHO HAVE REQUESTED DISCUSSION OF THE MATTER IN OPEN SESSION; ANY MEMBER OF THE CITY COUNCIL OR ANY ELECTED OFFICIAL; THE APPOINTMENT OF ANY PERSON TO FILL AN OFFICE OF THE CITY COUNCIL OR OF AN ELECTED OFFICIAL; OR PERSONNEL POLICIES THAT DO NOT REQUIRE THE DISCUSSION OF MATTERS PERSONAL TO PARTICULAR EMPLOYEES.**

Upon reconvening from Executive Session, the Council may take action and make a motion for reappointment of the Municipal Judge as follows:

- **MOVE TO APPROVE THE PERSONAL SERVICE AGREEMENT AND REAPPOINTMENT OF DANIEL ROBINSON AS MUNICIPAL JUDGE FOR THE CITY OF FRUITA**