I. Call to Order
II. Roll Call
III. Approval of Agenda
IV. Approval of Minutes September 27, 2019
V. Public Comments on Items Not on the Agenda
VI. Discussion/Direction – Process for Filling Municipal Judge & Deputy Judge Vacancies and Recommendation to City Council
VII. Discussion/Direction – Process for Hiring Back Up Prosecuting Attorney and Recommendation to City Council
VIII. Discussion/Direction – Review of Salaries for Judge, Deputy Judge, and Prosecuting Attorney and Recommendation to City Council
IX. Discussion Items for Next Meeting
X. Adjourn
City of Louisville
City Council
Legal Review Committee

Meeting Minutes
September 27, 2019
749 Main Street
7:30 AM

Call to Order – Councilmember Leh called the meeting to order at 7:34 am.

Roll Call: The following members were present:

Committee Members: Chris Leh, City Council
Sue Loo, City Council
Bob Muckle, Mayor (arrived 7:43 am)

Staff Present: Meredyth Muth, City Clerk
Heather Balser, City Manager
Megan Davis, Deputy City Manager
Kathleen Kelly, City Attorney

APPROVAL OF AGENDA
The agenda was approved as presented.

APPROVAL OF MINUTES – SEPTEMBER 27, 2019
The minutes were approved as presented.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA
None.

DISCUSSION/DIRECTION – MUNICIPAL JUDGE VACANCY
Members discussed how to address the judge vacancy with the recent resignation of Judge Wheeler. Councilmember Leh recommended Judge Thrower be made the interim judge through February to allow time for a full application process to find candidates and interview them for the position.

Councilmember Leh noted Judge Wheeler is asking to be released from her contract without the full 30-days’ notice.
Councilmember Leh moved to recommend to the full Council accepting the request of Judge Wheeler to step down as of September 30 and appoint David Thrower as interim municipal judge from October 1 – February 29, 2020 under same contract terms as Judge Wheeler and also to appoint Judge Wheeler as deputy judge for October 1 – October 16 so she may cover the October 15 court date. Councilmember Loo seconded the motion.

Members discussed process issues for filling the vacancy. The item will come back to the Committee for further discussion on the specific process and the salary for the position before the RFP is released.

**COMMITTEE RECOMMENDATION REGARDING REAPPOINTMENT OF APPointed OFFICIALS**

Members discussed the evaluation processes to date. Councilmember Leh reported he and Councilmember Loo had met with the City Attorney, Prosecuting Attorney, and Municipal Judge to get some feedback on their evaluation forms. He noted it was more of an exit interview with the Judge as she is leaving. He stated they recommend reappointment for the City Attorney and Prosecuting Attorney.

Councilmember Leh moved the Committee recommend to the full Council the reappointment of the City Attorney, Water Attorney, and Prosecuting Attorney. Councilmember Loo seconded. All in favor.

**DISCUSSION ITEMS FOR NEXT MEETING**

Compensation for the 2020 contracts for judge and prosecutor and process for filling judge vacancy.

Councilmember Leh thanked Councilmember Loo and Mayor Muckle for their service on the legal committee.

Councilmember Loo mentioned the Judge stated there is a need to update ordinances and suggested possibly decriminalizing some traffic offenses.

**ADJOURN**

The meeting was adjourned at 9:02 am
SUBJECT: DISCUSSION/DIRECTION – PROCESS FOR FILLING MUNICIPAL JUDGE & DEPUTY JUDGE VACANCIES AND RECOMMENDATION TO CITY COUNCIL

DATE: DECEMBER 2, 2019

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:
Judge Thrower’s appointment as Acting Municipal Judge ends February 29, 2020. The Legal Committee needs to make a recommendation to the full Council about a process and timeline to fill the position.

Staff has prepared a draft application form for review and recommends a process similar to that done in 2016 with the Committee reviewing applications, interviewing candidates, and making a recommendation to the full Council.

The Court also needs one or two deputy judges to fill in in the presiding judge’s absence. As drafted this application form allows candidates to apply to either position and the same interview process can be used.

RECOMMENDATION:
Discussion the process and timeline for filling the positions.

ATTACHMENT(S):
1. Draft Position Announcement
2. Draft Application Form
CITY OF LOUISVILLE
ANNOUNCEMENT
PRESIDING MUNICIPAL JUDGE AND
DEPUTY MUNICIPAL JUDGE APPOINTMENTS

The City of Louisville, Colorado is accepting applications for the position of Presiding Municipal Judge and Deputy Municipal Judge. Candidates shall be admitted to the practice of law in the State of Colorado, and currently licensed members of the Colorado bar in good standing.

