

AGENDA
LOVELAND CITY COUNCIL SPECIAL MEETING
TUESDAY, FEBRUARY 10, 2015
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

The City of Loveland is committed to providing an equal opportunity for citizens and does not discriminate on the basis of disability, race, age, color, national origin, religion, sexual orientation or gender. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act. For more information, please contact the City's ADA Coordinator at bettie.greenberg@cityofloveland.org or 970-962-3319.

6:30 P.M. SPECIAL MEETING - City Council Chambers
SPECIAL MEETING AGENDA

CALL TO ORDER

ROLL CALL

PROCEDURAL INFORMATION

Anyone in the audience will be given time to speak to any item on the Regular Agenda before the Council acts upon it. The Mayor will call for public comment following the staff report. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

REGULAR AGENDA

1. **ECONOMIC DEVELOPMENT** (presenters: Betsey Hale, Rick Raesz)
REGIONAL TOURISM ACT PROJECTS
A Motion to Approve Resolution #R-16-2015 Authorizing Conditional Letters of Commitment for Future Business Assistance Agreement for Three Regional Tourism Projects within the City of Loveland.
Any business agreements will be formally considered and approved by a future City Council.
There will be a Go NoCo application update and possible Executive Session to discuss confidential commercial and financial information protected under the Open Meetings Law and City Charter and/or the Colorado Open Records Act. The Executive Session will take place prior to the public consideration, discussion and possible action on the resolution and the conditional letters of commitment.
City Council has been asked by the Go NoCo Board to consider a resolution supporting economic incentive packages for three regional tourism act application projects. This item will include a public update on the RTA application process, an Executive Session to present confidential commercial and financial information on the three projects and may include Council action following the Executive Session.
2. **HUMAN RESOURCES** (presenter: Julia Holland)
POSSIBLE APPOINTMENT OF DEPUTY MUNICIPAL JUDGE(S)
This is an administrative action to consider the remaining two preferred candidates based on the recruitment process and to take any further action as determined appropriate by City Council.

3. **HUMAN RESOURCES**

(presenter: Julia Holland)^{P.2}

REVIEW OF PRESIDING MUNICIPAL JUDGE JOB ANALYSIS

This is an administrative action to review and discuss the report from the position evaluation of the Presiding Municipal Judge and determine appropriate steps in defining the position and posting the position for recruitment.

ADJOURN



CITY OF LOVELAND

ECONOMIC DEVELOPMENT OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
 (970) 962-2304 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 1
MEETING DATE: 2/10/2015
TO: City Council
FROM: Betsey Hale, Economic Development Director
PRESENTERS: Betsey L Hale, Economic Development Director
 Rick Raesz, Go NoCo Board Chair

TITLE:

A Resolution Authorizing Conditional Letters of Commitment for Future Business Assistance Agreements for Three Regional Tourism Projects within the City of Loveland

Any business agreements will be formally considered and approved by a future City Council.

There will be a Go NoCo application update and possible Executive Session to discuss confidential commercial and financial information protected under the Open Meetings Law and City Charter and/or the Colorado Open Records Act. The Executive Session will take place prior to the public consideration, discussion and possible action on the resolution and the conditional letters of commitment.

RECOMMENDED CITY COUNCIL ACTION:

Adopt the resolution or exercise one of the options 2-5 below.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

SUMMARY:

City Council has been asked by the Go NoCo Board to consider a resolution supporting future business assistance packages for three regional tourism act (RTA) application projects. This item will include a public update on the RTA application process, a possible Executive Session to present confidential commercial and financial information on the three projects and may include Council action following the Executive Session.

BUDGET IMPACT:

- Positive
- Negative
- Neutral or negligible

Should Council support the resolution, a future City Council could approve business assistance agreements with the yet to be formed Go NoCo Regional Tourism Authority. These agreements could negatively affect a future budget with fee waivers, tax waivers and sales and property tax rebates or other economic incentive tools.

BACKGROUND:

In July of 2014, the City of Loveland, Town of Windsor and Larimer County began an effort to compete for a State of Colorado Regional Tourism Act (RTA) award. The Loveland City Council has discussed a Go NoCo Regional Tourism Application in two previous Study Sessions and held Executive Sessions on January 13, 2015, January 27, 2015 and February 3, 2015. A Resolution to support the Go NoCo RTA application was approved on February 3, 2015.

