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**GRAND JUNCTION CITY COUNCIL
MONDAY, JULY 30, 2018**

**PRE-MEETING (DINNER) 5:00 P.M. ADMINISTRATION CONFERENCE ROOM
WORKSHOP, 5:30 P.M.
CITY HALL AUDITORIUM
250 N. 5TH STREET**

To become the most livable community west of the Rockies by 2025

- 1. Discussion Topics**
 - a. Municipal Court Ordinance
- 2. Next Workshop Topics**
- 3. Other Business**

What is the purpose of a Workshop?

The purpose of a Workshop is for the presenter to provide information to City Council about an item or topic that they may be discussing at a future meeting. The less formal setting of a Workshop is intended to facilitate an interactive discussion among Councilmembers.

How can I provide my input about a topic on tonight's Workshop agenda?

Individuals wishing to provide input about Workshop topics can:

1. Send an email (addresses found here www.gjcity.org/city-government/) or call one or more members of City Council (970-244-1504);
 2. Provide information to the City Manager (citymanager@gjcity.org) for dissemination to the City Council. If your information is submitted prior to 3 p.m. on the date of the Workshop, copies will be provided to Council that evening. Information provided after 3 p.m. will be disseminated the next business day.
 3. Attend a Regular Council Meeting (generally held the 1st and 3rd Wednesdays of each month at 6 p.m. at City Hall) and provide comments during "Citizen Comments."
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Grand Junction City Council

Workshop Session

Item #1.a.

Meeting Date: July 30, 2018

Presented By: John Shaver, City Attorney

Department: City Attorney

Submitted By: Jamie Beard

Information

SUBJECT:

Municipal Court Ordinance

EXECUTIVE SUMMARY:

As a home rule municipality and in accordance with the City Charter and the Colorado Constitution, the City of Grand Junction may adopt an ordinance(s) setting forth the roles, responsibilities and duties of staff associated with the operation and administration of the Municipal Court. In the interest of good governance and fully utilizing the authority of local control, staff has drafted the attached ordinance that describes the functions of the Municipal Court and defines the relationship between the other branches of the City government and the Court.

BACKGROUND OR DETAILED INFORMATION:

The complexity and cost of operating the municipal court have increased in large part attributable to changes in state laws and changes made by the Court.

In 2016 the City participated in many meetings involving numerous law enforcement, judicial system and justice service agencies concerning Mesa County's application for a MacArthur Foundation grant. Among other things the grant application process was geared toward reducing the number of inmates and the number of days of incarceration of inmates. City staff also recommended adoption of a Court ordinance in 2016. The staff report and summary minutes from the September 19, 2016 Council work session are attached.

As part of both the MacArthur Foundation grant process and the previous recommendation for an ordinance, the City evaluated its utilization of the jail and the

City Attorney began an alternative sentencing pilot program modeled on State law. That program offered diversion to many first time and low level offenders. With adoption of the proposed ordinance, diversion will become a permanent alternative disposition commended to the discretion of the prosecuting attorneys.

Additionally the ordinance defines the structure and operation of the Court, a process for the appointment and evaluation of the Municipal Judges and the reporting relationships of Court staff. With those relationships clearly and well defined the City can set the future and long term operation of the Court as determined by the City Council, the Charter and the Constitution.

FISCAL IMPACT:

N/A

SUGGESTED ACTION:

Review and referral of the proposed ordinance for first reading.

Attachments

1. ORD-Courtwithcomments numbered 072518
2. Staff Report September 19 2016 Municipal Court
3. City Council Summary - 2016 - September 19 - Workshop

37 otherwise effect the responsibilities prescribed by ordinance, Charter, administrative
38 regulation or court rule.

39

40 (b) The Municipal Court has jurisdiction and powers of an administrative hearing officer
41 where so provided by the ordinances or resolutions of the City.

42

43 (c) The territorial jurisdiction of the Municipal Court shall be coextensive with the
44 corporate limits of the City, and, in addition thereto, the court shall have the original
45 jurisdiction of all cases arising under the provisions of this code and the Charter which
46 arise on any city-owned property outside of the City limits or arise on non-city-owned
47 property outside the corporate limits of the City, over which the City has authority to
48 control and regulate by virtue of any law, rule, regulation, contract, deed, easement
49 agreement, right-of-way or other publicly-acquired interest.

50

51 **2.28.030. Court of record.**

52

53 (a) For purposes of hearing cases involving persons accused of violating provisions of
54 the Charter, the code or any other ordinance or regulation of the City, the Municipal Court
55 is a qualified court of record and shall comply with the requirements of state law for courts
56 of record. The Municipal Court shall furnish the record of proceedings to any party
57 wishing to appeal from a judgment of the court, acting as a court of record, for
58 transcription at such party's sole expense.

59

60 (b) There shall be a verbatim record made of the proceedings and evidence at trial in
61 the Municipal Court by either electronic recording devices or stenographic means. The
62 costs of preparation of transcripts of the record made in the Municipal Court shall be as
63 provided in courts of record.

64

65 **2.28.040. Judges – vacancy - nomination committee.**

66

67 (a) The Municipal Court shall be presided over and its functions exercised by one or
68 more judges, including municipal judge(s) and substitute judge(s) designated by the City
69 Council, in accordance with the Charter, as amended from time to time. City Council
70 may designate divisions of the municipal court and authority of each.

71

72 (b) In the event of a vacancy in the office of any municipal judge of the Municipal Court,
73 the City Council shall:

74

75 (1) If necessary to secure continuity in such office, appoint a/the substitute judge as
76 an acting municipal judge, to serve until the completion of the designation process
77 for the successor to such office. Such acting municipal judge shall have and exercise
78 all the authority of a municipal judge.

79

80 (2) Appoint an *ad hoc* judicial nominating committee consisting of the City Attorney,
81 a lay person residing in the City and the Chief Judge of the 21st Judicial District or
82 the chief judge's designee being a judge presiding in the district.

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(3) The committee shall promulgate necessary rules governing its procedure, review the applications and references presented and conduct oral interviews of qualified applicants. The City Manager shall provide any municipal facilities and City staff reasonably required to achieve the duties of the committee.

(4) The committee shall submit to the City Council the names of three qualified applicants or, if there are fewer than three qualified applicants, the name of each qualified applicant, along with their applications and any written communications the committee may provide to assist the City Council in the selection process. The committee may designate an order of preference in the names submitted.

(5) The City Council shall review the materials submitted by the committee and conduct such additional procedures, including interviews with the applicants referred by the committee, as the Council may deem appropriate and from the names of the applicants submitted by the committee, designate a municipal judge.

(6) The City Council may, in the public interest, defer designation of the municipal judge and reopen the selection process as set forth in this subsection.

2.28.050. Appointment and removal of Municipal Court judges

(a) The City Council shall appoint the municipal judge(s) who shall be licensed to practice law in the State of Colorado. The municipal judge(s) shall serve for a term to be at the pleasure of the Council. A municipal judge and/or a substitute judge may be removed by the City Council at any time at the sole discretion of the Council. A municipal judge shall receive compensation as established by Council by ordinance.

(b) The City Council may appoint one (1) or more substitute municipal judges who shall serve for a term to be at the pleasure of the Council and to act when the municipal judge is unable due to temporary absence. A substitute judge shall be paid based upon the number of court sessions served by the substitute judge at a rate established by Council.

(c) Prior to taking office, a municipal judge and/or all substitute judge(s) shall execute an oath to well and faithfully perform the duties of municipal judge. The oath shall include but not be limited to a pledge to uphold the Constitution of the United States, the Constitution of the State of Colorado, the Charter of the City of Grand Junction and the laws and ordinances of the City.

(d) A municipal judge and/or any substitute judge may be removed by a majority of the City Council at any time with or without cause.

(e) Judicial performance commission.

127 (1) There is hereby created a judicial performance commission, established for the
128 purpose of presenting evaluation(s) and recommendation(s) to Council in regard to
129 the reappointment of Municipal Court judge(s).
130

131 (2) The judicial performance commission shall be composed of no less than three
132 voting members up to seven voting members. The judicial performance commission
133 shall consist of at least one resident(s) of the City who is(are) not licensed attorneys,
134 and at least two of the members shall be licensed attorneys engaged in the practice
135 of law who are residents of the City or maintain or regularly practice law within the
136 City. With respect to the members who are licensed attorneys, an effort shall be made
137 to appoint one attorney whose employment relates to criminal prosecution, and one
138 attorney whose employment relates to the defense of criminal cases.
139

140 (3) No member shall be related by blood or marriage within the third degree to any
141 other member or any judge being reviewed.
142

143 (4) The powers and duties of the judicial performance commission shall be as
144 follows:
145

146 (i) No later than the first Tuesday in September of each odd numbered year or as
147 often as requested by Council, the judicial performance commission shall submit
148 to each judge of the Municipal Court a confidential evaluation of the judge's official
149 performance.
150

151 (ii) No later than 20 days following the submission of an evaluation in accordance
152 with subsection (1) of this section, any judge who so desires may submit to the
153 judicial performance commission a written response to the commission's
154 evaluation of the judge, and such written response by the judge shall become a
155 permanent attachment to the commission's evaluation of the judge.
156

157 (iii) No later than the first Monday in November of the year of evaluation, the
158 judicial performance commission shall certify to the Council copies of all of the
159 commission's evaluation of the official performance of the affected judge. The
160 judicial performance commission's evaluations shall be accompanied by a
161 confidential recommendation regarding the appointment of the judge to another
162 term on the bench of the Municipal Court. The recommendation shall be stated
163 as "reappoint," "do not reappoint," or "no opinion" and shall be accompanied by
164 an explanation.
165

166 (iv) The evaluations and recommendations made by the judicial performance
167 commission regarding the Municipal Court judges of the city shall be based solely
168 upon the following criteria: integrity; knowledge and understanding of substantive,
169 procedural, and evidentiary law; communication skills, preparation, attentiveness,
170 and control over judicial proceedings; consistency and applicability of sentencing
171 practices; docket management and prompt case disposition; administrative skills;
172 punctuality; effectiveness in working with participants in the judicial process; and

173 service to the legal profession and the public. The Colorado Judicial Code as
174 may be amended and revised, from time to time (Judicial Code) shall be
175 considered during the evaluation process. A violation of the Judicial Code shall
176 be a basis for a "do not reappoint."

177
178 (v) The judicial performance commission shall develop techniques for the
179 evaluation of judges in accordance with the criteria listed in subsection (iv) of this
180 section. Such techniques shall include questionnaires or surveys of the attorneys
181 who practice before the judge, including but not limited to court appointed counsel,
182 the city attorney's office and the private defense attorneys, together with jurors,
183 law enforcement officers, defendants, court personnel, and the municipal judge(s)
184 of the Municipal Court (except in regard to the evaluation of the municipal
185 judge[s]). Additional evaluation techniques may include, without being limited to,
186 questionnaires and surveys of court personnel and others who have direct and
187 continuing contact with Municipal Court judges, and consultations with state and
188 21st Judicial District court administrator(s) regarding evaluation criteria,
189 techniques, and sources for judicial performance.

190
191 (f) Council retains the sole discretion to appoint, reappoint, and remove Municipal
192 Court judges and/or adjust compensation following any evaluation(s). The creation of the
193 judicial performance commission shall not in any fashion abridge the authority
194 possessed by the City Council; the commission serves as an advisory body to the City
195 Council and its evaluations shall be considered solely recommendations for the use and
196 benefit of the City Council.

197
198 **2.28.060. Authority - Duties of the municipal judge.**

199
200 (a) A municipal judge shall have full power and authority to make and adopt local rules
201 of procedure, in writing, for the Municipal Court, provided the rules are not inconsistent
202 with those rules promulgated by the Colorado Supreme Court for Municipal Courts and
203 any City ordinances. A municipal judge and any substitute judge while in the courtroom
204 shall have all judicial powers relating to the operation of the courtroom, subject to any
205 rules of procedure governing the operation and conduct of Municipal Courts promulgated
206 by the Colorado Supreme Court and City ordinances.

207
208 (b) A municipal judge or a substitute judge while in the courtroom shall retain the
209 authority and responsibility for the promulgation and enforcement of all rules, procedures
210 and proceedings pertaining to the Municipal Court arraignments, hearings, trials, and
211 other procedures regarding the operation of the courtroom while the court is in-session.

212
213 (c) There shall be a clerk of the Municipal Court which shall be the municipal judge as
214 ex-officio clerk as designated by Council if there is more than one municipal judge unless
215 Council has approved a separate position for the clerk of Municipal Court with
216 compensation for the position. The municipal judge shall receive no additional
217 compensation for acting as the clerk of Municipal Court. The municipal judge shall
218 establish the duties of the clerk of the Municipal Court. The clerk of Municipal Court shall

219 have the power to administer oaths and affirmations in all municipal matters in the court,
220 and issue writs and notices, including subpoenas, summonses, and copies thereof in all
221 cases coming within the jurisdiction of the Municipal Court. The clerk of Municipal Court
222 shall be responsible for preparing all papers pertaining to the operations of the court.

