



COLORADO • SINCE 1878

City Council Legal Review Committee

Meeting Agenda

**January 15, 2019
City Hall, Spruce Room
749 Main Street
5:00 PM**

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Approval of Minutes October 30, 2018
- V. Public Comments on Items Not on the Agenda
- VI. Discussion/Direction – Evaluation Process for Judge, Prosecutor, Water Attorney, and City Attorney
- VII. Discussion Items for Next Meeting February 21, 8:30 am
 - Open Space and Parks Regulations Draft Ordinance
- VIII. Adjourn

**City Council
Legal Review Committee
Meeting Minutes**

**October 30, 2018
749 Main Street
4:00 PM**

Call to Order – Councilmember Loo called the meeting to order at 4:00 PM.

Roll Call: The following members were present:

Committee Members: *Sue Loo, City Council
Ashely Stolzmann, City Council*

Absent: *Chris Leh, City Council*

Staff Present: *Meredyth Muth, City Clerk
Heather Balsler, City Manager
Kathleen Kelly, City Attorney*

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF MINUTES

The minutes were approved as presented.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

**DISCUSSION/DIRECTION – MUNICIPAL COURT JUDGE APPOINTMENTS AND
COMPENSATION**

Muth discussed the current pay structure for the municipal judges noting the Municipal Judge is paid monthly regardless of the number of sessions there are while the Deputy Judge is paid by the hour. It appears the Deputy Judge is significantly underpaid compared to the Municipal Judge and Prosecuting attorney.

Councilmember Stolzmann stated she is fine paying the Municipal Judge a set monthly amount but added that in the next contract we should outline an exact number of acceptable absences in a calendar year.

Councilmember Loo would like to see some benchmark for what other municipalities pay their judges.

Councilmember Stolzmann stated she would like to pay all three positions the same. Councilmember Loo noted perhaps the Municipal Judge should get a bit more as she has some other hours outside of court.

Staff will bring back suggestions for a pay scale for the positions. Muth noted the salary for the Deputy Judge can be amended at any time by resolution if Council wants to do that prior to the 2020 reappointments.

There was consensus not to appoint a second municipal judge immediately but look at doing so if time allows or it becomes an issue for coverage at the Court.

DISCUSSION/DIRECTION – EVALUATION PROCESS FOR JUDGE, PROSECUTOR, CITY ATTORNEY

Muth noted there were a number of examples of evaluation forms in the packet. Some cities have a formal process, some hire outside help, and some have only an informal process.

Councilmember Stolzmann liked the Brighton form and its questions in particular. She would like a bit of 360 degree that includes the judges, prosecutor, court clerk, and police.

Staff will bring back a suggested process and forms. Members will be asked to attend a session of Court to see each person in session. Staff will bring back a specific form for Council members to complete during the visit.

Evaluations of City Attorney and Water Attorney

Members particularly liked one of the review sheets in the packet. Staff will base a draft evaluation form from that.

For the City Attorney the City Council members and some staff members will be asked to complete reviews.

For the water attorney the Public Works Director and Water Resources Engineer will be complete the reviews.

Councilmember Stolzmann stated it would be helpful for Council to get a better understanding of what the water attorney does and what we use him for. For most of Council it is not clear what services he provides.

City Manager Balser suggested each evaluation also include self-evaluations. Let them tell you where they have been successful or need to improve. That evaluation can be connected to the scope of work in their contracts.

Councilmember Stolzmann suggested also simply asking staff if it is worth looking at new water attorney or not.

Members decided they would like to interview or check in with each person during the process.

Staff will bring back suggested forms for the next meeting.

DISCUSSION ITEMS FOR NEXT MEETING

Staff will look for dates in early December or early January for the next meeting. Topics will include the next draft of the open space ordinance, the draft evaluation processes, and options for judicial pay increases.

ADJOURN

The meeting adjourned at 4:42 pm.

SUBJECT: PROCESS FOR EVALUATING SERVICES OF THE MUNICIPAL JUDGE, PROSECUTOR, WATER ATTORNEY, AND CITY ATTORNEY

DATE: JANUARY 15, 2019

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:

At the October 30 Legal Review Committee Meeting, the Committee reviewed various options for biennial evaluations for the municipal judge, prosecuting attorney, water attorney, and city attorney. After discussion, the Committee directed staff to bring back a specific proposal. Those proposals are attached.

Items for consideration:

- Would the Committee like a self-evaluation from each person included in the process?
- Is there any concern the response pool is too small to be anonymous for the Court staff (3 staff members) or the water attorney evaluations (2 staff members)?
- Do you want to share the evaluation forms with those being evaluated before the process starts?
- Do you want to complete an evaluation of the Deputy Municipal judge as well?

Once the Committee has finalized a proposal on the evaluation processes, this will go to the full City Council for review and approval. The Committee will then have to complete evaluations in 2019 prior to 2020 appointments for the positions.