The purpose of the Regional Tourism Act program of the State of Colorado Economic Development Commission is to assist with the development of destination tourism attractions to bring new out-of-state visitors to the State of Colorado. The program offers the use of net new state sales tax generated in a regional tourism zone to the development of the projects. On October 13, 2014, Go NoCo submitted a required regional tourism zone (RTZ) designation pre-application. This submission was used by the State to determine a base line natural growth rate of 4.5% which would occur in the RTZ even in the absence of any destination tourism projects.

The submission of an application does not guarantee an award. The State Economic Development Commission is not obligated to award any grants and it is not obligated to award two, which is the number of remaining possible awards per State Statute. The State of Colorado has extended two deadlines to assist communities with their project submissions. Local governments may add area to the regional tourism zone and submit missing information before March 11, 2015. Applicants may reduce the size of the RTZ, add a new project element, subtract project elements from the existing application and change programming within an existing project before August 28, 2015.

Three Loveland projects will be included in the February 17, 2015 application. These include a whitewater adventure park, a sports science and training/tournament campus and an indoor/outdoor water park hotel. Each project operator has submitted to the Go NoCo Board Chairman a letter of request for a business incentive package from the City of Loveland. Mr. Raesz has submitted a cover letter requesting City Council consider support for the requests as presented, but recognizes that this is a starting point for negotiations. Support for any business assistance agreement is subject to a future City Council approval and is contingent on the successful award of the RTA Grant from the State of Colorado Economic Development Commission.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

1. Resolution
2. Operator Letters
3. Commitment Letters

RESOLUTION #R-16-2015**A RESOLUTION AUTHORIZING CONDITIONAL LETTERS OF COMMITMENT FOR FUTURE BUSINESS ASSISTANCE AGREEMENT FOR THREE REGIONAL TOURISM PROJECTS WITHIN THE CITY OF LOVELAND**

WHEREAS, the City of Loveland (“City”) is a Colorado home rule municipality with all the powers and authority provided by Colorado law; and

WHEREAS, under Title 24, Article 46, Part 3 of the Colorado Revised Statutes (“Colorado Regional Tourism Act” or “Act”), local governments may apply to the Colorado Office of Economic Development for approval of one or more regional tourism projects; and

WHEREAS, representatives of the City, working in conjunction with a collection of local governments, private developers, and concerned citizens, including Go No Co, a Colorado nonprofit corporation (“Go NoCo”), drafted an application for submission on behalf of the City for one or more regional tourism projects under the Act (the “Application”); and

WHEREAS, the Loveland City Council (“Council”), by adopting Resolution #R-15-2015 on February 3, 2015, authorized Go NoCo to prepare, in cooperation with City staff, and submit the Application to the Colorado Office of Economic Development on the City’s behalf for approval of tourism projects as provided in the Act, including three regional tourism projects to be located within the City of Loveland (the ‘Projects’); and

WHEREAS, Go NoCo has requested that Council provide conditional letters of commitment reflecting its intent to support economic incentive packages for the Projects.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO THAT:

Section 1. The three Conditional Letters of Commitment for the Projects attached hereto (the “Conditional Commitment Letters”) are hereby approved.

Section 2. The City Manager is hereby authorized, following consultation with the City Attorney, to modify the Conditional Commitment Letters in form or substance as deemed necessary to effectuate the purposes of this resolution or to protect the interests of the City.

Section 3. The City Manager is hereby authorized and directed to execute the Conditional Commitment Letters on behalf of the City of Loveland for submission with the Application.

Section 4. That this Resolution shall be effective as of the date of its adoption.

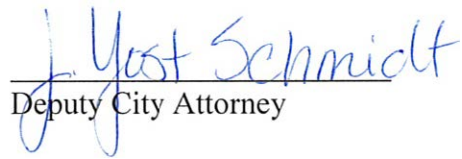
ADOPTED this 10th day of February, 2015

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Deputy City Attorney



AGENDA ITEM: 2
MEETING DATE: 2/10/2015
TO: City Council
FROM: Julia Holland, Human Resources
PRESENTER: Julia Holland, HR Director

TITLE:

Possible Appointment of Deputy Municipal Judge(s)

RECOMMENDED CITY COUNCIL ACTION:

Consideration of the remaining two candidates for possible appointment to the Deputy Municipal Judge position. City Council may choose to take no further action on this matter at this time or to appoint an additional person or persons to the position of Deputy Municipal Judge, subject to said appointee(s) signing a Letter of Commitment, in a form approved by the City Attorney.