Description of the Court:

- The Louisville Municipal Court is a qualified court of record as defined under C.R.S. 13-10-102.
- The types of cases heard in the Municipal Court are traffic and municipal code and charter violations.
- The City Council has decriminalized some traffic cases. Municipal Code violations are generally criminal in nature.
- The City offers mail-in plea bargains on decriminalized traffic cases. Minor code violations (first offense) are payable by mail.
- There is an established schedule of fines to assess for mail-in violations.
- There is an established schedule of bond amounts for various criminal cases.
- The Court utilizes default judgment on failures to appear in decriminalized traffic offenses and bench warrants for failures to appear on all criminal cases.
- Further details may be found in Section 9.3 of the Louisville Home Rule Charter.

COURT SCHEDULE – The Court has two sessions per month, 1st and 3rd Tuesdays; schedule negotiable

**Arraignments**
- 9:00 – 11:00 am adults both Tuesday sessions
- 3:00 – 5:00 pm juveniles 2nd Tuesday session
  The number of cases heard at each arraignment averages 45 - 50 per day.

**Pre-Trials & Trials to Court**
- 1:00 – 3:30 pm 1st Tuesday session
- 1:00 – 2:30 pm 2nd Tuesday Session
- 1-2 Trials per month

**Jury Trials**
- Scheduled as needed – approximately 2 per year
  (Traffic decriminalized – very few traffic cases go to Jury Trial)

Overflow: established as needed
OTHER DUTIES:
- Swearing in of City Council members
- Swearing in of police officers, code enforcement officers, and rangers

SALARY
The Presiding Municipal Judge is paid $2,600 per month. The hours spent in Court range from 15-25 per month. Court Staff has the liberty to contact the Presiding Municipal Judge during business hours for direction on non-routine Court matters.

The Presiding Municipal Judge is a contract position with the appointment made by City Council. The process is governed by Section 9-3 of the Louisville Home Rule Charter.

The appointment to be made by the City Council is for a term to commence March 1, 2020 and end December 31, 2021. The successful candidates will be required to enter into an independent contractor services contract as required by the City.

Candidates are required to submit an application, which is available on the City of Louisville web site.

Please submit application by mail to:
    City of Louisville
    Attn: Meredyth Muth, City Clerk
    749 Main Street
    Louisville, CO 80027

Or by email to:
    MeredythM@LouisvilleCO.gov

Application Deadline: ___________________
APPLICATION FOR LOUISVILLE, COLORADO MUNICIPAL COURT JUDGESHIP
AND DEPUTY MUNICIPAL COURT JUDGESHIP

The information you provide in the application is public information and will be released upon request if the applicant’s name is forwarded to the Louisville City Council as a finalist for consideration of appointment.

PLEASE MARK WHICH POSITIONS YOU ARE INTERESTED IN APPLYING FOR:

☐ Presiding Judge  ☐ Deputy Judge  ☐ Either Position

A. PERSONAL INFORMATION

1. Full Name:

2. Are you able to work in the United States on a full-time basis?

3. Are you an attorney at law admitted to practice in Colorado? If so, what is your Attorney Registration Number?

4. Current Work Address:

5. Current Work Telephone Number:

6. List your place of residence for the past five years:

<table>
<thead>
<tr>
<th>Dates</th>
<th>City</th>
<th>State</th>
<th>County</th>
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<tbody>
<tr>
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</table>

B. EDUCATIONAL BACKGROUND

7. List the names and locations of schools attended, beginning with high school.

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
<th>Dates Attended</th>
<th>Degree</th>
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</table>
C. PROFESSIONAL BACKGROUND AND EXPERIENCE

8. List all courts in which you have been admitted to practice, with dates of admission. Give the same information for administrative bodies which require special admission to practice.

<table>
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<tr>
<th>Bar Admission</th>
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9. Indicate your present employment (list professional partners or associates, if any, and include dates). If you currently practice law, describe the nature of your present law practice, listing the major types of law you practice and the percentage each constitutes of your total practice.

10. If you have focused on any specific area of law listed in number 9, what is it?

11. Have you practiced in the trial courts of Colorado within the past five years? If so, please state what percentage of your total practice your trial practice constituted and the types of matters handled.

12. Summarize your experience presiding over or serving as an advocate in adversary proceedings before administrative boards or commissions.

13. List your prior professional or business employment since completion of your formal education (include dates).

14. If you have not been employed continuously since completion of your formal education, provide the dates and for each period, describe generally what you were doing.