FISCAL IMPACT:

None at this time.

RECOMMENDATION:

Discussion

ATTACHMENT(S):

1. [Link to October 30 Legal Review Committee Packet](#)

Municipal Judge Biennial Evaluation

- I. Members of the Legal Review Committee will visit and observe Court at least once and complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions.

1. Courtroom management: The Judge maintains appropriate courtroom control and makes adequate rulings based on the law.
 2. Knowledge: The Judge takes time to consider relevant facts and based decisions on those facts and statements presented
 3. Communication: The Judge makes sure participants understand what is going on in the courtroom
 4. Demeanor: Parties are treated with dignity and respect and the Judge was able to maintain a neutral attitude during court proceedings
 5. Diligence: Cases are processed in an efficient manner and the Judge was prepared for each case on the docket
 6. Parties are given the opportunity to speak and be heard, and were treated with respect.
 7. The Judge displays a sense of basic fairness and justice.
 8. The Judge treats all parties equally regardless of race, sex, age, ethnicity, social status, or economic status.
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- II. Court staff and Prosecuting Attorney will complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions.

1. Courtroom management: The Judge maintains appropriate courtroom control and made adequate rulings based on the law.
2. Knowledge: The Judge takes time to consider relevant facts and based decisions on those facts and statements presented
3. Communication: The Judge makes sure participants understand what is going on in the courtroom
4. Demeanor: Parties are treated with dignity and respect and the Judge was able to maintain a neutral attitude during court proceedings
5. Diligence: Cases are processed in an efficient manner and the Judge was prepared for each case on their docket
6. Parties are given the opportunity to speak and be heard, and were treated with respect.
7. The Judge shows consistency in Court proceedings.
8. The Judge communicates well with the prosecutor and court staff regarding court management.

9. The Judge's communications are clear, concise, and accurate.
10. The Judge is prompt in making and rendering decisions.
11. The Judge keeps current on local, state, and federal laws affecting the court.
12. Please indicate what you believe the Judge's weaknesses are. _____
13. Please indicate what you believe the Judge's strengths are. _____

III. Customer surveys are given to all customers at Court. Those that are turned in are recorded and copies will be given to the Committee members.

IV. Committee members will review all information and make a recommendation regarding reappointment to City Council.

Prosecuting Attorney Biennial Evaluation

- I. *Members of the Legal Review Committee will visit and observe Court at least once and complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions.

1. The Prosecutor takes time to consider relevant facts and based decisions on those facts and statements presented
2. The Prosecutor makes sure participants understand what is going on in the courtroom
3. The Prosecutor treats all parties with dignity and respect
4. The Prosecutor was prepared for each case on the docket
5. Parties are given the opportunity to speak and be heard, and are treated with respect.
6. The Prosecutor treats all parties equally regardless of race, sex, age, ethnicity, social status, or economic status.

- I. *Court staff and Municipal Judge will complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions:

1. The Prosecutor takes time to consider relevant facts and based decisions on those facts and statements presented
2. The Prosecutor makes sure participants understand what is going on in the courtroom
3. The Prosecutor treats all parties with dignity and respect
4. The Prosecutor was prepared for each case on the docket
5. Parties are given the opportunity to speak and be heard, and are treated with respect.
6. The Prosecutor treats all parties equally regardless of race, sex, age, ethnicity, social status, or economic status.
7. The Prosecutor communicates well with the judge and court staff.
8. The Prosecutor's communications are clear, concise, and accurate.
9. The Prosecutor is prompt in making submitting her offers.
10. Please indicate what you believe the Prosecutor's weaknesses are. _____
11. Please indicate what you believe the Prosecutor's strengths are. _____

- II. *Customer surveys are given to all customers at Court. Those that are turned in are recorded and copies will be given to the Committee members.*

III. Committee members will review all information and make a recommendation regarding reappointment to City Council.

City Attorney Biennial Evaluation

- I. *Members of the City Council will each complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions.

1. Does the City Attorney provide information and advice to Council which facilitates the decision-making process?
2. Has the legal advice provided by the City Attorney proven to be accurate and technically correct?
3. Does the City Attorney provide honest recommendations given all legal issues and ramifications?
4. Does the City Attorney possess an efficient and effective knowledge of the Municipal Code?
5. Does the City Attorney possess an efficient and effective knowledge of government regulations and case law regarding issues facing the City?
6. Does the City Attorney regularly provide the scope of legal expertise necessary to meet the City's needs either from herself or within her firm?
7. Does the City Attorney proactively identify potential issues to avoid future problems?
8. Is the City Attorney able to maintain the City Council's and staff's confidence while informing them of the different legal risks that proposed actions might generate?
9. Is the City Attorney's approach effective in achieving the best possible legal outcomes for the City?
10. Does the City Attorney represent the City in a professional and ethical manner?
11. Is the City Attorney impartial and objective in her duties and responsibilities?
12. Does the City Attorney accurately interpret and clarify City Council and City Manager direction?
13. Does the City Attorney communicate effectively with the City Council and staff?
14. Does the City Attorney maintain confidentiality regarding all matters discussed with the Council?
15. Are the City Attorney's communications complete and understandable, and do they answer Council's questions?
16. Does the City Attorney maintain effective and open communications with the City Council?
17. Does the City Attorney recognize and respect the Council's role in City policy; she does not allow personal views concerning policy to interfere with Council policy.