OPTIONS:

1. Adopt a resolution(s) appointing one or more Deputy Municipal Judge(s)
2. Discuss applicants (may occur in Executive Session)
3. Take no action at this time
4. Refer back to staff with further direction

SUMMARY:

This is an administrative action to consider the remaining two preferred candidates based on the recruitment process and to take any further action as determined appropriate by City Council.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

BACKGROUND:

The Council has conducted a competitive interview process and has directed staff to conduct and further review preferred candidates for appointment. The review of candidate backgrounds and verifications have been completed.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

1. Draft Resolution & Letter of Commitment

RESOLUTION NO. #R-____-2015

A RESOLUTION APPOINTING _____ AS A DEPUTY MUNICIPAL JUDGE

WHEREAS, Loveland’s Home Rule Charter at Section 9-2 provides that the City Council may appoint such deputy municipal judge as City Council deems necessary for a specified term of not less than two years; and

WHEREAS, City Council has reviewed the qualifications and experience of _____ and believes him/her to be fit and capable of serving as a deputy municipal judge.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO AS FOLLOWS:

Section 1. Pursuant to Section 9-2 of Loveland’s Home Rule Charter, Council hereby appoints _____ as a Deputy Municipal Judge for a term of two years commencing February 11, 2015 and expiring on February 10, 2017.

Section 2. Pursuant to Section 9-2(c) of Loveland’s Home Rule Charter, Council hereby sets _____’s compensation at an hourly rate of \$60.00, with an expectation that _____ with serve in the position of Deputy Municipal Judge subject to the following conditions: 1) as a part-time non-benefit eligible employee of the City of Loveland; 2) to be paid at a rate of \$60 per hour; 3) shall act as the deputy municipal judge, as necessary and required, for all judicial municipal court functions and liquor licensing authority functions; 4) shall serve in such capacity in an on-call and as needed basis; and 5) shall serve in such capacity for a term of two years, to commence on February 4, 2015 and expire on February 3, 2017, subject to the requirements of section 9-2 of the Loveland City Charter.

Section 3. Said appointment as a Deputy Municipal Judge is subject to the terms and limitations of Section 9-2 of the Loveland’s Home Rule Charter and subject to _____ signing a Letter of Commitment substantially in the same form as Attachment 1 to this resolution.

Section 4. This resolution is effective upon its approval by the City Council.

APPROVED on February 10, 2015.

CITY OF LOVELAND, COLORADO

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ATTACHMENT 1

February 11, 2015

Mayor and City Council
City of Loveland
500 East Third Street
Loveland, CO 80537

LETTER OF COMMITMENT

Mayor & City Council:

By signature below, I hereby agree to City Council's appointment of me to the position of Deputy Municipal Judge for a term commencing February 11, 2015 and expiring on February 10, 2017. I understand and agree to the following specific conditions of my employment in the position of Deputy Municipal Judge with the City of Loveland ("City):

1. The hourly rate of compensation for the position of Deputy Municipal Judge shall be \$60.00, subject to applicable tax withholdings.
2. The duties to be performed in the position of Deputy Municipal Judge shall include all duties of the Deputy Municipal Judge, including but not limited to:
 - 2.1 Act as Municipal Court Judge on an as-needed basis to fill in for the Municipal Judge in their absence; and
 - 2.2 Not practice law in any other municipal courts in the 8th Judicial District (Larimer and Jackson Counties); and
 - 2.3 Ensure efficient and effective operation of the Court in terms of case flow management, implement policy direction from City Council regarding court administration, conduct trials (to the court and to a jury), arraignments, and hearings in connection with the enforcement of the Loveland Municipal Code, enter and enforce orders, rules and judgments in compliance with the Constitution, the Supreme Court Rules of Procedure and all applicable laws; and
 - 2.4 Instruct juries in the most efficient and cost-effective way; and
 - 2.5 Impose fines and sentences according to City code, state and federal law. Enforces fines and penalties consistently, according to City Code and state and federal laws; and