D. PROFESSIONAL, COMMUNITY, AND PUBLIC SERVICE

15. List activities in professional associations, including offices held, committees, awards, honors, and citations (include dates).

16. List your recent activities in civic and charitable organizations, including offices held, awards, honors, and citations (include dates).

17. List all public offices to which you were appointed or elected (include dates served). Have you had any military or other public service? If so, please give details.
E. REQUIREMENT TO COMPLY WITH THE LOUISVILLE CITY CHARTER AND THE LOUISVILLE CITY CODE

If appointed to the bench, you will be required to comply with the provisions of contained in the Louisville City Charter and the Louisville Municipal Code.

18. Do you understand a judge is required to file reports of compensation for quasi-judicial and extra-judicial activities in conformance with the Code of Judicial Conduct?

19. Do you understand that a judge must comply with and is subject to applicable provisions of Louisville City Charter and the Louisville Municipal Code, including but not limited to the provisions of Section 9-3 of the Charter setting forth principles of conduct for City municipal judges?

20. Do you understand that City of Louisville’s ethics rules provide that independent contractors who perform official actions on behalf of the City which involve the use of discretionary authority shall not receive any gifts seeking to influence their official actions, that City officers and employees similarly shall not receive such gifts, and that you must abide by the gift restrictions and any other applicable provisions of the City’s Code of Ethics?

F. MISCELLANEOUS

21. A Louisville municipal judge is expected to use computer technology for a wide variety of functions including word processing, legal research, case management, e-filing and e-mail. Do you personally use a computer for any of the purposes listed above or for similar purposes? If yes, describe the functions you perform and state how frequently you perform each function. If no, state whether you will participate in training to develop and maintain your personal skills in using computer technology.

22. List the names of no more than three individuals whom you have contacted and who have agreed to serve as professional references. If selected as a finalist, we will request you provide at least one letter of reference from someone who has knowledge of your legal work.

23. Please attach a statement not to exceed one page in length, double-spaced, discussing the reasons why you wish to be appointed to this vacancy and the qualities you would bring to the bench if appointed.
G. PROFESSIONAL CONDUCT AND ETHICS

24. Have you ever been disciplined or sanctioned for a breach or possible breach of ethics or unprofessional conduct by the Supreme Court Grievance Committee, the Attorney Regulation Committee, the Presiding Disciplinary Judge, the Colorado Supreme Court, the Commission on Judicial Discipline (including a private letter of admonition, reprimand, or censure), or by any administrative agency or disciplinary committee? If so, please give details.

25. Do you know if any proceeding is pending against you before the Attorney Regulation Committee, the Presiding Disciplinary Judge, the Colorado Supreme Court, or by any administrative agency or disciplinary committee? If so, please give details.

26. Have you ever been convicted (including by plea of guilty or nolo contendere) a felony, misdemeanor (including driving under the influence of alcohol or drugs, driving while ability impaired by alcohol or drugs), or a serious moving traffic offense in any jurisdiction within or outside Colorado? If so, please give details.

27. Have you ever been a party to or the subject of, or involved in any other legal proceedings, civil or criminal (excluding dissolution or bankruptcy proceedings and non-moving minor traffic offenses)? If so, please give details.

28. Have you ever been cited for contempt of Court? If so, please give details.

29. Is there any circumstance or event in your personal or professional life which, if brought to the attention of the City of Louisville, might tend to affect adversely your qualifications to serve on the Louisville Municipal Court? If so, please explain.

30. Do you currently have a valid Colorado driver’s license? If not, please give details.

31. Has your driver’s license ever been revoked or suspended? If so, please give details.

H. MISCELLANEOUS INFORMATION

32. Have you ever failed to file your state or federal income tax return? If so, please explain.

33. Have you been found by the Colorado Department of Revenue, IRS, or any other agency or court to have willfully failed to properly disclose your income during the last five years? If so, please give details.

34. Do you owe any unpaid taxes or past-due child support? If so, please explain.
CERTIFICATE OF APPLICANT

I understand the submission of this application expresses my willingness to accept appointment to the position of municipal judge for the City of Louisville, Colorado, and my willingness to abide by the Louisville City Charter and the Louisville Municipal Code, if appointed. I hereby certify that the information given in this application is correct and complete.

Date: ________________________ ______________________________________________

Signature of Applicant

Print or Type Name

WAIVER

I grant the City of Louisville, Colorado the right to examine the records of the Attorney Regulation Counsel (formerly maintained by the Supreme Court Grievance Committee) and the records of the Commission on Judicial Discipline. I consent to the release of information by employers, schools, law enforcement agencies, and other authorized personnel to verify the information contained in this application.