223

224 **2.28.070. Colorado Code of Judicial Conduct Applicable to Municipal Judges.**

225

226 The Colorado Code of Judicial Conduct as may be amended and revised, from time to
227 time (Judicial Code) is applicable to and shall guide the conduct of all judges in and for
228 the Municipal Court of the City of Grand Junction. The judges shall use the Judicial Code
229 to guide them in achieving and maintaining the highest standards of judicial and personal
230 conduct. The Judicial Code shall provide a basis for discipline for misconduct under the
231 Judicial Code; misconduct that arises out of or under a violation(s) of the City personnel
232 policies and/or conduct which the Council deems improper may be separately disciplined
233 by the City Council.

234

235 **2.28.080. Issuance of warrants and municipal holds.**

236

237 (a) The municipal judge and any substitute judge shall be and are authorized to issue
238 warrants for the inspection, search and nuisance abatement of premises or property by
239 municipal or joint City/County officials or inspectors upon proper application. Nothing in
240 this section shall be construed to require the issuance of a warrant for emergency
241 inspections or in any other case where warrants are not required by law. The Municipal
242 Court may assess costs to a defendant named in any process, writ or warrant issued by
243 it and which process or warrant was served or executed as provided by law, including
244 the costs of service, commitment or incarceration which are incurred by the City in
245 connection with the service or execution of such process, writ or warrant.

246

247 (b) Every warrant shall state the name of the defendant, the code section(s) or a brief
248 description of the ordinance alleged to have been violated, the date and place of the
249 alleged violation, that the defendant is alleged to have committed the offense, and the
250 amount of bond, if any.

251

252 (c) Warrants issued by a judge for a defendant's failure to appear for an arraignment
253 or for a show cause hearing shall require only an unsecured personal recognizance bond
254 with a promise to appear on a date certain when the municipal court is in session. If the
255 defendant is detained at a time at or near the time the court is in session, then the
256 defendant shall be brought before the court without unnecessary delay.

257

258 (d) If a defendant is held in custody solely on the basis of a municipal hold for any
259 matter other than for failure to appear for an arraignment or for a show cause hearing
260 and the defendant has not failed to appear in the case for which the defendant is being
261 held at least twice before, then the defendant shall be released on an unsecured
262 personal recognizance bond with a promise to appear on a date certain when the
263 municipal court is in session. If the defendant is detained at a time at or near the time
264 the court is session, then the defendant shall be brought before the court.

265

266 **2.28.090. Court Administrator and other staff.**

267

268 (a) The City Manager shall appoint a person to serve as an administrator of the
269 Municipal Court, and any reference in this article to "Court Administrator" shall be
270 deemed to apply to that person. The City Manager shall appoint such other staff of the
271 Municipal Court as may be necessary to carry out efficiently the business of the court.

272

273 (b) The City Manager and his/her designee are authorized to administer and supervise
274 the functioning and operations of the Court Administrator and all subordinate personnel
275 of the Court Administrator's office.

276

277 (c) The Municipal Court Administrator or designee shall be present during each session
278 of the Municipal Court. The Court Administrator shall have the following powers and
279 duties including, but not limited to, the following:

280

281 (1) Have control, management and supervision over personnel and all matters
282 pertaining to the business of the Municipal Court, and authority to promulgate rules
283 and regulations pertaining to the administration of the Municipal Court.

284

285 (2) Have control, management and supervision over personnel and all matters
286 pertaining to the administration of the violations bureau.

287

288 (3) Provide financial management and control of the Municipal Court.

289

290 (4) Keep such records and reports as specifically required by law or as deemed
291 necessary and consult with the City Attorney regarding necessary policies or
292 regulations to ensure their care, security, accuracy and release to the public.

293

294 (5) Record all fees, fines and penalties received and pay over such to the City
295 Financial Director and shall make a monthly accounting of all such fees, fines and
296 penalties collected.

297

298 (6) Prepare and keep a docket for each court session. Judgments for each case
299 may be stored electronically and be managed by the Court Administrator in
300 accordance with then best practices.

301

302 (7) Except when otherwise provided for by ordinance or established by Council,
303 fees for services performed by the Municipal Court shall be promulgated by the Court
304 Administrator. The Court Administrator shall advise Council of all fees set pursuant
305 to this section.

306

307 (8) The Court Administrator is authorized to assign for collection to any agency or
308 agencies authorized to do business in the State of Colorado, any fines, fees, costs
309 and surcharges which may have been assessed by the Municipal Court and which
310 are unpaid to the city and are delinquent.

311

312 (9) Management of the Municipal Court facility including, but not limited to, security,
313 temporary closures for public safety reasons, weather, loss of utilities, or any other
314 emergency.

315

316 (10) The Municipal Court Administrator shall keep a register of the actions in such
317 court, including all fees and money collected and an index thereof.

318

319 **2.28.100. Violations bureau.**

320

321 (a) There is established a violations bureau for the handling of violations of applicable
322 sections of this code, ordinances and regulations of the city or parts thereof, wherein
323 Council has authorized that penalty assessments may be prescribed. Any person who
324 has received any notice to appear in answer to a charge of violating any such applicable
325 sections of this code, ordinances or regulations of the City may, within the time specified
326 in the notice of such charge, answer at the violations bureau to the charges set forth in
327 such notice by paying a penalty assessment, pleading guilty in writing to the charge,
328 waiving a hearing in court and giving power of attorney to make such a plea and pay
329 such fine in court. Delivery of the penalty assessment to the violations bureau shall be
330 deemed acknowledgement of conviction of the alleged offense. Acceptance of the
331 prescribed penalty assessment by the Court Administrator shall be deemed to be
332 complete satisfaction for the violation. No person shall be deprived of a full and impartial
333 hearing in court or by a jury, if otherwise entitled to a jury under this chapter or other
334 applicable law.

335

336 (b) The Court Administrator shall establish the procedures by which a person may
337 answer a charge of violation of a City ordinance by paying a penalty assessment,
338 pleading guilty in writing, and waiving a hearing.

339

340 (c) The court may enter and issue an outstanding judgment warrant (OJW) against a
341 person charged with a traffic infraction who fails to plead guilty to the offense in
342 accordance with subsection (a) of this section and who fails to appear in the Municipal
343 Court to answer such charge on the date and time listed on the complaint or summons
344 and complaint, or on the date and time such person is scheduled to appear, or for failure
345 to comply with court order.

346

347 (d) The penalty assessment amount shall be that established by the Council by
348 ordinance or otherwise, or if not set by the Council then as established by the municipal
349 judge and the schedule is then posted in a conspicuous place at the violations bureau.
350 Traffic offenses included in the schedule for the offenses for which a penalty assessment
351 may be issued are traffic infractions and constitute a civil matter. Penalty assessments
352 may also be set for traffic misdemeanors if included in the fine schedule set by the
353 municipal judge, except for reckless driving, exceeding the speed limit by more than 24
354 miles per hour, exhibit of speed or speed contest, and those offenses resulting in an
355 accident causing personal injury, death, or appreciable damage to the property of
356 another.

357

358 (e) In any action in which the commission of a penalty assessment, including but not
359 limited to traffic infraction(s) or other civil infraction(s), and a criminal violation of this
360 code are charged in one complaint or summons and complaint, all charges shall be
361 returnable and the action shall be treated as one proceeding governed by the rules,
362 statutes and ordinances applicable to municipal violations which are not penalty
363 assessments.

364

365 (f) The fee for the OJW entered pursuant to subsection (c) shall be in an amount
366 determined by the Court Administrator.

367

368 (g) The court shall forward the record of such judgment entered in accordance with
369 subsection (a), including points assessed, to the Colorado Division of Motor Vehicles,
370 pursuant to C.R.S. §§ 42-2-127(6)(a), 42-4-1709, and 42-4-1710 as amended.

371

372 **2.28.110. Initiation of prosecutions - summons and complaint.**

373

374 (a) The initiation of prosecutions in the Municipal Court, including the issuance of a
375 complaint or summons and complaint, shall be in accordance with the Colorado
376 Municipal Court Rules of Procedure (Colorado Rules). Violations of this code for which
377 imprisonment is not a possible penalty and that are not criminal shall follow the Colorado
378 Rules in all such cases unless those rules are clearly inapplicable.

379

380 (b) A complaint or any other action for the violation of any of the provisions of this code
381 shall be brought in the name of "The City of Grand Junction by and on behalf of the
382 People of the State of Colorado" as plaintiff against the person who is alleged to have
383 violated the ordinance as defendant and shall be commenced in the manner provided by
384 law.

385

386 (c) A complaint must require the person named as the defendant in such summons
387 and complaint to appear in Municipal Court at a date and time certain to answer the
388 charges of the violation.

389

390 (d) Any complaint or summons and complaint may be issued as provided in the
391 Colorado Rules. The word "issued" shall be defined as preparation of the summons or
392 summons and complaint by the City Attorney or any peace officer. For purposes of this
393 code, the term "peace officer" shall include the employees and or agents of the City
394 designated by the City Manager as peace officers empowered to initiate a prosecution.
395 Those designated persons, however titled, shall have such enforcement powers without
396 regard to the certification requirements of C.R.S. § 24-31-301, *et seq.* The designated
397 persons are further authorized to issue and/or serve a summons and complaint for any
398 violation of this code in any matter for which probable cause exists that the alleged
399 violation has occurred by the individual being served.

400

401 **2.28.120. Civil Infractions including but not limited to traffic infractions.**

402

403 In any action where only civil infraction(s), including but not limited to traffic infraction(s),
404 are alleged no jury trial is allowed and no attorney shall be appointed for the defendant,
405 except in those instances where there is a counterpart state law which is criminal and/or
406 punishable by imprisonment. The City Attorney is not required to appear on behalf of
407 the City. If the City Attorney does not appear, then the officer shall offer sworn testimony
408 to the facts concerning the alleged infraction. The defendant may then offer sworn
409 testimony and evidence and shall answer questions, if such testimony is offered, as may
410 be asked by the court. If the testimony of additional witnesses is offered by either side,
411 the order of testimony and extent of questioning shall be within the discretion of the court.
412 Upon the conclusion of such testimony and examination, the court may further examine
413 or allow examination and rebuttal testimony and evidence as deemed appropriate. At
414 the conclusion of all testimony and examination, the defendant or counsel shall be
415 permitted to make a closing statement. The Colorado Rules of Evidence shall not apply
416 in such actions. If all elements of a civil infraction are proven beyond a reasonable doubt,
417 the court shall find the defendant guilty and enter appropriate judgment. If any element
418 of a civil infraction is not proven beyond a reasonable doubt, the court shall dismiss the
419 charge and enter appropriate judgment, provided, however, that the court may find the
420 defendant guilty of a lesser included civil and/or traffic infraction, if based on the evidence
421 offered, and enter appropriate judgment. If a defendant fails to appear for an arraignment
422 or a trial for a civil infraction that does not have a counterpart state law which is criminal
423 and/or punishable by imprisonment, then the court shall issue a default judgment for the
424 charge(s). Appeal procedures shall be in accordance with Colorado Criminal Procedure
425 Rule 37.

426

427 **2.28.130. Temporary closures - operation of Municipal Court.**

428

429 (a) If, through any summons and complaint, court notice or any other legal process, it
430 appears that an individual is required to appear in the Municipal Court on a holiday,
431 weekend day, or other date on which the court is closed, such date shall be treated as
432 requiring an appearance on the next date upon which the court is open. If, through any
433 summons and complaint, court notice or any other legal process, it appears that an
434 individual is required to appear in the Municipal Court at a time that is not a normally
435 scheduled docket time, then the individual shall appear at the next regularly scheduled
436 docket time.

437

438 (b) If the Municipal Court is temporarily closed by order of the Court Administrator for
439 public safety reasons, weather, loss of utilities, or any other emergency, those persons
440 who would have otherwise been required to appear in court during the time of the
441 temporary closure shall nevertheless appear on the next date upon which the court is
442 open.

443

444 **2.28.140. Court-appointed counsel.**

445

446 (a) Any person charged before the Municipal Court who is indigent and unable to
447 obtain legal counsel and who could be incarcerated if convicted of one or more of the
448 violations with which charged may petition, in writing, to the court for court-appointed

449 counsel. The City Attorney may, at any time during the prosecution, state in writing
450 whether or not he or she will seek incarceration as part of the penalty upon conviction of
451 an offense for which the defendant has been charged. If the City Attorney does not seek
452 incarceration as part of such penalty, legal representation and supporting services need
453 not thereafter be provided for the defendant at City expense, and no such defendant
454 shall be incarcerated if found guilty of the charge(s).

455

456 (b) Court-appointed defense counsel shall be compensated through funds made
457 available by the City Council at the hourly rate established by the State judicial system
458 for court-appointed counsel.