2.6 Preside over the Municipal Court in the absence of the Municipal Judge and maintain judicial neutrality, high ethical standards and professional demeanor; and

2.7 Create a respectful atmosphere in Court; and

2.8 Execute policies, directives and legislative action of City Council accurately, within agreed-upon time frame and in accordance with Council goals, court municipal management principles, City ordinances and applicable laws; and

2.9 Ensure that court policies are uniformly understood, properly interpreted and administered by all affected staff and volunteers; and

2.10 Render decisive, well-founded factual findings, legal opinions and sentencing; clearly committing to a final decision; and

2.11 Act as the "Liquor Licensing Authority" for the City of Loveland in the absence of the Municipal Judge, including conducting show cause hearings, administrative and quasi-judicial proceedings and other functions as necessary to fulfill the City's obligations pursuant to State law and the Loveland Municipal Code.

3. I agree that I am an employee of the City of Loveland, Colorado in a part-time non-benefit eligible position with no guarantee of any minimum number of hours. I agree to serve in an on call basis to fill in for the presiding Municipal Court Judge.
4. I agree that my appointment as Deputy Municipal Judge is subject to the terms and limitations of Section 9-2 of the City's Charter and the Loveland Municipal Code. In the event of any conflict between the provisions of this Letter of Commitment and the City's Charter and the City's Code, the provisions of the City's Charter and the City's Code shall govern.
5. I acknowledge the receipt of the City's current personnel rules and regulations, as now found in the City's Administrative Regulations ("Personnel Policies"). I agree to be bound by and adhere to those provisions of the City's current Personnel Policies that apply to part time employees of the City, as they may be amended, modified, supplemented, rescinded, or otherwise changed at any time by the Council subject to the provisions of the City Charter.

Signed this ____ day of February, 2015.



CITY OF LOVELAND
HUMAN RESOURCES DEPARTMENT
Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2371 • FAX (970) 962-2919 • TDD (970) 962-2620

AGENDA ITEM: 3
MEETING DATE: 2/10/2015
TO: City Council
FROM: Julia Holland, Human Resources Director
PRESENTER: Julia Holland

TITLE:

Review of Presiding Municipal Judge Job Analysis

RECOMMENDED CITY COUNCIL ACTION:

Direction for Staff regarding the Presiding Municipal Judge position.

OPTIONS:

1. Adopt the action as recommended
 2. Deny the action
 3. Adopt a modified action (specify in the motion)
 4. Refer back to staff for further development and consideration
 5. Adopt a motion continuing the item to a future Council meeting
-

SUMMARY:

This is an administrative action for Council to review and discuss the report from the position evaluation of the Presiding Municipal Judge and determine appropriate steps in defining the position and posting for recruitment.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible
-

BACKGROUND:

In November, Council directed staff to have an independent party assess and evaluate the Presiding Municipal Judge position. The purpose of the assessment was to gather and provide Council with information to determine the direction and requirements for the Presiding Municipal Judge position to meet the needs of the City.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

1. Executive Summary for Presiding Judge Position Analysis
2. Report of Presiding Municipal Judge Position Analysis (This report was transmitted to City Council electronically on February 2, 2015, to ensure Council had time for a thorough review.)



Memorandum

TO: Honorable Mayor and City Council

FROM: Jo Mattoon, Consultant

RE: Executive Summary for Municipal Judge Job Analysis

DATE: January 30, 2015

I was asked to provide a third-party evaluation of the design of the Municipal Judge position to assist City Council in determining how to best meet the needs for this function in the next three to five years.

In the course of my review I surveyed eight municipalities to which the City of Loveland typically compares its positions. A questionnaire was developed to gauge issues such as court caseload, staffing structure, and programs run by the court. John Hartman, Senior Policy Analyst, analyzed the survey results. In addition, I interviewed all Loveland Municipal Court employees, managers, and the Loveland Municipal Judge. I also interviewed some primary stakeholders from within the organization who work closely with the court. My next step was to interview the presiding judge and the court administrator of the four cities to which Loveland most closely compares itself for positions. These interviews were conducted to gain a more in-depth understanding of how the municipal judge position is structured in those jurisdictions and how the supporting staff and systems work with the judge.

