



COLORADO • SINCE 1878

City Council Legal Review Committee

Meeting Agenda

**October 21, 2020
Electronic Meeting
6:00 PM**

This meeting will be held electronically. Residents interested in listening to the meeting or making public comments can join in one of two ways:

- 1) You can call in to +1 312 626 6799 or 877 853 5247 (Toll Free) Webinar ID # 899 7374 8337.
- 2) You can log in via your computer. Please visit the City's website here to link to the meeting: www.louisvilleco.gov/council

The Council will accommodate public comments during the meeting. Comments may also be emailed to the Council prior to the meeting at Council@LouisvilleCO.gov.

- I. Call to Order & Roll Call
- II. Approval of Agenda
- III. Approval of Minutes: September 30, 2020
- IV. Public Comments on Items Not on the Agenda
- V. Discussion/Direction – Committee Recommendation Regarding Appointed Officials Annual Evaluations
- VI. Discussion Items for Next Meeting
 - Update of Court Customer Satisfaction Survey
 - Back Up Prosecutor
- VII. Adjourn

City Council Legal Review Committee

Meeting Minutes

September 30, 2020

Electronic Meeting

6:00 PM

Call to Order – Councilmember Leh called the meeting to order at 6 pm.

Roll Call: The following members were present:

Committee Members: ***Chris Leh, City Council***
Deborah Fahey, City Council
Kyle Brown, City Council

Staff Present: ***Meredyth Muth, City Clerk***
Megan Davis, Deputy 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 – 2021 CITY ATTORNEY LEGAL FEE INCREASE *continued from 9/2/20*

City Attorney Kelly reviewed her memo and the proposed increase in fees. The proposal is the first increase since 2019 and only increases hourly rates by the rate of inflation. She is also proposing increasing the City Council meeting retainer to bring it a bit closer to the hourly rate. She provided additional information on how other firms charge for City Council meeting attendance.

Councilmember Leh moved the Committee recommend the Council approve the 2021 rate proposal; Councilmember Brown seconded the motion. All in favor.

DISCUSSION/DIRECTION – SOLICITATION AND OTHER ACTIVITIES IN STREET MEDIANS

City Attorney Kelly stated the Committee talked about this about a year ago after a court ruling from Utah. Now there is another ruling from Oklahoma and it is specific to how a city's rule on medians infringed upon free speech. City Attorney Kelly suggested the current code section 12.20.100 may be in violation of free speech rules. She suggested the Committee consider changing that code section to address pedestrian safety considerations that do not have to do with free speech.

Councilmember Brown asked what the content in our ordinance addresses. City Attorney Kelly stated under the ordinance it is unlawful for someone to stand in the median and solicit, but not unlawful to simply stand in the median.

Councilmember Brown stated if we want safety regulations they should only address safety not speech.

City Attorney Kelly stated this is important but she could not say how urgent it is to address. She stated it could be a discussion of the 2021 work plan. It is likely not an immediate concern.

Councilmember Leh stated it seems clear our ordinance should be addressed.

Councilmember Fahey stated it should be addressed and it should be discussed as a part of the 2021 work plan. Councilmember Brown agreed.

Councilmember Leh moved the Committee recommend to Council that it include on its 2021 work plan the repeal of Section 12.20.100 to be replaced with a pedestrian safety ordinance and that Council recommend to staff the current code not be enforced until such time as there is new language. Councilmember Brown seconded.

All in favor.

DISCUSSION/DIRECTION – ELECTRONIC SIGNATURE GATHERING FOR REFERENDA

Muth stated staff does not have additional information on this topic but is looking for direction on how this might fit in the 2021 work plan. At this time staff does not know how much staff time it would take to implement something such as this but it would likely be significant as we know of no examples of how anyone else is doing this.

City Attorney Kelly stated without a good road map to follow from other cities it would be difficult for Louisville to be on the leading edge.

Councilmember Fahey stated this is a real wish list item. It would be a lot of work and difficult.

Councilmember Brown stated it is disappointing there are no models to follow but doesn't want to give up on this. He stated this could be tabled for now but we should be moving in this direction.

Councilmember Leh agreed this should continue to be investigated and it is likely to be the way of the future.

Members agreed work should continue on this as possible and staff should keep an eye on other cities to see what they are doing. Discuss as a part of the 2021 work plan.

DISCUSSION/DIRECTION – UPDATE OF COURT CUSTOMER SATISFACTION SURVEY

Councilmember Leh suggested waiting to update the survey after the appointed evaluations are completed and get input from Court staff on other information they would like to have.

Members agreed.

DISCUSSION/DIRECTION – BACK UP PROSECUTOR

Continued to next meeting.

DISCUSSION/DIRECTION – MARIJUANA FAQs

Continued to next meeting.

DISCUSSION ITEMS FOR NEXT MEETING

- Court Survey
- Back Up Prosecutor
- Marijuana FAQs

ADJOURN

The meeting was adjourned at 7:36 pm.

**SUBJECT: COMMITTEE RECOMMENDATION REGARDING APPOINTED
OFFICIALS ANNUAL EVALUATIONS**

DATE: OCTOBER 21, 2020

PRESENTED BY: MEREDYTH MUTH, CITY CLERK

SUMMARY:

The annual evaluation process for the City Attorney, Water Attorney, Prosecuting Attorney, and Municipal Judge began in September. Staff has collected evaluations from staff and the City Council as well as self-evaluations for the Committee to review.

The Committee should discuss the evaluations and determine what recommendation the Committee would like to make to the full City Council at the executive session on November 2. Following the discussion of the full Council the Chair of the Legal Committee will meet with each appointee to give each of them feedback on the evaluations.

RECOMMENDATION:

Discussion of evaluations and recommendation for City Council.

ATTACHMENT(S):

1. None.