459

460 (c) Court-appointed counsel shall only be appointed after petition by the defendant
461 accompanied by a written sworn financial statement with the applicant attesting to the
462 truthfulness of the information which must be sufficient to adequately advise the court
463 that the defendant is financially unable to obtain counsel. The municipal judge shall
464 promulgate indigent standards in writing for those desiring court-appointed counsel.
465 The Court Administrator shall administer the process of the appointment of counsel for
466 indigents.

467

468 (d) It shall be a misdemeanor for any person to give false information on an
469 application for court-appointed counsel, and upon conviction of a violation, shall be
470 punished as provided in section 1.04.090 of this code.

471

472 (e) Repayment: In any case where it is determined pursuant to this section that a
473 defendant is able to repay all or part of the expense of court-appointed counsel, all or
474 part of the expense may be assessed against the defendant. The action may be taken
475 regardless of the resolution of the case before the court.

476

477 **2.28.150. Prosecuting attorney.**

478

479 (a) The City Attorney, and/or an attorney(s) appointed by the City Attorney, shall have
480 the sole and exclusive responsibility of prosecuting all charges filed in the Municipal
481 Court, except as set forth in section 2.28.120.

482

483 (b) To facilitate and encourage diversion of defendants from the criminal justice
484 system when diversion may prevent defendants from committing additional criminal acts,
485 facilitate the defendant's ability to pay restitution to victims of crime, and reduce the
486 number of cases in the Municipal Court the City Attorney's office may operate its own
487 diversion program.

488

489 (c) Pretrial diversion:

490

491 (1) In any case, either before or after charges are filed, the City Attorney may
492 suspend prosecution of the offense for a period not to exceed one year.

493

494 (2) The City Attorney may agree to diversion in any case in which there exists
495 sufficient admissible evidence to support a conviction. In determining whether an
496 individual is appropriate for diversion, the following shall be considered:
497

- 498 (i) The nature of the crime charged and the circumstances surrounding it;
- 499 (ii) Any special characteristics or circumstances of the defendant;
- 500 (iii) Whether diversion is consistent with the defendant's rehabilitation and
501 reintegration; and
- 502 (iv) Whether the public interest will be best served by diverting the individual from
503 prosecution.
504

505 (3) Before entering into a pretrial diversion agreement, the City Attorney may require
506 a defendant to provide information regarding prior criminal charges, education and
507 work experience, family, residence in the community, and other information relating
508 to the diversion program. The defendant shall not be denied the opportunity to consult
509 with legal counsel before consenting to diversion.
510

511 (4) Diversion agreements:

512 (i) All pretrial diversions shall be governed by the terms of an individualized
513 diversion agreement signed by the defendant, the defendant's attorney if the
514 defendant is represented by an attorney, a parent or legal guardian of the
515 defendant if the defendant is a juvenile, and the City Attorney.
516
517

518 (ii) The diversion agreement shall include a written waiver of the right to a speedy
519 trial for the period of the diversion plus the reasonable time for prosecution to be
520 initiated once the City Attorney has determined the defendant is in default of the
521 terms of the agreement. Upon consenting to a deferred prosecution as provided
522 in this section, the defendant shall be deemed to waive his right to a speedy trial
523 even if the agreement does not include a written waiver. All diversion agreements
524 shall include a condition that the defendant not commit any criminal offense during
525 the period of the agreement and any other conditions determined appropriate
526 including but not limited to any penalty/requirement, except incarceration, that the
527 municipal court could order as a possible sentence or as a part of probation, by
528 the City Attorney and the defendant, and the defendant's parent or legal guardian
529 of the defendant if the defendant is a juvenile. Diversion agreements may include
530 provisions concerning payment of restitution and a diversion fee as set by City
531 Council.
532

533 (iii) The diversion agreement may include a statement of the facts the charge is
534 based upon as agreed to by the defendant, the defendant's attorney if
535 represented, and the defendant's parent or legal guardian if the defendant is a
536 juvenile. The statement is admissible as impeachment evidence against the
537 defendant in the criminal proceedings if the defendant fails to fulfill the terms of
538 the diversion agreement and criminal proceedings are resumed.
539

540 (iv) If the City Attorney agrees to offer diversion in lieu of further criminal
541 proceedings and the defendant agrees to all the terms of the agreement and
542 charge(s) are pending in the court, then the court shall be informed in writing of
543 the agreement and all further court proceedings shall be stayed. The agreement
544 shall not be filed with the court, except if the defendant violates a term of the
545 agreement, then the defendant or the City Attorney may file the agreement or
546 portion(s) of the agreement as determined necessary by the defendant or the City
547 Attorney during the hearing of the revocation of the diversion agreement if there
548 is a hearing.
549

550 (5) Upon the defendant's satisfactory completion of the terms of the diversion
551 agreement, no further criminal proceedings on the original charges shall proceed. If
552 charge(s) are pending, the City Attorney shall inform the court in writing and the
553 charge(s) shall be dismissed.
554

555 (6) If the defendant violates the conditions of the diversion agreement, the City
556 Attorney shall provide written notice of the violation to the defendant. The City
557 Attorney, in his or her sole discretion, may initiate revocation of a diversion agreement
558 by the filing of a criminal complaint or if charge(s) are still pending by giving the court
559 written notice of intent to proceed with prosecution. The defendant may, within
560 fourteen days after the first court appearance following such a filing, request a hearing
561 to contest whether a violation occurred. The City Attorney has the burden by a
562 preponderance of the evidence to show that a violation has in fact occurred. If the
563 court finds a violation has occurred, or a hearing is not requested, the prosecution
564 may continue. If the court finds the City Attorney has not proven a violation, the court
565 shall dismiss the criminal case without prejudice and return the defendant to the City
566 Attorney for supervision of the defendant until defendant successfully completes the
567 terms of the agreement.
568

569 (7) If a defendant is prosecuted following a violation of a diversion agreement, a
570 factual statement included within the diversion agreement is admissible as
571 impeachment evidence. Any other information concerning diversion, including
572 participation in the diversion agreement, including an evaluation performed pursuant
573 to the terms of a diversion agreement, or statements made to treatment providers
574 during the diversion, shall not be admitted into evidence at trial for any purpose.
575

576 (d) Plea discussions and plea agreements:
577

578 (1) Where it appears that the effective administration of criminal justice will be
579 served, the prosecuting attorney may engage in plea discussions for the purpose of
580 reaching a plea agreement. The prosecuting attorney should engage in plea
581 discussions or reach plea agreements with the defendant only through or in the
582 presence of defense counsel, except where the defendant has refused or is not
583 otherwise eligible for appointment of counsel and has not retained counsel, and in
584 the presence of a parent or legal guardian if the defendant is a juvenile.
585

586 (2) In plea agreements, the prosecuting attorney may agree to diversion or deferred
587 sentencing. Pursuant to a plea agreement, the prosecuting attorney may agree to
588 make or not to oppose favorable recommendations concerning the sentence to be
589 imposed, may agree to dismiss a charge or not to prosecute other potential charges,
590 and/or consent to deferred sentencing if the defendant enters a plea of guilty or no
591 contest.

592
593 (3) The trial judge shall not participate in plea negotiations.

594
595 (4) When a plea of guilty or no contest is tendered or received as a result of a plea
596 agreement, the trial judge should give the agreement due consideration, but,
597 notwithstanding its existence, the trial judge should reach an independent decision
598 on whether to accept charge or sentence concessions as contained in the plea
599 agreement.

600
601 **2.28.160. Sentencing.**

602
603 (a) The court shall not exceed the fine or incarceration limitations established by
604 ordinance. Any person convicted of violating a municipal ordinance may be fined and
605 incarcerated in accordance with Section 1.04.090 of this code or as otherwise specified
606 in the appropriate code section for each violation. Any other provision of the law to the
607 contrary notwithstanding, the court may suspend all or any portion of the sentence or
608 fine of any violator and place the defendant on probation for a period not to exceed one
609 year.

610
611 (b) The court is empowered to assess costs, as set forth in section 2.28.170 against
612 any defendant who pleads guilty or nolo contendere or who enters into a plea agreement
613 or who, after trial, is found guilty of an ordinance violation.

614
615 (c) Notwithstanding any provision of law to the contrary, the court has the authority
616 to order a child under eighteen years of age confined in a juvenile detention facility
617 operated or contracted by the department of human services or a temporary holding
618 facility operated by or under contract with the City for failure to comply with a lawful order
619 of the court. Any confinement of a child for contempt of Municipal Court shall not exceed
620 48 hours.

621
622 (d) Notwithstanding any other provision of law, a child, as defined in section 19-1-103
623 (18), C.R.S. and as amended, arrested for an alleged violation of this code, convicted of
624 violating this code or probation conditions imposed by the court, or found in contempt of
625 court in connection with a violation or alleged violation of this code shall not be confined
626 in a jail, lockup, or other place used for the confinement of adult offenders but may be
627 held in a juvenile detention facility operated by or under contract with the department of
628 human services or a temporary holding facility operated by or under contract with the
629 City that shall receive and provide care for such child. The court may impose penalties
630 for violation of probation conditions imposed by such court or for contempt of court in
631 connection with a violation or alleged violation of the code may confine a child pursuant

632 to section 19-2-508, C.R.S., for up to 48 hours in a juvenile detention facility operated by
633 or under contract with the department of human services.

634

635 (e) Whenever the court imposes a fine for a violation of this code, if the person who
636 committed the offense is unable to pay the fine or any costs at the time the court enters
637 its order in the matter, or the defendant fails to pay any fine or costs imposed for the
638 commission of such offense, in order to guarantee the payment of such fine or costs, the
639 court may compel collection of the fine in the manner provided in section 18-1.3-506,
640 C.R.S. and as amended.

641

642 (f) Pursuant to the federal act, as defined in section 25-8-103-(8), C.R.S., the court
643 may provide such relief and impose such penalties as are required by such federal act
644 and its implementing regulations for such programs.

645

646 (g) Deferred sentencing:

647

648 (1) In any case in which the defendant has entered a plea of guilty or nolo
649 contendere, the court accepting the plea has the power, with the written consent of
650 the defendant, the defendant's attorney of record, the defendant's parent or legal
651 guardian if the defendant is a juvenile and the City Attorney, to continue the case for
652 the purpose of entering judgment and sentence upon the plea of guilty or nolo
653 contendere for a period not to exceed one year for a misdemeanor or traffic offense.
654 The period shall begin to run from the date that the court continues the case.

655

656 (2) Prior to entry of a plea of guilty or nolo contendere to be followed by deferred
657 judgment and sentence, the City Attorney, in the course of plea discussions is
658 authorized to enter into a written stipulation, to be signed by the defendant, the
659 defendant's attorney of record, the defendant's parent and/or legal guardian if the
660 defendant is a juvenile and the City Attorney, under which the defendant is obligated
661 to adhere to such stipulation. The court shall not modify the terms of the deferred
662 sentence without written consent of the City Attorney.

663

664 (3) The conditions imposed in the stipulation shall be similar in all respects to
665 conditions permitted as part of probation. In addition, the stipulation may require the
666 defendant to perform community or charitable work service projects or make
667 donations thereto. Upon full compliance with such conditions by the defendant, the
668 plea(s) previously entered shall be withdrawn and the charge(s) upon which the
669 judgment and sentence of the court was deferred shall be dismissed with prejudice.

670

671 (4) The stipulation shall specifically provide that, upon a breach by the defendant
672 of any condition regulating the conduct of the defendant, the court shall enter
673 judgment and impose sentence upon the previously entered plea(s).

674

675 (5) When, as a condition of the deferred sentence, the court orders the defendant
676 to make restitution, evidence of failure to pay the restitution shall constitute prima
677 facie evidence of a violation.

678

679 (6) Application for entry of judgment and imposition of sentence may be made by
680 the City Attorney at any time within the term of the deferred judgment or within thirty-
681 five days thereafter. Whether a breach of condition has occurred shall be determined
682 by the court without a jury upon application of the City Attorney and upon notice of
683 hearing thereon of not less than seven days to the defendant. The burden of proof
684 at the hearing shall be by a preponderance of the evidence, except when the
685 condition violated is a new violation which shall be proven beyond a reasonable
686 doubt. The procedural safeguards required in a revocation of probation hearing shall
687 apply.

688

689 (7) When a defendant signs a stipulation by which it is provided that judgment and
690 sentence shall be deferred for a time certain, he or she thereby waives all rights to a
691 speedy trial.

692

693 (8) A warrant for the arrest of any defendant for breach of a condition of a deferred
694 sentence may be issued by the court upon the verified complaint of any person,
695 establishing to the satisfaction of the court probable cause to believe that a condition
696 of the deferred sentence has been violated and that the arrest of the defendant is
697 reasonably necessary.

698

699 **2.28.170. Costs assessed and surcharges.**

700

701 (a) In any matter as to which the Municipal Court has jurisdiction, the municipal judge
702 and any substitute judge(s) may assess, impose and levy against any defendant who
703 pleads guilty or nolo contendere or who enters into a plea agreement or who, after trial,
704 is found guilty of an ordinance violation the following costs, fees and surcharges
705 (collectively referred to as "Court costs" or "costs") as appropriate and in the interest of
706 justice.