Attached is a copy of my report outlining the results and a copy of Mr. Hartman's findings. The report is structured in the following way:

- A neutral reporting of the themes which came out of the interview process
- My findings regarding the credibility of the themes
- Potential strategies to improve the judge position and the supporting staff and processes

While all the courts interviewed (including Loveland) provide fairly consistent services, the staffing structure and court processes which support those services vary greatly. In almost all instances there is no one "best practice" in the field for structure, staffing or processes. As a

result, the City Council has a number of good options from which to choose. I provided an analysis of the primary options along with some pros and cons of each option.

From my perspective, I recommend City Council consider options in the following order:

- Determine whether or not to make the judge position full-time or part-time. The data reviewed supports a part-time position but there may be policy or other business reasons to keep the position at full-time. The options, along with the pros and cons, are found in the report
- Determine whether or not the judge will supervise the administrative staff. There is no consistent model in the surrounding communities so City Council will want to weigh the options provided
- Determine whether or not the Court Administrator will be in a supervisory role. This is the primary place where Loveland is outside the norm. All other jurisdictions interviewed have this position as the primary supervisor for administrative staff. Again some options have been provided for consideration
- Gain legal guidance from the City Attorney's Office regarding Council's role in determining the processes used within the court. Unlike other city departments, the court must maintain judicial independence. As such, it is not clear from the analysis as to what level of involvement would be appropriate for City Council in determining how the work is completed
- Determine Council's philosophy regarding the court's approach to customer service. Many of the processes reviewed in the study offer options for differing approaches to customer service. Whether City Council or the judge addresses the process recommendations, the key factor which will assist in those decisions is the level of customer service required in the court
- Set expectations in the hiring process for the candidate who is ultimately hired into this important role. Include topics such as the customer service levels required, a requirement to study the operational improvements included, and other expectations needed for the person in this role to be successful

I look forward to discussing this report in more detail with you on February 10.

cc: Julia Holland, Human Resources Director



Municipal Judge Position Analysis

City of Loveland

Jo Mattoon

1/28/2015

Abstract: Consultant surveyed comparison cities, interviewed the City of Loveland's Municipal Court employees, management, and stakeholders, and interviewed municipal court staff from four surrounding cities. Interview and survey themes are reported and analyzed. Also included are potential strategies as the city determines what steps to take moving forward.

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Objective of Review

Provide a third-party evaluation of the design of the Municipal Judge position to assist City Council in determining how to best meet the needs for this function in the next three to five years.

Background

The Municipal Judge position was changed from a part-time contract position to a full-time city employee in 1999. Since that time, Bill Starks has been the Municipal Judge. The City Council determined it was appropriate to review the position structure to determine if it is still meets the needs of the organization. Julia Holland, Human Resources Director, thought it would be of value for an external person to assess the role. As a result, Ms. Holland hired Jo Mattoon Associates to conduct the analysis.

Jo Mattoon of Jo Mattoon Associates surveyed eight cities to which the City of Loveland typically compares its positions. Those cities include:

- City of Arvada
- City of Boulder
- City and County of Broomfield
- City of Fort Collins
- City of Greeley
- City of Longmont
- City of Thornton

- City of Westminster

John Hartman, Senior Policy Analyst, studied the survey results. A copy of his analysis and conclusions are attached. All cities except for the City of Thornton responded to the survey in a timely manner. Thornton's response came during the writing of this report so some information is included in the report but is not reported in the attached analysis.

Ms. Mattoon interviewed the following people:

- City of Loveland staff
 - Terry Andrews, City Clerk
 - Teresa "Tree" Ablao, Assistant City Attorney
 - Patty Baron, Court Administrator
 - Sarah Jacobsen, Court Clerk
 - Vincent Junglas, Prosecuting Attorney
 - Bob Klinger, Police Captain
 - Jim Mines, Police Sergeant
 - Bob Shaffer, Police Sergeant
 - Bill Starks, Municipal Judge
 - Claudia Titus, Court Clerk
- External municipal court employees/appointees
 - City of Boulder
 - Judge Linda Cooke
 - James Cho, Interim Court Administrator
 - City of Fort Collins
 - Judge Kathleen Lane
 - Patty Netherton, Municipal Court Administrator
 - City of Greeley
 - Judge Brandi Lynn Nieto
 - John Bowen, Court Administrator
 - City of Longmont
 - Sheree Munguia, Court Administrator
 - Please note Judge Diana VanDeHey chose not to participate in the interview process. Ms. Munguia relayed Ms. VanDeHey's responses to questions.

