

**CITY OF CENTENNIAL,  
COLORADO**

**RESOLUTION NO. 2016-R-81**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CENTENNIAL, COLORADO, 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**

WHEREAS, the City is authorized by Section 13-10-105, C.R.S., Section 9.1(b) of the Home Rule Charter, and Section 2-3-30 of the Municipal Code to appoint a Presiding Municipal Judge to preside over the Municipal Court; and

WHEREAS, pursuant to Section 2-3-50 of the Municipal Code, the compensation of the Presiding Municipal Judge shall be fixed annually in such amount and on such other terms as set by resolution of the City Council, as amended from time to time; and

WHEREAS, Ford H. Wheatley, IV, was first appointed Presiding Municipal Judge pursuant to a Professional Services Agreement effective January 1, 2007, which agreement expired by its terms effective December 31, 2010; and

WHEREAS, Ford H. Wheatley, IV, was again appointed Presiding Municipal Judge pursuant to a Professional Services Agreement effective January 1, 2011 (“2011 Agreement”) which 2011 Agreement provides for automatic two year renewal terms unless notice of intent not to renew such agreement is provided at least sixty days before the completion of the initial or any renewal term under such 2011 Agreement; and

WHEREAS, the City, with the intent, but not the obligation, of adopting this resolution to reappoint Ford H. Wheatley, IV, pursuant to a new agreement for services, timely provided notice of intent not to renew the 2011 Agreement; and

WHEREAS, the Colorado Beer Code and the Colorado Liquor Code, Articles 46 and 47, respectively, of Title 12, C.R.S., assign certain duties, responsibilities and rights to a local licensing authority to oversee the issuance of beer and liquor licenses and to ensure compliance with such codes; and

WHEREAS, Sections 12-46-103(4) and 12-47-103(17), C.R.S., define a “local licensing authority” as the “governing body of a municipality....or any authority designated by ...municipal ordinance....;” and

WHEREAS, the City adopted Ordinance 2015-O-31, amending Section 6-4-110 of the Municipal Code, in order to more expeditiously, economically and efficiently address the duties, responsibilities and rights of a local licensing authority by providing that a sole hearing officer shall serve as the local licensing authority upon appointment by City Council by resolution; and

WHEREAS, the City Council, by Resolution 2016-R-03, appointed the Municipal Judge, Ford H. Wheatley, IV, as the hearing officer serving as the local licensing authority in accordance with Section 6-4-110(a) of the Municipal Code (“Hearing Officer”) which appointment is coterminous with his appointment as Presiding Municipal Judge (unless earlier removed); and

WHEREAS, the City Council desires to continue the appointment of Ford H. Wheatley, IV, as Presiding Municipal Judge and as Hearing Officer pursuant to the terms and conditions of a Professional Services Agreement (Continuing Services) in essentially the form as attached hereto as **Exhibit A**.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Centennial, Colorado as follows:

**Section 1. Reappointment.** The City Council hereby reappoints Ford H. Wheatley, IV, as Presiding Municipal Judge and as Hearing Officer effective January 1, 2017, subject to the terms and conditions of the Professional Services Agreement (Continuing Services) (“Agreement”) in substantially the form as attached as **Exhibit A**. In accordance with Section 13-10-105(1), C.R.S., Section 2-3-30 of the Municipal Code, and the Agreement, this reappointment is for a one (1) year term effective January 1, 2017, with automatic renewal for additional two (2) year term(s) unless affirmative action is taken by the City Council or Presiding Municipal Judge to not renew a term of appointment prior to the date of expiration of the initial or any renewal term.

**Section 2. Approval of Agreement and Compensation.** The City Council hereby approves the Agreement, and the compensation recited therein, in substantially the form as attached as **Exhibit A**; (b) authorizes the City Attorney, in consultation with the Deputy City Manager, to make such changes to the Agreement as may be needed to correct any nonmaterial errors or language that do not increase the obligations of the City; and (c) authorizes the Mayor to execute, on behalf of the City, the Agreement.

**Section 3. Removal.** In accordance with Section 13-10-105(1)(c), C.R.S., and Section 2-3-70 of the Municipal Code, removal of the Presiding Municipal Judge is only permitted for “cause” as defined in such statute or ordinances or any amendments thereto.

**Section 4. Effective Date.** This Resolution shall take effect upon its approval by the City Council.

ADOPTED by a vote of \_\_\_ in favor and \_\_\_ against this 21<sup>st</sup> day of November, 2016.

By: \_\_\_\_\_  
Cathy A. Noon, Mayor

ATTEST:

Approved as to Form:

By: \_\_\_\_\_  
City Clerk or Deputy City Clerk

By: \_\_\_\_\_  
For City Attorney's Office

**EXHIBIT A**  
**Presiding Municipal Judge**  
**Local Liquor Licensing Authority Hearing Officer**  
**Professional Services Agreement (Continuing Services)**