707

708 (b) The Court Administrator shall prepare and maintain a schedule of court costs. If
709 court costs are assessed, the costs shall be assessed according to the schedule.

710

711 (c) The court may assess costs as follows against any defendant:

712

713 (1) Who is convicted of an offense.

714

715 (2) Who fails to appear for a scheduled arraignment, hearing or trial.

716

717 (3) Who is held in contempt of court.

718

719 (4) Who accepts a deferred judgment or deferred prosecution.

720

721 (d) The court may assess costs against any properly subpoenaed witness whose
722 failure to appear at trial necessitates a continuance of the trial or a dismissal of the
723 charges.

724

725 (e) The judges shall be empowered to assess court costs, costs of prosecution, jury
726 fees, witness fees, and any other costs reasonably associated with a matter. The Court
727 Administrator shall also supervise the payment of the fees to the jurors and witnesses
728 by the Clerk of the Municipal Court. Such costs, fees, and surcharges may be set by City
729 Council by resolution or by ordinance.

730

731 (f) Where any person, association, or corporation is convicted of an offense, the court
732 shall give judgment in favor of the City of Grand Junction and against the defendant and
733 if the defendant is a juvenile against the juvenile's parent(s) or legal guardian for the
734 amount of the costs of prosecution, the amount of the cost of care, and any fine imposed.
735 Such judgments shall be enforceable in the same manner as are civil judgments.

736

737 (g) The court costs may include, but are not limited to:

738

739 (1) Any docket fee, surcharge or assessment established by standing order of the
740 Court.

741

742 (2) All jury fees, including juror fees, if applicable.

743

744 (3) Any costs incurred of a law enforcement agency.

745

746 (4) Any fees of the court reporter for all or any part of a transcript necessarily
747 obtained for use in the case.

748

749 (5) The actual costs paid to any expert witness for the City.

750

751 (6) The witness fees and mileage paid:

752

753 (i) For any person required to travel more than fifty miles from the person's place
754 of residence to the place specified in the subpoena:

755

756 (ii) Actual lodging expenses incurred; and

757

758 (iii) Actual rental car, taxi, or other transportation costs incurred;

759

760 (7) If a person under eighteen years of age is required to appear, the amount that a
761 parent or guardian of the person paid for transportation and lodging expenses
762 incurred while accompanying the person.

763

764 (8) Any fees for exemplification and copies of papers necessarily obtained for use in
765 the case.

766

767 (9) Any fees for interpreters required during court appearances, depositions, status
768 conferences, during hearings/trials and/or related proceedings.

769

770 (10) On proper motion of the prosecuting attorney and at the discretion of the court,
771 any other reasonable and necessary costs incurred by the prosecuting attorney or
772 the Grand Junction Police Department that are directly the result of the successful
773 prosecution of the defendant including the costs resulting from the collection and
774 analysis of any chemical test.

775
776 (11) Any costs incurred by a law enforcement agency in photocopying reports,
777 developing film, and purchasing videotape as necessary for use in the case.

778
779 (12) Any costs of participation in a diversion program if the offender unsuccessfully
780 participated in a diversion program prior to the conviction or adjudication.

781
782 (13) Where any person is sentenced to a term of incarceration, the court shall order
783 such person to make such payments toward the cost of care as are appropriate under
784 the circumstances. "Cost of care" shall mean the cost to the department and/or City
785 for providing room, board, clothing, medical care, and other normal living expenses
786 for an offender confined to a jail or correctional facility, or any costs associated with
787 maintaining an offender in a home detention program.

788
789 (14) Cost of insurance for useful public service. The City shall determine whether
790 separately or by or through a separate agency and the defendant shall pay for the
791 cost of insurance when ordered as required as part of sentencing by a judge to
792 perform useful public service.

793
794 (15) Surcharges established by resolution or ordinance of the City Council.

795
796 (16) The fees and costs authorized hereby may be increased by adoption of a
797 resolution by a majority of the City Council then considering the same. Increases
798 may be at a rate and frequency as determined proper by the City Council considering
799 the same.

800
801 **2.28.180 Jury trials.**

802
803 (a) In all trials before the Municipal Court in cases arising under this code, trial shall
804 be to the court, unless the defendant is entitled to a jury trial under the Constitution of
805 the State or of the United States, general laws of the State, or the Charter or this code
806 or ordinances of the City, in which case the defendant shall have a jury if, within 21
807 days after entry of a plea, the defendant files with the court a written jury demand and
808 tenders to the court a jury fee in an amount determined by resolution of the City
809 Council, unless the fee is waived by the court because of the indigency of the
810 defendant. A defendant who fails to file with the court the written jury demand, as
811 provided in this section, waives the right to a jury trial. When a jury trial is granted, the
812 jury shall consist of three jurors unless a greater number, not to exceed six, is
813 requested by the defendant in the jury demand.

814

815 (b) The jury commissioner of the Municipal Court shall be the Court Administrator. The
816 Court Administrator may designate deputy jury commissioner(s) who shall have the
817 same powers as the jury commissioner when the jury commissioner is absent.

818

819 (c) The City Clerk and the City Clerk's staff shall give the jury commissioner access to
820 all books, records and papers in their respective offices and shall render all assistance
821 within their power to enable the jury commissioner to procure the names of all persons
822 in the City qualified to serve as jurors.

823

824 (d) Qualifications and exemptions of jurors shall be the same as provided in C.R.S. §§
825 13-71-105 and 13-71-119 and as amended.

826

827 (e) A jury summons shall be served by the jury commissioner and shall be either
828 personally served to the usual place of abode or post office box of the prospective juror.
829 Service is also valid if the juror named has signed a waiver of personal service. The jury
830 summons shall be served at least five days before the day on which the jurors are
831 required to appear; provided, however, that the judge of the Municipal Court may, in the
832 judge's discretion, order the jury commissioner to certify a list to the Chief of Police for
833 personal service to be made by a police officer or an officer of the City. The failure to
834 return undelivered mail by the post office shall be prima facie evidence of service of the
835 summons upon the juror named in the summons.

836

837 (f) The Municipal Court has the power to cause a jury to be summoned by open
838 venire as is provided by law.

839

840 (g) Jurors shall be paid a sum per day for actual jury service and a sum for each
841 day of service on the jury panel alone as determined by City Council by resolution.

842

843 **2.28.190. Complicity - Legal accountability as principal.**

844

845 (a) A person is legally accountable as a principal for the behavior of another
846 constituting a violation of this code if, with intent to promote or facilitate the commission
847 of such offense, that person aids, abets, advises, counsels or directs the other person in
848 planning or committing the offense.

849

850 (b) It shall be an affirmative defense to a charge against a defendant based on
851 accountability through complicity if, prior to the commission of the violation, the
852 defendant terminated effort to promote or facilitate its commission and either gave timely
853 warning to law enforcement authorities or gave timely warning to the intended victim.

854

855 **2.28.200. Attempt.**

856

857 (a) A person may be charged and/or convicted with an attempted violation if, acting with
858 the kind of culpability otherwise required for the commission of a violation under this
859 code, that person engages in conduct constituting a substantial step toward the
860 commission of the offense. A substantial step is any conduct, whether act, omission or

861 possession, which is strongly corroborative of the firmness of the actor's purpose to
862 complete the commission of the offense. Factual or legal impossibility of committing the
863 offense is not a defense if the offense could have been committed, had the attendant
864 circumstances been as the actor believed them to be, nor is it a defense that the crime
865 attempted was actually perpetrated by the accused.

866

867 (b) A person who engages in conduct intending to aid another to commit an offense
868 commits criminal attempt if the conduct would establish complicity under section
869 2.28.190 were the offense committed by the other person, even if the other is not guilty
870 of committing or attempting the offense.

871

872 (c) It is an affirmative defense to a charge under this section that the defendant
873 abandoned effort to commit the crime or otherwise prevented its commission, under
874 circumstances manifesting the complete and voluntary renunciation of criminal intent.
875 Renunciation and abandonment are not voluntary and complete so as to be a defense
876 to prosecution under this section if they are motivated in whole or in part by:

877

878 (1) A belief that a circumstance exists which increases the probability of detection or
879 apprehension of the defendant or another or which makes more difficult the
880 consummation of the crime; or

881

882 (2) A decision to postpone the crime until another time or to substitute another victim
883 or another but similar objective.

884

885 (d) A person found guilty of an attempted violation shall be punished upon conviction
886 with the same penalties applicable to the principal offense.

887



**Grand Junction City Council
Workshop Session**

Item #1

Meeting Date: September 19, 2016

Requested by: Greg Caton,
City Manager

Submitted By: Tim Moore
Deputy City Manager

Department: Administration

Information

SUBJECT:

Discussion of the structure and operations of the Municipal Court.

EXECUTIVE SUMMARY:

Over the past several years, City staff and the Municipal Judge have been discussing roles, responsibilities and duties of the staff associated with the operation and administration of the Court. During these discussions, the Judge asked for a number of things including physical changes to the Judge/Clerk office area and changes to how the Court operates.

BACKGROUND OR DETAILED INFORMATION:

As a result of the Judges requests the following changes have been implemented;

1. Deployment of contracted security services for screening of persons admitted to the hearing room and for in-session security;
2. Installation of a glass window at the Clerks Counter;
3. Legal staff no longer accessing the area behind the glass window;
4. Placement of a computer on the Judges bench;
5. Consideration of a new part-time Court Clerk to be supervised by the Judge and correspondingly developed of a job description for the new part time position and;
6. Bifurcated budget in the Court giving Municipal Judge authority over the Judicial portion.

In the interest of good governance and fully utilizing the authority of Home Rule local control, the staff has drafted the attached ordinance that describes the functions of the Municipal Court and defines the relationship between the other branches of the City government and the Court.

In researching other home rule municipalities with a population range of 35,000 to 150,000 we found that all of them except Grand Junction have adopted an ordinance to define the roles of the Court and memorialize how the Court is to operate in the future. Additionally, in most municipalities the City Manager appoints the court clerk/administrator and is responsible for the supervision of the clerk/administrator.

The attached ordinance provides for a formal process to appoint Municipal Court judges, defines the duties of the judge and the Court Administrator and establishes a violations bureau that provides clarification for violations like traffic infractions.

FISCAL IMPACT:

To date approximately \$25,900 has been expended to accommodate the Judges requests including security improvements to the Clerk area, security staff on court days, and a computer. Additionally, the cost of the new part time Court Clerk requested by the Judge is estimated to be \$11,727 per year.

SUGGESTED ACTION:

To more specially define the roles and responsibilities, staff suggests adoption of an ordinance relating to the operation of the Court.

Attachments

- ATTACHMENT 1 – Memo Summarizing Research of Comparable City Court Structures
- ATTACHMENT 2 – Draft Organizational Chart Showing Proposed Staffing
- ATTACHMENT 3 – Proposed Ordinance

**Summary of Other City/Court Ordinance Data
Presented at April 11, 2016 City Council Work Session**

Considering Colorado home rule municipalities with a population range of 35,000 to 150,000,¹ we found that all of them except Grand Junction have adopted an ordinance superseding² C.R.S. §13-10-101 *et seq* to govern municipal court operations.

A review of the municipal court ordinances of those cities reveals the following:

1. In most (9 of 16),³ the City Manager appoints the court clerk/administrator (in Littleton, with the assent of the judge; in Northglenn with the approval of the judge, but as the City Manager deems necessary).
2. In most (10 of 16),⁴ the City Manager is responsible for the supervision of the clerk/administrator. Of those 10, in one city (Greeley) the City Manager may consider the advice of the judge regarding the clerk's duties, but does not have to abide by it. In two of the 10 (Littleton and Northglenn), the judge can, in cooperation with the City Manager, assign some duties to the clerk.
3. In Longmont and Brighton, the municipal court ordinance does not specify who appoints or supervises the administrator/clerk, but the only administrative / operational duties the judge is given by ordinance in Loveland relate to the performance of and fees for wedding services; in Brighton, no such duties are given by the ordinance.
4. In Lakewood and Arvada, the judge appoints and supervises the court clerk/administrator. But concomitant with this increase in responsibility of the judge there is increased judicial oversight. In Lakewood, a judicial review commission is established, and the judge serves at the pleasure of the City Council, with no term established by ordinance. In Arvada, the City Council establishes a one-year contract with the judge, and can decline to renew for a subsequent term in its discretion, no cause required.
5. In two (Pueblo and Loveland), the judge serves *ex officio* as the court administrator/clerk, and in that *ex officio* role supervises other court personnel.

¹ Those cities are, in order of smallest to largest population: Brighton, Northglenn, Littleton, Parker, Commerce City, Castle Rock, Loveland, Longmont, Greeley, Boulder, Centennial, Pueblo, Westminster, Arvada, Thornton and Lakewood (by 2014 census).