Interview questions were developed and provided to staff, stakeholders, and the external municipal court employees/appointees prior to the interviews. The questions were open-ended and as interviewees raised topics those topics were also explored.

Interview themes

Themes emerged from the interviews. Topics/issues raised by two or more individuals imply there is a pattern. Listed below is a summary of those themes raised by two or more individuals. Please note that since this is a position structural analysis, themes related to a specific person are not relevant and therefore was not included.

Operational themes

Arraignments

Arraignments are the first court date given to a defendant after s/he has been issued a summons and complaint. In Loveland, arraignment are scheduled for Monday and Wednesday mornings. Juvenile arraignment are scheduled on Wednesday afternoons and video arraignment with defendants housed at the jail occur late morning on Mondays, Wednesdays and Thursdays. A couple of interviewees noted the arraignment process at the City of Loveland is time consuming because all defendants have the opportunity to come before the judge. These interviewees noted that in other municipal courts, many low level offenses (e.g. parking tickets) are handled outside of the courtroom through the court administration process.

In speaking to some of the comparable municipal courts, it is a consistent practice to have multiple days in the week for arraignment. However, in all comparable courts, only a portion of the defendants appear before the judge. Some places have tried to streamline the arraignment process. For example, Greeley determines its arraignment schedule based on the severity of the offense. More severe offenses are grouped together so a public attorney is available during those arraignment.

Advisements

At the beginning of the arraignment process, the defendant is advised of his/her rights. A few interviewees reported that while all advisements in the Loveland Municipal Court are done verbally by the Municipal Judge, in other jurisdictions written advisements are used in addition to or in lieu of verbal advisements. In Loveland, this means that for even for minor issues, most defendants must go into the courtroom to receive this advisement prior to being able to plead guilty. Some interviewees noted this is considered the most robust way to provide such information and best assures people are aware of their rights. Some interviewees said it would be more efficient to use written advisements in some situations.

The four municipal courts interviewed give advisements in a variety of ways. Fort Collins uses all written advisements with the option of a defendant being able to go before the judge to ask questions. Longmont, Boulder, and Greeley use both written and verbal advisements. In these municipalities, certain offenses such as parking tickets and traffic infractions do not require the person to go before the judge and as a result, a written advisement is provided to the person. In most cases this advisement is on the back of the ticket the person receives. For issues which are brought before the judge, these three cities use differing approaches in how they combine written and verbal advisements. There does not appear to be a “best practice” regarding this action although it was reported that using only written advisements may not be technically in compliance with the Rules of Procedures.

In Loveland, all defendants must go into the courtroom and receive their advisement prior to talking to the prosecutor. In speaking to other courts, they have circumstances in which the defendant goes to the prosecutor after reviewing the written advisement but prior to going before the judge. Again, there are varying versions of how this works in the various courts and there does not appear to be a standard practice.

It was suggested by a couple of interviewees that the bailiff could assist in the advisement process by passing out the written version while defendants are waiting for the court session to begin. It was noted that both Fort Collins and Greeley use such a system. It was also recommended that the bailiff could check people in using an electronic tablet which can communicate with the new court software systems.

Amendments

At times it is determined a summons and complaint has incorrect information or was not completed correctly. In such situations an amendment to the document can be filed. In Loveland Municipal Court the judge rules on all amendments. It was noted by some interviewees that in other jurisdictions the City Attorney’s Office (prosecutor) can sign off on some amendments.

In the interviews, the four municipal courts reported a variety of approaches to this process. In some cities the prosecutor and the judge both sign off on the amendments. Some cities have delegated minor motions to amend to the prosecutor and they are not reviewed by the judge.

Failure to appear

In Loveland Municipal Court those defendants who fail to appear for a scheduled court have their names read into the record by the judge. It was reported by a few interviewees that there may be more efficient ways to do this process. Some noted it could be done administratively by the court staff.

