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## Staff Report

TO: Honorable Mayor Noon and Members of City Council

THROUGH: Elisha Thomas, Deputy City Manager

FROM: Maureen Juran, Deputy City Attorney

DATE OF MEETING: November 21, 2016

DATE OF SUBMITTAL: November 1, 2016

SUBJECT: Resolution No. 2016-R-81 – A Resolution Reappointing The Presiding Municipal Judge And Local Liquor Licensing Authority Hearing Officer, And Approving A Professional Services Agreement Setting The Terms Of And Compensation For Service

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### 1. **Executive Summary:**

The Presiding Municipal Judge, Ford H. Wheatley, IV, was last appointed effective January 1, 2011, pursuant to an agreement with an initial two year term that automatically renews for additional two year terms unless action is taken not to renew the agreement. Council has indicated an interest in reviewing the Judge's performance and/or reviewing his contract but has determined that time constraints will not allow for that to occur in calendar year 2016. Thus, the Council is asked to consider Resolution 2016-R-81, which effectively terminates the current agreement and approves a new appointment and agreement with the Judge for appointment effective January 1, 2017, with an one year term (and subsequent automatic two year renewal terms unless action taken not to renew). This will allow the City to review the Judge's contract in late summer / early fall 2017 in more detail and determine what amendments, if any, should be made for any renewal term that might take effect beginning January 1, 2018.

### 2. **Discussion:**

The Judge serves both as the Presiding Municipal Judge and, currently under separate agreement, as the local liquor licensing authority hearing officer. Resolution 2016-R-81 approves a new one year appointment to both of these positions and a combined contract (to consolidate the duties and terms of both appointments) under the same substantive terms and conditions as the current agreements with the Judge except for the following:

1. The initial reappointment term is for one year (rather than two) to allow the City opportunity to review the Judge's performance in early summer / fall of 2017. Any renewal terms are two years, similar to the current agreement.

2. The Judge has not received any compensation adjustments since 2007. According to the Judge, compensation inflation has risen 1.8% annually since then. Factoring this inflation, in order for the value of the compensation to equate to what it was in 2007, it would need to rise by almost 20%. The Judge has requested a more modest adjustment, requesting a 10% increase over two years. Currently the Judge receives \$5500/month. For 2017, compensation in the proposed agreement would increase to \$5,775/month. Beginning in 2018, if renewed, (and until further amended by Council), compensation would increase to \$6050.00/month.
3. The proposed new contract allows reimbursement for the two annual Colorado Municipal Judges Association conferences expenses to be up to \$2000 annual aggregate rather than up to \$900 per conference (or \$1800 annually) because one conference tends to be more expensive than the other.

There is no compensation increase requested and there are no proposed changes to any other agreement terms governing the hearing officer appointment.

**3. Recommendations:**

Staff recommends Council approval of Resolution No. 2016-R-81, reappointing the Presiding Municipal Judge and Local Liquor Licensing Authority Hearing Officer, and approving a Professional Services Agreement setting the terms of and compensation for service.

**4. Alternatives:**

Council may choose to amend or deny Resolution No. 2016-R-81.

**5. Fiscal Impact:**

- a. If approved, there will be a 5% increase in municipal judge compensation for FY 2017 (\$3300 annually over FY 2016)
- b. If renewed for 2018, there will be an additional approximately 5% increase in municipal judge compensation for FY 2018 over FY 2017(\$6600 annually over FY 2016)
- c. There is potentially a \$200 fiscal impact to City funds for fiscal year 2017 as the aggregate expense allowance to attend the two annual Colorado Municipal Judges Association conferences expenses is increased to a \$2000 annual aggregate rather than \$900 per conference (or \$1800 annually).

**6. Next Steps:**

If Resolution No. 2016-R-81 is approved, the agreement will be executed for Presiding Municipal Judge and Hearing Officer Services for 2017.

**7. Previous Actions:**

None.

**8. Suggested Motions:**

APPROVAL:

I move to APPROVE Resolution No. 2016-R-81, reappointing the Presiding Municipal Judge and Local Liquor Licensing Authority Hearing Officer, and approving a Professional Services Agreement setting the terms of and compensation for service.

*or*

DENIAL:

I move to DENY Resolution No. 2016-R-81, reappointing the Presiding Municipal Judge and Local Liquor Licensing Authority Hearing Officer, and approving a Professional Services Agreement setting the terms of and compensation for service.