² To the extent authorized by law; some aspects of C.R.S. §13-10-101 *et seq* cannot be superseded. See C.R.S. §13-10-103.

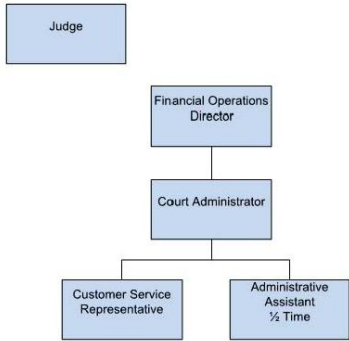
³ Northglenn, Commerce City, Greeley, Littleton, Parker, Boulder, Centennial, Westminster and Thornton.

⁴ Northglenn, Commerce City, Castle Rock, Greeley, Littleton, Parker, Boulder, Centennial, Westminster, and Thornton. In Castle Rock, the Judge appoints a clerk, but the clerk reports to/is supervised by the City Manager.

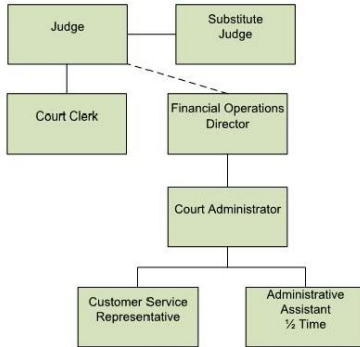


Municipal Court Organizational Chart

Current



Proposed



DRAFT

ORDINANCE NO. _____

**AN ORDINANCE TO REPEAL CHAPTER 2.28 OF THE CITY OF GRAND JUNCTION
CODE OF ORDINANCES AND TO REENACT CHAPTER 2.28 DESCRIBING THE
FUNCTIONS OF THE MUNICIPAL COURT.**

RECITALS:

The City's Municipal Code ("GJMC") presently adopts by reference Colorado law concerning many of the functions and operations of the Municipal Court, the GJMC does not fully or adequately describe the functions of the Municipal Court and its relationship with the various departments of the City. This ordinance more particularly describes the functions of the Municipal Court and amends the GJMC to fulfill the direction of the City Council for the function and performance of the Court.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

Chapter 2.28 of the Grand Junction Code of Ordinances shall be repealed and reenacted. By and with the authority of Article VIII, Section 70 of the Charter of the City of Grand Junction this ordinance establishes, defines and describes the powers, duties, limitations, operations and functions of the Municipal Court. The chapter shall read as follows:

Chapter 2.28 MUNICIPAL COURT

2.28.010. Created.

A Municipal Court in and for the City is hereby created and established pursuant to the Charter and all lawful authority of the City of Grand Junction. This Chapter supersedes and replaces C.R.S. § 13-10-101, *et seq.* in its entirety, except as otherwise set forth in C.R.S. § 13-10-103.

2.28.020. Jurisdiction.

(a) The Municipal Court shall have original jurisdiction of all cases arising under the Charter, code of ordinances, resolutions, rules and regulations of the City, with full power to assess and collect penalties, punish violators, abate nuisances, enforce orders of the court by remedial or punitive contempt, compel the attendance of witnesses, and to otherwise effect the responsibilities prescribed by ordinance, Charter, administrative regulation or court rule.

(b) The territorial jurisdiction of the Municipal Court shall be coextensive with the corporate limits of the City, and, in addition thereto, the court shall have the original jurisdiction of all cases arising under the provisions of this code and the Charter which arise on any city-owned property outside of the City limits or arise on non-city-owned property outside the corporate limits of the City, over which the City has authority to control and regulate by virtue of any law, rule, regulation, contract, deed, easement agreement, right-of-way or other publicly-acquired interest.

Commented [JS1]: The City's Municipal Code ("GJMC") presently adopts by reference Colorado law concerning many of the functions and operations of the Municipal Court, the Grand Junction Municipal Code (GJMC) does not fully or adequately describe the functions of the Municipal Court and its relationship with the various departments of the City and/or affirm the independence of the judicial functions of the Court as being separate and apart yet co-equal with the executive and legislative functions.

In the interest of good governance and fully utilizing the authority of Home Rule/local control, the staff recommends that City Council adopt this ordinance, to principally provide procedural rules for the functioning of the Court, while maintaining the inherent independence of the judiciary.

Comments on certain aspects of the ordinance are included below; the general comment and essential purpose for the ordinance is that it provides a more particular description of the functions of the Municipal Court, definition of the relationship between the other branches of the City government and the Court and amendment of the GJMC to fulfill the direction of the City Council for the functional consideration of the Court; with adoption of this ordinance the City Council is not setting the policy of the Court.

Certain sections of the ordinance are presumed to be self-explanatory; if that is not the case and Councilmembers have questions about any section, whether noted here or not, staff will be pleased to provide further explanation.

DRAFT

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2.28.030. Court of record.

(a) For purposes of hearing cases involving persons accused of violating provisions of the Charter, the code or any other ordinance or regulation of the City, the Municipal Court is a qualified court of record and shall comply with the requirements of state law for courts of record. The Municipal Court shall furnish the record of proceedings to any party wishing to appeal from a judgment of the court, acting as a court of record, for transcription at such party's sole expense.

(b) There shall be a verbatim record made of the proceedings and evidence at trial in the Municipal Court by either electronic recording devices or stenographic means. The costs of preparation of transcripts of the record made in the Municipal Court shall be as provided in courts of record.

2.28.040. Judges; vacancy; nomination committee.

(a) The Municipal Court shall be presided over and its functions exercised by one or more judges, including a municipal judge and substitute judge(s) designated by the City Council, in accordance with the Charter, as amended from time to time.

(b) In the event of a vacancy in the office of any municipal judge of the Municipal Court, the City Council shall:

(1) If necessary to secure continuity in such office, appoint a/the substitute judge as acting municipal judge, to serve until the completion of the designation process for the successor to such office. Such acting municipal judge shall have and exercise all the authority of the municipal judge.

(2) Appoint an *ad hoc* judicial nominating committee consisting of the City Attorney, a lay person residing in the City and the Chief Judge of the 21st Judicial District or the chief judge's designee being a judge presiding in the district.

(3) The committee shall promulgate necessary rules governing its procedure, review the applications and references presented and conduct oral interviews of qualified applicants. The City Manager shall provide any municipal facilities and City staff reasonably required to achieve the duties of the committee.

(4) The committee shall submit to the City Council the names of three qualified applicants or, if there are fewer than three qualified applicants, the name of each qualified applicant, along with their applications and any written communications the committee may provide to assist the City Council in the selection process. The committee may designate an order of preference in the names submitted.

(5) The City Council shall review the materials submitted by the committee and conduct such additional procedures, including interviews with the applicants referred by the

Commented [JS2]: This section clarifies the process by which a record of court proceedings is kept which is important for effective administration of the Court and for perfecting of appeals.

Commented [JS3]: This section and section 050 provide a process for selection of judges in and for the Municipal Court. The City has not historically had a process for judicial appointments yet the appointment(s) of a Judge are (or may be viewed) under the Charter as being the same or similar to the other Council appointees.

Section 050 establishes a means to evaluate judicial performance/performance of the Court. Separation of powers compels that the Court is removed from day to day interaction with the City Council and the "feedback loop" described in the section will help Council evaluate the effectiveness and efficiency of the Court.

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93 committee, as the Council may deem appropriate and from the names of the applicants
94 submitted by the committee, designate a municipal judge.

95
96 (6) The City Council may, in the public interest, defer designation of the municipal judge
97 and reopen the selection process as set forth in this subsection.
98

99 **2.28.050. Appointment and removal of Municipal Court judges**

100
101 (a) The City Council shall appoint the municipal judge who shall be licensed to practice
102 law in the State of Colorado. The municipal judge shall serve for a term to be at the
103 pleasure of the Council. The municipal judge and/or a substitute judge may be removed
104 by the City Council at any time at the sole discretion of the Council. The municipal judge
105 shall receive compensation as established by Council by ordinance.
106

107 (b) The City Council may appoint one (1) or more substitute municipal judges who shall
108 serve for a term to be at the pleasure of the Council and to act when the municipal judge is
109 unable due to temporary absence, sickness. A substitute judge shall be paid based upon
110 the number of court sessions served by the substitute judge at a rate established by
111 Council.
112

113 (c) Prior to taking office, a municipal judge and/or all substitute judge(s) shall execute an
114 oath to well and faithfully perform the duties of municipal judge. The oath shall include but
115 not be limited to a pledge to uphold the Constitution of the United States, the Constitution
116 of the State of Colorado, the Charter of the City of Grand Junction and the laws and
117 ordinances of the City.
118

119 (d) The municipal judge and/or any substitute judge may be removed by a majority of the
120 City Council at any time with or without cause.
121

122 (e) Judicial performance commission.

123
124 (1) There is created a judicial performance commission, established for the purpose
125 of presenting evaluations and recommendations to Council in regard to the
126 reappointment of Municipal Court judges.
127

128 (2) The judicial performance commission shall be composed of no less than three
129 voting members up to seven voting members. The membership of the judicial
130 performance commission shall be made up as follows:
131

132 (3) Members shall consist of at least one resident(s) of the City who is(are) not licensed
133 attorneys, and at least two of the members shall be licensed attorneys engaged in the
134 practice of law who are residents of the City or maintain or regularly practice law within
135 the City. With respect to the members who are licensed attorneys, an effort shall be
136 made to appoint one attorney whose employment relates to criminal prosecution, and
137 one attorney whose employment relates to the defense of criminal cases.
138

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139 (4) No member shall be related by blood or marriage within the third degree to any
140 other member or any judge being reviewed.

141
142 (5) The powers and duties of the judicial performance commission shall be as follows:
143

144 (i) No later than the first Tuesday in September of each odd numbered year or as
145 often as requested by Council, the judicial performance commission shall submit to
146 each judge of the Municipal Court a confidential evaluation of the judge's official
147 performance. At the same time, copies of these evaluations shall be submitted to
148 the municipal judge.

149
150 (ii) No later than 20 days following the submission of an evaluation in accordance
151 with subsection (1) of this section, any judge who so desires may submit to the
152 judicial performance commission a written response to the commission's evaluation
153 of the judge, and such written response by the judge shall become a permanent
154 attachment to the commission's evaluation of the judge.

155
156 (iii) No later than the first Monday in November of the year of evaluation, the
157 judicial performance commission shall certify to the Council copies of all of the
158 commission's evaluation of the official performance of the affected judge. The
159 judicial performance commission's evaluations shall be accompanied by a
160 confidential recommendation regarding the appointment of the judge to another term
161 on the bench of the Municipal Court. The recommendation shall be stated as
162 "reappoint," "do not reappoint," or "no opinion" and shall be accompanied by an
163 explanation.

164
165 (iv) The evaluations and recommendations made by the judicial performance
166 commission regarding the Municipal Court judges of the city shall be based solely
167 upon the following criteria: integrity; knowledge and understanding of substantive,
168 procedural, and evidentiary law; communication skills, preparation, attentiveness,
169 and control over judicial proceedings; consistency and applicability of sentencing
170 practices; docket management and prompt case disposition; administrative skills;
171 punctuality; effectiveness in working with participants in the judicial process; and
172 service to the legal profession and the public.

173
174 (v) The judicial performance commission shall develop techniques for the
175 evaluation of judges in accordance with the criteria listed in subsection (4) of this
176 section. Such techniques shall include questionnaires or surveys of the attorneys
177 who practice before the judge, including but not limited to court appointed counsel,
178 the city attorney's office and the private defense attorneys, together with jurors, law
179 enforcement officers, defendants, court personnel, and the municipal judge of the
180 Municipal Court (except in regard to the evaluation of the municipal judge).
181 Additional evaluation techniques may include, without being limited to,
182 questionnaires and surveys of court personnel and others who have direct and
183 continuing contact with Municipal Court judges, and consultations with state and

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184 district commissions on judicial performance regarding evaluation criteria,
185 techniques, and sources.

186
187 (f) Council retains the sole discretion to appoint, reappoint, and remove Municipal Court
188 judges. The creation of the judicial performance commission shall not in any fashion
189 abridge the authority possessed by the City Council. The commission serves as an advisory
190 body to the City Council, and its evaluations shall be considered solely recommendations
191 for the benefit of the City Council.

192
193 **2.28.060 Authority; Duties of the municipal judge.**

194
195 (a) The municipal judge shall have full power and authority to make and adopt local rules
196 of procedure, in writing, for the Municipal Court, provided the rules are not inconsistent with
197 those rules promulgated by the Colorado Supreme Court for Municipal Courts and any City
198 ordinances. The municipal judge and any substitute judge while in the courtroom shall
199 have all judicial powers relating to the operation of the courtroom, subject to any rules of
200 procedure governing the operation and conduct of Municipal Courts promulgated by the
201 Colorado Supreme Court and City ordinances.