- II. *Staff will complete an evaluation form. This will include the City Manager, all department directors, and a sampling of others who work closely with the City Attorney's Office. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions. Questions refer to all staff of Kelly, PC, not only Kathleen Kelly.

1. Does the City Attorney prepare ordinances, resolutions, and contracts accurately and consistent with the direction from City Council, City Manager, directors?
2. Does the City Attorney maintain good working relationships with staff?
3. Are regular legal activities achieved within a sufficient timeframe?
4. Are standard forms developed and used where possible to minimize the preparation of legal documentation?
5. Do invoices accurately identify tasks and expenses in sufficient detail to provide accountability and cost control?
6. Is requested legal work completed in a timely manner within established time frames?
7. Is the City Attorney accessible when needed to respond to requests?
8. Does the City Attorney follow-up effectively to requests?
9. Does the City Attorney accurately interpret and clarify City Council and City Manager direction
10. Are the City Attorney's communications complete and understandable, and do they answer staff's questions?
11. Does the City Attorney maintain effective and open communications with the City Manager and staff?
12. Please indicate what you believe the City Attorney's weaknesses are. _____
13. Please indicate what you believe the City Attorney's strengths are. _____

- III. *Committee members will review all survey forms, KPIs, and budget information and make a recommendation regarding reappointment to City Council.*

Water Attorney Biennial Evaluation

- I. *Members of the Utility Committee will each complete an evaluation form. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions.

1. Does the Water Attorney provide information and advice to Council which facilitates the decision-making process?
2. Has the legal advice provided by the Water Attorney proven to be accurate and technically correct?
3. Does the Water Attorney provide honest recommendations given all legal issues and ramifications?
4. Does the Water Attorney possess an efficient and effective knowledge of the Colorado water law?
5. Does the Water Attorney regularly provide the scope of legal expertise necessary to meet the City's needs either from himself or within his firm?
6. Does the Water Attorney proactively identify potential issues to avoid future problems?
7. Is the Water Attorney able to maintain the City Council's and staff's confidence while informing them of the different legal risks that proposed actions might generate?
8. Is the Water Attorney's approach effective in achieving the best possible legal outcomes for the City?
9. Does the Water Attorney represent the City in a professional and ethical manner?
10. Does the Water Attorney communicate effectively with the City Council and staff?
11. Does the Water Attorney maintain confidentiality regarding all matters discussed with the Council?
12. Are the Water Attorney's communications complete and understandable, and do they answer Council's questions?
13. Does the Water Attorney recognize and respect the Council's role in City policy; he does not allow personal views concerning policy to interfere with Council policy.

- II. *Staff will complete an evaluation form. This will include the Director of Public Works and Water Resources Engineer who work closely with the City Attorney's Office. Evaluation forms will be anonymous and kept confidential through the process, however the final rating is public record.*

Possible questions.

1. Does the City Attorney maintain good working relationships with staff?

2. Are regular legal activities achieved within a sufficient timeframe?
3. Are standard forms developed and used where possible to minimize the preparation of legal documentation?
4. Do invoices accurately identify tasks and expenses in sufficient detail to provide accountability and cost control?
5. Is requested legal work completed in a timely manner within established time frames?
6. Is the Water Attorney accessible when needed to respond to requests?
7. Does the Water Attorney follow-up effectively to requests?
8. Does the Water Attorney accurately interpret and clarify City Council and City Manager direction
9. Are the Water Attorney's communications complete and understandable, and do they answers staff's questions?
10. Does the Water Attorney maintain effective and open communications with staff?
11. Please indicate what you believe the Water Attorney's weaknesses are.

12. Please indicate what you believe the Water Attorney's strengths are.

III. Committee members will review all survey forms, KPIs, and budget information and make a recommendation regarding reappointment to City Council.

Evaluation Rating Scale

1. UNSATISFACTORY - Performance falls substantially short of job requirements.
2. MARGINAL - Performance does not meet an acceptable level in some areas. Improvement is needed.
3. FULLY SATISFACTORY - Has performed at a fully satisfactory level, meets the requirements of the job in all respects, and occasionally exceeds job performance standards.
4. DISTINCTIVE PERFORMANCE - Performance is significantly better than average. Performance consistently exceeds standards.
5. OUTSTANDING - Exceptional performance of unusually high caliber. Remarkable achievement and pacesetting performance.

N/O represents “no opinion” or “no observation” of performance.