In interviewing the surrounding municipal courts it was noted that there are alternative methods being used for this process. Some of these courts do not read failure to appear

situations into the record. This varied. Boulder, for example, does not do this for arraignments but does for other matters. Longmont's Municipal Judge does not review any failure to appear situations; they are all handled by administrative staff. In Greeley the judge reviews them but it is done administratively versus being done on the record.

A couple of jurisdictions give defendants some additional leeway when they fail to appear. Boulder and Fort Collins both have a grace period which allows people some additional time to come to court before it is considered a failure to appear. These courts either send a letter notifying the defendant of this grace period or give a courtesy call to the person. It was noted this is done because they believe compliance is less expensive than non-compliance and worth the additional effort.

Show cause hearings and payment status hearings

A show cause hearing is held when someone does not appear to have complied with something the court ordered. In Loveland Municipal Court such hearings are held on Wednesday afternoons. Most of the other municipal courts interviewed also have a day each week for such hearings. It was noted that in Greeley the judge assigns a lot of probation which minimizes the number of show cause hearings.

Loveland Municipal Court uses one Thursday afternoon per month to hold payment status hearings (Liquor License Authority hearings are held that morning). These hearings are typically set at the time of sentencing and used as a monitoring tool for those individuals who do not pay his/her fine immediately and whose offense could send the defendant to jail. Only if the defendant is found to be in willful violation of a court order does it get escalated to a show causing hearing. It was reported that other courts do not use this immediate step but rather wait to see if the person meets his/her due date(s). In those courts, those individuals who do not meet the due dates are called to a show cause hearing. A few interviewees thought Loveland's approach was effective for getting compliance. Questions as to the necessity of this process were raised by a couple of other interviewees.

Trials

Bench trials (trials heard by the judge versus a trial in front of a jury of a defendant's peers) are currently scheduled for Monday afternoons in the Loveland Municipal court. The other municipalities interviewed also reserve one or two half-days per week for bench trials in their court. Jury trials are scheduled on Friday mornings in Loveland Municipal Court. Only a few jury trials occur each year. This was also true for the surrounding municipal courts interviewed. It was noted by a couple of interviewees that the current prosecutor in the Loveland Municipal Court is more likely to set trials than his predecessor. It was also reported that while this may increase the number of trials slightly, other factors have a greater impact on this. Most notably is the number and types of tickets written by the Police Department.

Delegating responsibilities to court staff

A number of interviewees recommended the judge delegate certain processes and responsibilities to the administrator and/or the clerks. It was noted that other courts turn over many duties to their administrative staff which are currently done by the Loveland's Municipal Judge. A couple of interviewees noted that such delegation allows for administrative staff to be empowered and take ownership in their work. It was also noted by a couple of interviewees that delegating certain tasks allows for enhanced customer service. A clerk may take action or answer questions more quickly than is possible for a judge who may be part-time, have courtroom responsibilities, or have other duties which may delay the customer service response.

Some of the specific duties noted by interviewees as having potential for transition to the administrator and/or court clerks include:

- **Taking pleas at the window for low level infractions.** In interviewing some of the surrounding municipal courts, there is a variety of infractions for which the court staff can accept pleas. For example, in Boulder staff can go as far as dismissing or refereeing parking tickets. A template is used to guide staff but they have some discretion in the matter. Greeley reports the judge sees less than ten percent of the defendants for infractions. Longmont reports having a fine schedule which guides staff on these types of infractions.
- **Bonding people from jail by converting a surety bond to a personal recognizance bond.** In speaking to the surrounding municipal courts this practice varied. Longmont and Boulder do not allow administrative staff to bond people out. Greeley does not allow staff to do so but there is a policy allowing people with a \$300 or less bond to be released on personal recognizance after 24 hours. Fort Collins allows the administrator and her two senior clerks some minor authority for this action.
- **Granting some continuances.** Some interviewees suggested that when an attorney or a defendant ask for a continuance the clerks should be allowed to approve them in some situations. All four of the municipal courts interviewed let administrative staff approve a continuance for the defendant's first appearance in court under certain guidelines. A couple of courts noted that in the judge's absence the administrator had the authority to make a determination for additional continuances in restricted situations.
- **Stays of execution in which a person needs additional time to pay a court fine.** It was noted this could be done administratively. Greeley and Longmont report allowing clerks to grant such extensions under certain guidelines. Fort Collins also allows clerks to approve a first time extension on a class or condition which has been ordered by the judge.