202
203 (b) The municipal judge and a substitute judge while in the courtroom shall retain the
204 authority and responsibility for the promulgation and enforcement of all rules, procedures
205 and proceedings pertaining to the Municipal Court arraignments, hearings, and trials, and
206 other procedures regarding the operation of the courtroom while the court is in-session.

207
208 (c) There shall be a clerk of the Municipal Court which shall be the municipal judge as ex-
209 officio clerk unless Council has approved a separate position for the clerk of Municipal Court
210 with compensation for the position. The municipal judge shall receive no additional
211 compensation for acting as the clerk of Municipal Court. The municipal judge shall
212 establish the duties of the clerk of the Municipal Court. The clerk of Municipal Court shall
213 have the power to administer oaths and affirmations in all municipal matters in the court,
214 and issue writs and notices, including subpoenas, summonses, and copies thereof in all
215 cases coming within the jurisdiction of the Municipal Court. The clerk of Municipal Court
216 shall be responsible for preparing all papers pertaining to the operations of the court.

217
218 **2.28.070. Issuance of warrants.**

219
220 (a) The municipal judge and any substitute judge shall be and are authorized to issue
221 warrants for the inspection, search and nuisance abatement of premises or property by
222 municipal or joint City/County officials or inspectors upon proper application. Nothing in this
223 section shall be construed to require the issuance of a warrant for emergency inspections
224 or in any other case where warrants are not required by law. The Municipal Court may
225 assess costs to a defendant named in any process, writ or warrant issued by it and which
226 process or warrant was served or executed as provided by law, including the costs of
227 service, commitment or incarceration which are incurred by the City in connection with the
228 service or execution of such process, writ or warrant.

229

Commented [JS4]: This section describes the authority of the Judge, including but not limited to the duties of the Judge's clerk.

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230 (b) Every warrant shall state the name of the defendant, the code section(s) or a brief
231 description of the ordinance alleged to have been violated, the date and place of the alleged
232 violation, and that the defendant is alleged to have committed the offense and the amount
233 of bond, if any.

234

235 **2.28.080. Court Administrator and other staff.**

236

237 (a) The City Manager shall appoint a person to serve as an administrator of the Municipal
238 Court, and any reference in this article to "Court Administrator" shall be deemed to apply to
239 that person. The City Manager shall appoint such other staff of the Municipal Court as may
240 be necessary to carry out efficiently the business of the court.

241

242 (b) The City Manager and his/her designee are authorized to administer and supervise
243 the functioning and operations of the Court Administrator and all subordinate personnel of
244 the Court Administrator's office.

245

246 (c) The Municipal Court Administrator or designee shall be present during each session
247 of the Municipal Court. The Court Administrator shall have the following powers and duties
248 including, but not limited to, the following:

249

250 (1) Have control, management and supervision over personnel and all matters
251 pertaining to the business of the Municipal Court, and authority to promulgate rules and
252 regulations pertaining to the administration of the Municipal Court.

253

254 (2) Have control, management and supervision over personnel and all matters
255 pertaining to the administration of the violations bureau.

256

257 (3) Provide financial management and control of the Municipal Court.

258

259 (4) Keep such records and reports as specifically required by law or as deemed
260 necessary and consult with the City Attorney regarding necessary policies or regulations
261 to ensure their care, security, accuracy and release to the public.

262

263 (5) Record all fees, fines and penalties received and pay over such to the City
264 Financial Director and shall make a monthly accounting of all such fees, fines and
265 penalties collected.

266

267 (6) Prepare and keep a docket for each court session. Judgments for each case may
268 be stored electronically and be managed by the Court Administrator in accordance with
269 then best practices.

270

271 (7) Except when otherwise provided for by ordinance or established by Council, fees
272 for services performed by the Municipal Court shall be promulgated by the Court
273 Administrator. The Court Administrator shall advise Council of all fees set pursuant to
274 this section.

275

Commented [JS5]: This section defines and describes the role of the Court Administrator and her/his reporting responsibilities and duties. The section describes with some specificity the role of the Court Administrator and that she/he, in support of the Court, performs certain accounting and business functions under the authority of the City Manager.

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276 (8) The Court Administrator is authorized to assign for collection to any agency or
277 agencies authorized to do business in the State of Colorado, any fines, fees, costs and
278 surcharges which may have been assessed by the Municipal Court and which are
279 unpaid to the city and are delinquent.

280
281 (9) Management of the Municipal Court facility including, but not limited to, security,
282 temporary closures for public safety reasons, weather, loss of utilities, or any other
283 emergency.

284
285 (10) The Municipal Court Administrator shall keep a register of the actions in such court,
286 including all fees and money collected and an index thereof.

287
288 **2.28.090. Violations bureau.**

289
290 (a) There is established a violations bureau for the handling of violations of applicable
291 sections of this code, ordinances and regulations of the city or parts thereof, wherein
292 Council has authorized that penalty assessments may be prescribed. Any person who
293 has received any notice to appear in answer to a charge of violating any such applicable
294 sections of this code, ordinances or regulations of the City may, within the time specified in
295 the notice of such charge, answer at the violations bureau to the charges set forth in such
296 notice by paying a penalty assessment, pleading guilty in writing to the charge, waiving a
297 hearing in court and giving power of attorney to make such a plea and pay such fine in
298 court. Acceptance of the prescribed penalty assessment by the Court Administrator shall
299 be deemed to be complete satisfaction for the violation. No person shall be deprived of a
300 full and impartial hearing in court or by a jury, if otherwise entitled to a jury under this chapter
301 or other applicable law.

302
303 (b) The Court Administrator shall establish the procedures by which a person may
304 answer a charge of violation of a City ordinance by paying a penalty assessment,
305 pleading guilty in writing, and waiving a hearing.

306
307 (c) The court may enter an outstanding judgment warrant (OJW) against a person charged
308 with a traffic infraction who fails to plead guilty to the offense in accordance with subsection
309 (a) of this section and who fails to appear in the Municipal Court to answer such charge on
310 the date and time listed on the complaint or summons and complaint, or on the date and
311 time such person is scheduled to appear, or for failure to comply with court order.

312
313 (d) The penalty assessment amount shall be that established by the Council by ordinance
314 or otherwise, or if not set by the Council then as established by the municipal judge and the
315 schedule is then posted in a conspicuous place at the violations bureau. Traffic offenses
316 included in the schedule for the offenses for which a penalty assessment may be issued
317 are traffic infractions and constitute a civil matter.

318
319 (e) In any action in which the commission of a penalty assessment, including but not
320 limited to traffic infraction(s), and a violation of this code are charged in one complaint or
321 summons and complaint, all charges shall be returnable and the action shall be treated as

Commented [JS6]: This section is important because it clarifies when certain violations, typically traffic infractions, become Court matters and when and how they may be resolved without the Court. The section also provides that the penalties for infractions are set by Council rather than the Court. Generally, infractions may be resolved by payment and the processing of those payments, or if not paid the filing of them with the Court, needs to be well defined. Section 110 further describes procedures for/when infractions are heard in court.

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322 one proceeding governed by the rules, statutes and ordinances applicable to municipal
323 violations which are not penalty assessments.

324
325 (f) The fee for the OJW entered pursuant to subsection (c) shall be in an amount determined
326 by the Court Administrator.

327
328 (g) The court shall forward the record of such judgment entered in accordance with
329 subsection (a), including points assessed, to the Colorado Division of Motor Vehicles,
330 pursuant to C.R.S. §§ 42-2-127(6)(a), 42-4-1709, and 42-4-1710 as amended.

331
332 **2.28.100. Initiation of prosecutions; summons and complaint.**

333
334 (a) The initiation of prosecutions in the Municipal Court, including the issuance of a
335 complaint or summons and complaint, shall be in accordance with the Colorado Municipal
336 Court Rules of Procedure (Colorado Rules). Violations of this code for which imprisonment
337 is not a possible penalty and that are not criminal shall follow the Colorado Rules in all such
338 cases unless those rules are clearly inapplicable.

339
340 (b) A complaint or any other action for the violation of any of the provisions of this code
341 shall be brought in the name of "The City of Grand Junction by and on behalf of the People
342 of the State of Colorado" as plaintiff against the person who is alleged to have violated the
343 ordinance as defendant and shall be commenced in the manner provided by law.

344
345 (c) A complaint must require the person named as the defendant in such summons and
346 complaint to appear in Municipal Court at a date and time certain to answer the charges of
347 the violation.

348
349 (d) Any complaint or summons and complaint may be issued as provided in the Colorado
350 Rules. The word "issued" shall be defined as preparation of the summons or summons and
351 complaint by the City Attorney or any peace officer. For purposes of this code, the term
352 "peace officer" shall include the employees and or agents of the City designated by the City
353 Manager as peace officers empowered to initiate a prosecution. Those designated
354 persons, however titled, shall have such enforcement powers without regard to the
355 certification requirements of C.R.S. § 24-31-301, *et seq.* The designated persons are
356 further authorized to issue and/or serve a summons and complaint for any violation of this
357 code in any matter for which probable cause exists that the alleged violation has occurred
358 by the individual being served.

359
360 **2.28.110. Traffic infractions.**

361
362 In any action where only traffic infraction(s) are alleged no jury trial is allowed and no
363 attorney shall be appointed for the defendant. The City Attorney is not required to appear
364 on behalf of the City. If the City Attorney does not appear, then the officer shall offer sworn
365 testimony to the facts concerning the alleged infraction. The defendant may then offer
366 sworn testimony and evidence and shall answer questions, if such testimony is offered, as
367 may be asked by the court. If the testimony of additional witnesses is offered by either

Commented [JS7]: This section and section 120 establish the procedures for the filing of cases in Municipal Court. Creation of procedural rules are important to ensuring Due Process and fundamental fairness for parties appearing in court.

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368 side, the order of testimony and extent of questioning shall be within the discretion of the
369 court. Upon the conclusion of such testimony and examination, the court may further
370 examine or allow examination and rebuttal testimony and evidence as deemed appropriate.
371 At the conclusion of all testimony and examination, the defendant or counsel shall be
372 permitted to make a closing statement. The Colorado Rules of Evidence shall not apply in
373 such actions. If all elements of a traffic infraction are proven beyond a reasonable doubt,
374 the court shall find the defendant guilty and enter appropriate judgment. If any element of
375 a traffic infraction is not proven beyond a reasonable doubt, the court shall dismiss the
376 charge and enter appropriate judgment, provided, however, that the court may find the
377 defendant guilty of a lesser included traffic infraction, if based on the evidence offered, and
378 enter appropriate judgment. Appeal procedures shall be in accordance with Colorado
379 Criminal Procedure Rule 37.

380

381 **2.28.120. Prosecution based upon complaint.**

382

383 In any prosecution for the violation of this code or a City ordinance based upon the
384 complaint of any person other than a police officer or court personnel, if the complaining
385 witness who signed and filed the complaint fails or refuses to testify at the time of trial or
386 asks the court to dismiss the complaint on reasonable grounds or that it appears to the
387 court that the complaint was baseless, at the discretion of the court, costs may be assessed
388 against such complaining witness.

389

390 **2.28.130. Temporary closures; operation of Municipal Court; special sessions.**

391

392 (a) If, through any summons and complaint, court notice or any other legal process, it
393 appears that an individual is required to appear in the Municipal Court on a holiday,
394 weekend day, or other date on which the court is closed, such date shall be treated as
395 requiring an appearance on the next date upon which the court is open.

396

397 (b) If the Municipal Court is temporarily closed by order of the Court Administrator for public
398 safety reasons, weather, loss of utilities, or any other emergency, those persons who would
399 have otherwise been required to appear in court during the time of the temporary closure
400 shall nevertheless appear on the next date upon which the court is open.

401

402

Commented [JS8]: This section establishes the procedure in the event an erroneous appearance date is given and/or when the Court may be closed.

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403 **2.28.140. Court-appointed counsel.**

404
405 (a) Any person charged before the Municipal Court who is financially unable to obtain
406 legal counsel and who could be incarcerated if convicted of one or more of the violations
407 with which charged may petition, in writing, to the court for court-appointed counsel. The
408 City Attorney may, at any time during the prosecution, state in writing whether or not he or
409 she will seek incarceration as part of the penalty upon conviction of an offense for which
410 the defendant has been charged. If the City Attorney does not seek incarceration as part of
411 such penalty, legal representation and supporting services need not thereafter be provided
412 for the defendant at City expense, and no such defendant shall be incarcerated if found
413 guilty of the charges.

414
415 (b) Court-appointed defense counsel shall be compensated through funds made
416 available by the City Council at the hourly rate established by the State judicial system for
417 court-appointed counsel.

418
419 (c) Court-appointed counsel shall only be appointed after petition by the defendant
420 accompanied by a written sworn financial statement with the applicant attesting to the
421 truthfulness of the information which must be sufficient to adequately advise the municipal
422 judge and/or the substitute judge that the defendant is financially unable to obtain
423 counsel. The municipal judge shall promulgate indigency standards in writing for those
424 desiring court-appointed counsel. The municipal judge may delegate to the Court
425 Administrator the administration of the appointment of counsel for indigents.