Date: ________________________ ______________________________________________

Signature of Applicant

Print or Type Name

Applications must be submitted by ___________________.
SUBJECT: DISCUSSION/DIRECTION – PROCESS FOR HIRING A BACK UP PROSECUTING ATTORNEY AND RECOMMENDATION TO CITY COUNCIL

DATE: DECEMBER 2, 2019

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:
As noted at earlier meetings, the Court would like to have a backup prosecuting attorney available for those times when the Prosecuting Attorney has a scheduling conflict or a conflict of interest in a particular case. This position would be used only as needed.

Staff has prepared a draft request for proposals for review. The Committee should identify a review process for filling the position and a timeline; both of which can be recommended to the full City Council at their December 17 meeting.

RECOMMENDATION:
Discussion the process and timeline for filling the position.

ATTACHMENT(S):
1. Draft Request for Proposals
City of Louisville
Request for Proposal for Backup Municipal Court Prosecuting Attorney

This is a Request for Proposal for Legal Services to act as back up prosecuting attorney for the Municipal Court in the City of Louisville (City). This request is intended to gather pertinent information concerning the ability of individual attorneys or law firms to meet the needs of the City.

The City is interested in establishing an ongoing contractual relationship with an attorney or law firm to ensure high quality, necessary, timely, and cost effective legal services as needed when the regular Prosecuting Attorney is unavailable or has a conflict of interest. The expectation is that the selected firm/individual will be experienced in the type of legal services required on an ongoing basis by home rule cities and will be generally familiar with legal issues associated with municipalities. Additionally, the attorney or firm should have experience in a court setting to act as the prosecution on behalf of the City and working with the Municipal Judge. The position is appointed by the City Council.

SCOPE OF SERVICES

- Prosecutes cases in Municipal Court, which includes communicating with defendants and their attorneys; communicating with police officers, code enforcement officers, witnesses and victims; working with the Court Clerk regarding administrative matters, responding to motions of defendants; processing and preparing cases for trial; representing the City in arraignments, jury trials and trials before the Municipal Court.

- Performs professional legal work carrying the highest levels of volume, complexity, consequence, autonomy, and responsibility. Responds to discovery requests, and drafts subpoenas, motions, notices, and proposed orders.

EXPERIENCE REQUIRED/PREFERRED

A law degree from an ABA-accredited U.S. law school is required. Minimum of five (5) years' experience in criminal and/or administrative prosecution required. Experience in other areas of municipal law is desirable. Must be licensed to actively practice law in the State of Colorado and be in good standing with the Colorado Supreme Court. Must possess a valid driver’s license. Must have the ability to communicate effectively and diplomatically with City personnel and officials, including the Municipal Judge, Municipal Court Clerk, Police Department, Code Enforcement personnel, and defendants and their attorneys, and the general public. Must be able to develop a good working knowledge of Louisville Municipal Code, Model Traffic Code for Municipalities, Colorado Municipal Court Rules, and the Colorado Rules of Evidence. Skilled in legal writing and research. Ability to perform with integrity; demonstrate honesty and sensitivity to ethical issues; and avoid actual or apparent impropriety and/or conflicts of interest. Exercise appropriate judgment, often under pressure, consistent with the highest levels of volume, complexity, consequence, autonomy, and responsibility attending the position.
COMPENSATION
Responding parties should propose an hourly compensation rate for services.

REQUIRED PROPOSAL CONTENTS
To be considered, please submit the following information:

1. Letter of interest and resume.
2. Background of your firm, including size, date established, and office location, or individual qualifications if not associated with a firm.
3. Information on your experience as it relates to prosecution in municipal court.
4. List the municipalities you represent currently or have previously represented, if any, with the dates of representation for each. Include a brief summary of your duties and responsibilities for each municipality. Include a comprehensive list of municipal clients over the past five years and name of the attorney assigned to those clients.
5. Identify the lead attorney who would be primarily responsible for work on behalf of the City and other attorneys, if any, you would anticipate utilizing on this account along with resumes for each attorney (specifically work relating to municipalities).
6. Municipal Court generally takes place on the 1\textsuperscript{st} and 3\textsuperscript{rd} Thursdays of each month, with pre-trial conferences scheduled on the same day as Court. Jury trials are scheduled, as needed. Please specify your firm’s availability to attend these dates.
7. Discuss any conflicts of interest your firm may have in representing the City of Louisville. The City has a variety of working agreements with other municipalities, counties, and governmental entities throughout the State of Colorado.
8. Provide three relevant references that the City can contact.
9. Please answer the following what steps would you take to learn the City of Louisville Municipal Court systems and processes?