426
427 (d) It shall be a misdemeanor for any person to give false information on an application
428 for court appointed counsel, and upon conviction of a violation, shall be punished as
429 provided in section [1.04.090](#) of this code.

430
431 (e) Repayment: In any case where it is determined pursuant to this section that a defendant
432 is able to repay all or part of the expense of court-appointed counsel, all or part of the
433 expense may be assessed against the defendant. The action may be taken regardless of
434 the resolution of the case before the court.

435
436 **2.28.150. Prosecuting attorney.**

437
438 (a) The City Attorney, and/or an attorney(s) appointed by the City Attorney, shall have the
439 sole and exclusive responsibility of prosecuting all charges filed in the Municipal Court.

440
441 (b) To facilitate and encourage diversion of defendants from the criminal justice system
442 when diversion may prevent defendants from committing additional criminal acts, facilitate
443 the defendant's ability to pay restitution to victims of crime, and reduce the number of cases
444 in the Municipal Court the City Attorney's office may operate its own diversion program.

445
446 (c) Pretrial diversion:
447

Commented [JS9]: This section responds to certain aspects of recent Colorado law relating to the appointment of defense attorneys. Subsections c, d and e, requiring a sworn affidavit, indigency standards, a violation for false information and the opportunity for repayment all of which are prudent and reasonable measures relating to appointment of counsel.

Commented [JS10]: This section defines and describes the role of the prosecuting attorney and specifically provides for the City Attorney to use alternatives to traditional prosecution such as diversion.

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448 (1) In any case, either before or after charges are filed, the City Attorney may suspend
449 prosecution of the offense for a period not to exceed one year.

450
451 (2) The City Attorney may agree to diversion in any case in which there exists sufficient
452 admissible evidence to support a conviction. In determining whether an individual is
453 appropriate for diversion, the following shall be considered:

- 454
455 (i) The nature of the crime charged and the circumstances surrounding it;
456 (ii) Any special characteristics or circumstances of the defendant;
457 (iii) Whether diversion is consistent with the defendant's rehabilitation and
458 reintegration; and
459 (iv) Whether the public interest will be best served by diverting the individual from
460 prosecution.

461
462 (3) Before entering into a pretrial diversion agreement, the City Attorney may require a
463 defendant to provide information regarding prior criminal charges, education and work
464 experience, family, residence in the community, and other information relating to the
465 diversion program. The defendant shall not be denied the opportunity to consult with
466 legal counsel before consenting to diversion.

467
468 (4) Diversion agreements:

469
470 (i) All pretrial diversions shall be governed by the terms of an individualized diversion
471 agreement signed by the defendant, the defendant's attorney if the defendant is
472 represented by an attorney, a parent or legal guardian of the defendant if the
473 defendant is a juvenile, and the City Attorney.

474
475 (ii) The diversion agreement shall include a written waiver of the right to a speedy
476 trial for the period of the diversion plus the reasonable time for prosecution to be
477 initiated once the City Attorney has determined the defendant is in default of the
478 terms of the agreement. Upon consenting to a deferred prosecution as provided in
479 this section, the defendant shall be deemed to waive his right to a speedy trial even
480 if the agreement does not include a written waiver. All diversion agreements shall
481 include a condition that the defendant not commit any criminal offense during the
482 period of the agreement and any other conditions determined appropriate by the City
483 Attorney and the defendant, and the defendant's parent or legal guardian of the
484 defendant if the defendant is a juvenile. Diversion agreements may include
485 provisions concerning payment of restitution and a diversion fee as set by City
486 Council.

487
488 (iii) The diversion agreement may include a statement of the facts the charge is
489 based upon as agreed to by the defendant, the defendant's attorney if represented,
490 and the defendant's parent or legal guardian if the defendant is a juvenile. The
491 statement is admissible as impeachment evidence against the defendant in the
492 criminal proceedings if the defendant fails to fulfill the terms of the diversion
493 agreement and criminal proceedings are resumed.

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494
495 (5) Upon the defendant's satisfactory completion of the terms of the diversion
496 agreement, no further criminal proceedings on the original charges shall proceed.
497

498 (6) If the defendant violates the conditions of the diversion agreement, the City Attorney
499 shall provide written notice of the violation to the defendant. The City Attorney, in his or
500 her sole discretion, may initiate revocation of a diversion agreement by the filing of a
501 criminal complaint. The defendant may, within fourteen days after the first court
502 appearance following such a filing, request a hearing to contest whether a violation
503 occurred. The City Attorney has the burden by a preponderance of the evidence to show
504 that a violation has in fact occurred. If the court finds a violation has occurred, or a
505 hearing is not requested, the prosecution may continue. If the court finds the City
506 Attorney has not proven a violation, the court shall dismiss the criminal case without
507 prejudice and return the defendant to the City Attorney for supervision of the defendant
508 until defendant successfully completes the terms of the agreement.
509

510 (7) If a defendant is prosecuted following a violation of a diversion agreement, a factual
511 statement included within the diversion agreement is admissible as impeachment
512 evidence. Any other information concerning diversion, including participation in the
513 diversion agreement, including an evaluation performed pursuant to the terms of a
514 diversion agreement, or statements made to treatment providers during the diversion,
515 shall not be admitted into evidence at trial for any purpose.
516

517 (d) Plea discussions and plea agreements:
518

519 (1) Where it appears that the effective administration of criminal justice will be
520 served, the prosecuting attorney may engage in plea discussions for the purpose of
521 reaching a plea agreement. The prosecuting attorney should engage in plea
522 discussions or reach plea agreements with the defendant only through or in the
523 presence of defense counsel, except where the defendant has refused or is not
524 otherwise eligible for appointment of counsel and has not retained counsel, and in
525 the presence of a parent or legal guardian if the defendant is a juvenile.
526

527 (2) In plea agreements, the prosecuting attorney may agree to diversion or
528 deferred sentencing. Pursuant to a plea agreement, the prosecuting attorney may
529 agree to make or not to oppose favorable recommendations concerning the
530 sentence to be imposed, may agree to dismiss a charge or not to prosecute other
531 potential charges, and/or consent to deferred sentencing if the defendant enters a
532 plea of guilty or no contest.
533

534 (3) The trial judge shall not participate in plea negotiations.
535

536 (4) When a plea of guilty or no contest is tendered or received as a result of a
537 plea agreement, the trial judge should give the agreement due consideration, but,
538 notwithstanding its existence, the trial judge should reach an independent decision

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539 on whether to accept charge or sentence concessions as contained in the plea
540 agreement.

541

542 **2.28.160. Sentencing.**

543

544 (a) The court shall not exceed the fine or incarceration limitations established by
545 ordinance. Any person convicted of violating a municipal ordinance may be fined and
546 incarcerated in accordance with Section 1.04.090 of this code or as otherwise specified in
547 the appropriate code section for each violation. Any other provision of the law to the
548 contrary notwithstanding, the court may suspend the sentence or fine of any violator and
549 place the defendant on probation for a period not to exceed one year.

550

551 (b) The court is empowered to assess costs, as set forth in section 2.28.170 against any
552 defendant who pleads guilty or nolo contendere or who enters into a plea agreement or
553 who, after trial, is found guilty of an ordinance violation.

554

555 (c) Notwithstanding any provision of law to the contrary, the court has the authority to
556 order a child under eighteen years of age confined in a juvenile detention facility operated
557 or contracted by the department of human services or a temporary holding facility operated
558 by or under contract with the City for failure to comply with a lawful order of the court. Any
559 confinement of a child for contempt of Municipal Court shall not exceed 48 hours.

560

561 (d) Notwithstanding any other provision of law, a child, as defined in [section 19-1-103](#)
562 [\(18\), C.R.S.](#), arrested for an alleged violation of this code, convicted of violating this code
563 or probation conditions imposed by the court, or found in contempt of court in connection
564 with a violation or alleged violation of this code shall not be confined in a jail, lockup, or
565 other place used for the confinement of adult offenders but may be held in a juvenile
566 detention facility operated by or under contract with the department of human services or a
567 temporary holding facility operated by or under contract with the City that shall receive and
568 provide care for such child. The court may impose penalties for violation of probation
569 conditions imposed by such court or for contempt of court in connection with a violation or
570 alleged violation of the code may confine a child pursuant to [section 19-2-508, C.R.S.](#), for
571 up to 48 hours in a juvenile detention facility operated by or under contract with the
572 department of human services.

573

574 (e) Whenever the court imposes a fine for a violation of this code, if the person who
575 committed the offense is unable to pay the fine or any costs at the time the court enters its
576 order in the matter, or the defendant fails to pay any fine or costs imposed for the
577 commission of such offense, in order to guarantee the payment of such fine or costs, the
578 court may compel collection of the fine in the manner provided in [section 18-1.3-506, C.R.S.](#)

579

580 (f) Pursuant to the federal act, as defined in [section 25-8-103 \(8\), C.R.S.](#), the court may
581 provide such relief and impose such penalties as are required by such federal act and its
582 implementing regulations for such programs.

583

584 (g) Deferred sentencing:

Commented [JS11]: This section clarifies the sentencing authority of the Judge and most especially it clarifies 1) the sentencing of juvenile offenders with respect to the Colorado Children's Code and 2) the deferred sentencing process. (A deferred sentence is typically "conditional" in that a guilty or no contest plea will be withdrawn and a violation dismissed on satisfaction of certain conditions. Deferred sentencing has been widely and successfully used in Grand Junction Municipal Court for many years and subsection g specifically defines and authorizes the practice going forward.

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585
586 (1) In any case in which the defendant has entered a plea of guilty, the court accepting
587 the plea has the power, with the written consent of the defendant, the defendant's
588 attorney of record, the defendant's parent or legal guardian if the defendant is a juvenile
589 and the City Attorney, to continue the case for the purpose of entering judgment and
590 sentence upon the plea of guilty for a period not to exceed one year for a misdemeanor
591 or traffic offense. The period shall begin to run from the date that the court continues
592 the case.

593
594 (2) Prior to entry of a plea of guilty to be followed by deferred judgment and sentence,
595 the City Attorney, in the course of plea discussions is authorized to enter into a written
596 stipulation, to be signed by the defendant, the defendant's attorney of record, the
597 defendant's parent and/or legal guardian if the defendant is a juvenile and the City
598 Attorney, under which the defendant is obligated to adhere to such stipulation. The
599 court shall not modify the terms of the deferred sentence without written consent of the
600 City Attorney.

601
602 (3) The conditions imposed in the stipulation shall be similar in all respects to conditions
603 permitted as part of probation. In addition, the stipulation may require the defendant to
604 perform community or charitable work service projects or make donations thereto. Upon
605 full compliance with such conditions by the defendant, the plea of guilty previously
606 entered shall be withdrawn and the charge upon which the judgment and sentence of
607 the court was deferred shall be dismissed with prejudice.

608
609 (4) The stipulation shall specifically provide that, upon a breach by the defendant of any
610 condition regulating the conduct of the defendant, the court shall enter judgment and
611 impose sentence upon the guilty plea.

612
613 (5) When, as a condition of the deferred sentence, the court orders the defendant to
614 make restitution, evidence of failure to pay the restitution shall constitute prima facie
615 evidence of a violation.

616
617 (6) Whether a breach of condition has occurred shall be determined by the court without
618 a jury upon application of the City Attorney and upon notice of hearing thereon of not
619 less than seven days to the defendant. The burden of proof at the hearing shall be by
620 a preponderance of the evidence, except when the condition violated is a new violation
621 which shall be proven beyond a reasonable doubt. The procedural safeguards
622 required in a revocation of probation hearing shall apply.

623
624 (7) Application for entry of judgment and imposition of sentence may be made by the
625 City Attorney at any time within the term of the deferred judgment or within thirty-five
626 days thereafter. The burden of proof at the hearing shall be by a preponderance of the
627 evidence. The determination of a breach shall be made by the court.

628

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629 (8) When a defendant signs a stipulation by which it is provided that judgment and
630 sentence shall be deferred for a time certain, he or she thereby waives all rights to a
631 speedy trial
632

633 (9) A warrant for the arrest of any defendant for breach of a condition of a deferred
634 sentence may be issued by the court upon the verified complaint of any person,
635 establishing to the satisfaction of the court probable cause to believe that a condition of
636 the deferred sentence has been violated and that the arrest of the defendant is
637 reasonably necessary.
638

639 **2.28.170. Costs assessed and surcharges on certain fines.**

640
641 (a) In any matter as to which the Municipal Court has jurisdiction, the court may assess
642 costs as follows against any:

- 643 (1) Defendant who is convicted of an offense.
- 644
- 645 (2) Defendant who fails to appear for a scheduled arraignment, hearing or trial.
- 646
- 647
- 648 (3) Defendant who is held in contempt of court.
- 649
- 650 (4) Properly subpoenaed witness whose failure to appear at trial necessitates a
651 continuance of the trial or a dismissal of the charges.
- 652
- 653 (5) Defendant who accepts a deferred judgment.
- 654

655 (b) The court shall be empowered to assess court costs, costs of prosecution, jury fees,
656 witness fees, and any other costs reasonably associated with a matter. The Court
657 Administrator shall also supervise the payment of the fees to the jurors and witnesses by
658 the clerk of the Municipal Court. Such costs, fees, and surcharges may be set by City
659 Council by resolution or by ordinance.
660

661 (c) Where any person, association, or corporation is convicted of an offense, the court
662 shall give judgment in favor of the City of Grand Junction and against the defendant and if
663 the defendant is a juvenile against the juvenile's custodial parent for the amount of the costs
664 of prosecution, the amount of the cost of care, and any fine imposed. Such judgments
665 shall be enforceable in the same manner as are civil judgments.
666

- 667 (d) The costs, fees, and surcharges assessed may include, but are not limited to:
- 668
 - 669 (1) Any docket fee, surcharge or assessment established by standing order of the
670 Court.
 - 671
 - 672 (2) All jury fees, including juror fees. if applicable.
 - 673
 - 674 (3) Any costs incurred of a law enforcement agency.

Commented [JS12]: The imposition of costs and what may be eligible for assessment of costs is presently not as clear as it could be; this section clarifies when and for what costs and surcharges may be assessed.

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- (4) Any fees of the court reporter for all or any part of a transcript necessarily obtained for use in the case.
 - (5) The actual costs paid to any expert witness for the City;
 - (6) The witness fees and mileage paid;
 - (i) For any person required to travel more than fifty miles from the person's place of residence to the place specified in the subpoena;
 - (ii) Actual lodging expenses incurred; and
 - (iii) Actual rental car, taxi, or other transportation costs incurred;
 - (7) If a person under eighteen years of age is required to appear, the amount that a parent or guardian of the person was paid for transportation and lodging expenses incurred while accompanying the person;
 - (8) Any fees for exemplification and copies of papers necessarily obtained for use in the case;
 - (9) Any fees for interpreters required during court appearances, depositions, or during hearings/trials;
 - (10) On proper motion of the prosecuting attorney and at the discretion of the court, any other reasonable and necessary costs incurred by the prosecuting attorney or the Grand Junction Police Department that are directly the result of the successful prosecution of the defendant including the costs resulting from the collection and analysis of any chemical test.
 - (11) Any costs incurred by a law enforcement agency in photocopying reports, developing film, and purchasing videotape as necessary for use in the case;
 - (12) Any costs of participation in a diversion program if the offender unsuccessfully participated in a diversion program prior to the conviction or adjudication.
 - (13) Where any person is sentenced to a term of imprisonment, the court shall order such person to make such payments toward the cost of care as are appropriate under the circumstances. "Cost of care" shall mean the cost to the department and/or City incurring the cost with the custody of an offender for providing room, board, clothing, medical care, and other normal living expenses for an offender confined to a jail or correctional facility, or any costs associated with maintaining an offender in a home detention program.

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720 (14) Cost of insurance. The City shall determine whether separately or by or through
721 a separate agency that defendant shall be covered by insurance when ordered as
722 required as part of sentencing by the court. With respect to any injuries which may occur
723 to third persons, all participants in a diversion agreement or deferred sentencing
724 agreement and order are declared to be volunteers and specifically are neither the
725 agents nor employees of the City.

726
727 (15) Surcharges established by Resolution or Ordinance of the City Council.

728
729 **2.28.180. Jury trials.**

730
731 (a) In all trials before the Municipal Court in cases arising under this code, trial shall be
732 to the court, unless the defendant is entitled to a jury trial under the Constitution of the
733 State or of the United States, general laws of the State, or the Charter or this code or
734 ordinances of the City, in which case the defendant shall have a jury if, within 21 days
735 after entry of a plea, the defendant files with the court a written jury demand and tenders
736 to the court a jury fee of in an amount determined by resolution of the City Council, unless
737 the fee is waived by the court because of the indigency of the defendant. A defendant
738 who fails to file with the court the written jury demand, as provided in this section, waives
739 the right to a jury trial. When a jury trial is granted, the jury shall consist of three jurors
740 unless a greater number, not to exceed six, is requested by the defendant in the jury
741 demand.

742
743 (b) The jury commissioner of the Municipal Court shall be the Court Administrator. The
744 Court Administrator may designate deputy jury commissioner(s) who shall have the same
745 powers as the jury commissioner when the jury commissioner is absent.

746
747 (c) The City Clerk and the City Clerk's staff shall give the jury commissioner access to all
748 books, records and papers in their respective offices and shall render all assistance within
749 their power to enable the jury commissioner to procure the names of all persons in the City
750 qualified to serve as jurors.

751
752 (d) Qualifications and exemptions of jurors shall be the same as provided in C.R.S. §§ 13-
753 71-105 and 13-71-119 and as amended.

754
755 (e) A jury summons shall be served by the jury commissioner and shall be either
756 personally served to the usual place of abode or post office box of the prospective juror.
757 Service is also valid if the juror named has signed a waiver of personal service. The jury
758 summons shall be served at least five days before the day on which the jurors are required
759 to appear; provided, however, that the judge of the Municipal Court may, in the judge's
760 discretion, order the jury commissioner to certify a list to the Chief of Police for personal
761 service to be made by a police officer or an officer of the City. The failure to return
762 undelivered mail by the post office shall be prima facie evidence of service of the summons
763 upon the juror named in the summons.

Commented [JS13]: Jury trials are infrequent in Municipal Court and accordingly this section provides a specific procedure and responsibilities for the process for summoning jurors.

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764
765 (f) The Municipal Court has the power to cause a jury to be summoned by open venire
766 as is provided by law.

767
768 (g) Jurors shall be paid a sum per day for actual jury service and a sum for each day of
769 service on the jury panel alone as determined by City Council by resolution.

770
771 **2.28.190. Complicity. Legal accountability as principal.**

772
773 (a) A person is legally accountable as a principal for the behavior of another constituting
774 a violation of this code if, with intent to promote or facilitate the commission of such offense,
775 that person aids, abets, advises, counsels or directs the other person in planning or
776 committing the offense.

777
778 (b) It shall be an affirmative defense to a charge against a defendant based on
779 accountability through complicity if, prior to the commission of the violation, the defendant
780 terminated effort to promote or facilitate its commission and either gave timely warning to
781 law enforcement authorities or gave timely warning to the intended victim.

782
783 **2.28.200. Attempt.**

784
785 (a) A person may be charged and/or convicted with an attempted violation if, acting with
786 the kind of culpability otherwise required for the commission of a violation under this code,
787 that person engages in conduct constituting a substantial step toward the commission of
788 the offense. A substantial step is any conduct, whether act, omission or possession, which
789 is strongly corroborative of the firmness of the actor's purpose to complete the commission
790 of the offense. Factual or legal impossibility of committing the offense is not a defense if
791 the offense could have been committed, had the attendant circumstances been as the actor
792 believed them to be, nor is it a defense that the crime attempted was actually perpetrated
793 by the accused.

794
795 (b) A person who engages in conduct intending to aid another to commit an offense
796 commits criminal attempt if the conduct would establish complicity under [section 2.28.190](#)
797 were the offense committed by the other person, even if the other is not guilty of committing
798 or attempting the offense.

799
800 (c) It is an affirmative defense to a charge under this section that the defendant abandoned
801 effort to commit the crime or otherwise prevented its commission, under circumstances
802 manifesting the complete and voluntary renunciation of criminal intent. Renunciation and
803 abandonment are not voluntary and complete so as to be a defense to prosecution under
804 this section if they are motivated in whole or in part by:

805
806 (1) A belief that a circumstance exists which increases the probability of detection or
807 apprehension of the defendant or another or which makes more difficult the
808 consummation of the crime; or

Commented [JS14]: This section and section 200 provide that complicity and attempt are offenses in Grand Junction. The sections are included here but may be better located in Chapter 9 of the GJMC.

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810 (2) A decision to postpone the crime until another time or to substitute another victim
811 or another but similar objective.

812
813 (d) A person found guilty of an attempted violation shall be punished upon conviction with
814 the same penalties applicable to the principal offense.

815
816 Introduced on first reading this _____ day of _____, 2016 and
817 order published in pamphlet form.

818
819 Adopted this _____ day of _____, 2016 and ordered
820 published on final passage and final passage in pamphlet form.

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President of the Council

ATTEST:

Stephanie Tuin, City Clerk

**GRAND JUNCTION CITY COUNCIL WORKSHOP SUMMARY
September 19, 2016 – Noticed Agenda Attached**

Meeting Convened: 5:30 p.m. in the City Hall Auditorium

Meeting Adjourned: 8:21 p.m.

City Council Members present: All.

Staff present: Caton, Moore, Shaver, McInnis, Watkins, Hazelhurst, Romero, Camper, Schoeber, Rainguet, Blevins, and Tuin

Also: Julie Mamo, Jade Joyce, Amy Hamilton (Daily Sentinel), and other members of the public.

Council President Norris called the meeting to order.

Agenda Topic 1. Structure and Operations of Municipal Court

Municipal Judge McInnis presented that the law is clear that the Judge has the authority to appoint the Court Clerk, assign their duties, and conduct the business of the Court. She referred to a number of excerpts from the City Charter, the Municipal Code, State Statutes, and the Colorado Code of Judicial Conduct. Her concern was the independence of the Court and she feels the current structure has the appearance that it is not. She presented a proposed revision to the organizational chart of the City, specific to the Court, and said she is opposed to the draft ordinance provided that restructures the Court. She also presented a Resolution that she asked the City Council to adopt that directs compliance with all the laws and rules referred to previously.

City Manager Caton then presented what has been done in order to respond to the Judge's concerns: additional security has been added in the courtroom, a glass window at the clerk's counter has been installed, legal staff no longer accesses the area behind the glass window, a computer has been placed on the Judge's bench, a job description for a part-time Court Clerk is being developed, and the budget will be bifurcated so the Judge has control over her portion of the budget. He reviewed the comparison sheet provided that identifies how other municipalities around the State structure their Municipal Courts. He stated that the discussion demonstrates the need for an ordinance detailing the structure and service delivery of the Court. Most of the things in the ordinance are currently in place and are best practices; the ordinance puts it in writing.

City Attorney Shaver noted that the City is in compliance with the laws referred to by the Judge and the ordinance proposed will clarify that delivery of service by the Court. He noted that many cities have a similar ordinance.

After further discussion, the majority of City Council supported the organizational chart presented by the Judge and were not in favor of moving forward with the proposed ordinance. There was a concern expressed about a part-time Judge having the ability to supervise a full-time staff.

Councilmembers noted that they need a chance to review the proposed Resolution presented by the Judge before deciding whether it should go forward.

Agenda Topic 2. Recommendations to City Council from the Vagrancy Committee

Councilmember Chazen introduced the topic and then deferred to Police Chief John Camper. Chief Camper referred to the Options List and explained the priority of the recommendations.

Council discussed many of the recommendations and brought both Julie Mamo, Grand Valley Peace and Justice representative, and Jade Joyce, HomewardBound Director, into the discussion. The conclusion was that the City Manager will propose funding for some of the recommendations in the 2017 budget, specifically the increased camp cleanup and possibly some funding for a Champion/Coordinator. City Manager Caton suggested that the Traveler's Aid Fund would be a good opportunity for community support. These recommendations can then be considered in the budget review process. It was suggested that they continue to work on or plan for the other items including the Crime Prevention through Environmental Design (CPTED) and increased downtown patrols.

Agenda Topic 3. Next Workshop Topics

It was noted that the next two workshops will have budget discussions scheduled.

Agenda Topic 4. Committee and Board Reports

Grand Junction Housing Authority – Councilmember Traylor Smith reported that they received some funding that will help with their acquisition of the Nellie Bechtel Apartments.

Agenda Topic 5. Other Business

Jade Joyce, HomewardBound Director, advised that they are changing their policy so that clients can only stay a maximum of 90 days per calendar year at their facility instead of 180 days but they can earn more shelter days by making progress in their lives such as getting drug addiction counseling, looking for work, etc. The change will start October 1st.

With no further business the meeting was adjourned.

**GRAND JUNCTION CITY COUNCIL
MONDAY, SEPTEMBER 19, 2016**

**PRE-MEETING (DINNER) 5:00 P.M. ADMINISTRATION CONFERENCE ROOM
WORKSHOP, 5:30 P.M.
CITY HALL AUDITORIUM
250 N. 5TH STREET**

To become the most livable community west of the Rockies by 2025

- 1. Discussion of the Structure and Operations of Municipal Court**
- 2. Recommendations to City Council from the Vagrancy Committee**
- 3. Next Workshop Topics**
- 4. Committee and Board Reports**
- 5. Other Business**