PROPOSAL EVALUATION
It shall be agreed and understood that the proposals are considered public documents and are subject to official inspection.

REJECTION OF PROPOSALS
The City may reject any or all proposals if the proposals do not include the documents required for submission, as noted above, or for any other reason. The City may, at their sole and absolute discretion, postpone or cancel this solicitation process, waive any irregularities or technicalities, and/or determine the criteria and process whereby proposals are evaluated.

SUBMISSION OF PROPOSALS
Please submit application by mail to:
City of Louisville
Attn: Meredyth Muth, City Clerk
749 Main Street
Louisville, CO 80027

Or by email to:
MeredythM@LouisvilleCO.gov

Application Deadline: ________________
SUBJECT: DISCUSSION/DIRECTION – REVIEW OF SALARIES FOR JUDGE, DEPUTY JUDGE, AND PROSECUTING ATTORNEY AND RECOMMENDATION TO CITY COUNCIL

DATE: DECEMBER 2, 2019

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:
Staff is preparing contracts for the Judge, Deputy Judge, and Prosecuting Attorney for appointments in 2020 and has been reviewing the compensation rates for these positions and looking at what some of our neighbors pay for the positions (see attachment 1).

Municipal Judge
The Charter states “The Council shall establish the compensation for the presiding municipal judge and each deputy municipal judge. The compensation shall not be dependent upon the outcome of the matters to be decided by the judge.”

Ordinance No. 1706, Series 2015 set the presiding municipal judge salary at $31,200.00 payable on a monthly basis of $2,600.00 per month, effective January 1, 2016.

The judge is paid a monthly salary regardless of this number of court sessions he attends. If the deputy judge fills in, the City is then paying both the monthly salary of the judge and the hourly rate of the deputy for that session.

Other than the regularly scheduled court sessions, the Municipal Judge also spends time on court administrative work and swears in police officers and elected officials so that work load is higher than the deputy judge.

If Council would like to change this salary it needs to be done by Ordinance, which can happen in January prior to a judge appointment in March.

Deputy Judge
The Charter states each deputy municipal judge shall receive compensation as set by city council resolution. Resolution No. 82, Series 2015 set the compensation for the deputy judge at $70.00 per hour which was a change from previous practice of paying $325 per court session. Looking at invoices, this has turned out to be a reduction in the hourly pay for the deputy judge. Staff recommends the pay rate for the deputy judge be evaluated for an increase or a change back to a per session cost as this has not been addressed in four years.
If Council would like to change this salary it needs to be done by Resolution, which can happen in January prior to a judge appointment in March.

*Prosecuting Attorney*

The Prosecuting Attorney is currently paid $115 per hour. Any changes in this rate can be addressed in the 2020 contract.

**RECOMMENDATION:**
The Committee should discuss any changes it might want to see for the 2020 contracts which will be considered at the December 17 Council meeting.

**ATTACHMENT(S):**
1. Compensation Comparisons
<table>
<thead>
<tr>
<th>Location</th>
<th>Days of Court/Month*</th>
<th>Municipal Judge</th>
<th>Deputy Judge</th>
<th>Prosecuting Attorney</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brighton</td>
<td>6-7 days/month</td>
<td>$4231/month</td>
<td>$92/hour</td>
<td>$180/hour</td>
</tr>
<tr>
<td>Erie</td>
<td>2 days/month</td>
<td>$1,900/month for Court services; $160 per hour for a third or subsequent court day or partial day; $160 per hour for required research and trial/motion ruling preparation;</td>
<td>$100/hour</td>
<td>$140/hour</td>
</tr>
<tr>
<td>Golden</td>
<td>4 days/month</td>
<td>$3750/month</td>
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</tr>
<tr>
<td>Lafayette</td>
<td>2 days/month</td>
<td>$3126/month, is a City part time employee with pay adjusted annually with percentage determined for all staff.</td>
<td></td>
<td>$2000/month $100/hour for jury trials, appeals, licensing authority work</td>
</tr>
<tr>
<td>Superior</td>
<td>1 day/month</td>
<td>$2000/month</td>
<td></td>
<td>$120/hour</td>
</tr>
<tr>
<td>Louisville</td>
<td>2 days/month</td>
<td>$2600/month</td>
<td>$70/hour</td>
<td>$115/hour</td>
</tr>
</tbody>
</table>

*the monthly court days are an average for arraignments; trials are generally scheduled separately.