- **Grant a motion to dismiss for certain proof of insurance tickets.** It was suggested by a couple of interviewees that it would be appropriate for court staff to dismiss such tickets when appropriate documentation is received from the defendant. In speaking to the four other municipal courts, this is delegated to some or all clerks using set criteria.
- **Default judgments.** It was reported some administrators have the authority to sign motions to set aside the default judgments. While this was not specifically asked about in the interviews, Fort Collins stated they allow their administrator to do so when the judge will be gone for an extended period.

Prosecutor's role

In Loveland Municipal Court defendants who arrive for arraignment go into the courtroom to receive their advisement prior to having the option of talking to the prosecutor. It was reported that in some courts defendants can choose to go to the prosecutor prior to/or in lieu of going before the judge. While this was not asked about during the interview process, three of the comparison courts reported such a practice. As with many other aspects of the court processes there is no single way of doing this. Greeley reportedly gives defendants a written advisement and the clerks assist people with making their choices. One of these choices, under certain circumstances, is to see the prosecutor first.

In Fort Collins, it was reported most people receive their advisement in writing and see the prosecutor. If they accept the plea deal, they can go directly through the administrative process to finalize the paperwork. It was noted that Fort Collins staffs the prosecution role with a team of prosecutors and there are two working each arraignment session.

Boulder does much of its prescreening through the prosecutor too. The prosecutors put the plea offer in the file and then the judge meets with the defendant to go over the offer. If the defendant does not agree with the plea, s/he is allowed to return to the prosecutor to negotiate the offer.

Rehabilitative activities

It was reported the various municipal courts order different types of rehabilitative activities to defendants (e.g. probation, useful public service, classes etc.). In interviewing the four surrounding courts, there is some variety in these practices but for the most part there was general consistency. Some courts reported using methods which met the specific needs of their community. For example, Boulder has certain classes which are unique to Boulder such as a community living class for students.

It was noted Loveland does not currently have a probation program and there were questions as to whether or not Loveland's current caseload and type of charges would merit such a program. In interviewing the surrounding courts, only Longmont and Boulder have probation staff. Boulder does not use these staff for traditional probation duties but more for monitoring

compliance. Neither Greeley nor Fort Collins have probation staff and the court clerks are assigned with assisting in tracking compliance.

A few of the municipal courts interviewed discussed the use of restorative justice programs. Both Fort Collins and Boulder noted the value of using such programs in their sentencing. Both of these courts report the restorative justice program is managed by another department or agency such as the university or through the municipality's police department. Longmont reported some very limited use of restorative justice and noted their probation program is their preferred process.

Homeless and transient population

It was noted by a couple of interviewees that Loveland is faced with challenges in dealing with the transient and homeless population. It was suggested that creating programs specifically aimed at this population is needed. Currently, the Municipal Judge is in discussion on this topic with the Police Department and others at the city. A couple of the other municipal courts interviewed discussed their efforts in this arena. Fort Collins created a special session one time a month which was described as a hybrid between restorative justice and alternative sentencing. Court staff meet remotely with defendants one time per week and it was reported this is primarily used by the homeless population.

Boulder reported they are partnering with their police department, homeless service providers, and others in their community to identify how to best deal with the issues presented by this population. They do not appear to have formal programs in place at this time.

Hours of operations

It was noted in the interviews that some defendants are upset because they have no way to pay a fine after hours. The Loveland Municipal Court is open to the public from 8:00 a.m. to noon and from 1:00 p.m. to 4:45 p.m. Monday through Friday. For the most part, the other courts interviewed also have schedules which fit primarily into traditional business hours. Fort Collins Municipal Court opens at 7:30 a.m. each day and Greeley Municipal Court is open from 7:30 a.m. to 5:30 p.m. on Monday through Thursday with a half day on Friday. It was noted these hours are helpful to their customers who want to pay a fine before or after their work day.

Translation services

It was stated by a few interviewees that the use of personal or staff translators is not working well. The City of Loveland provides a professional Spanish translator for two arraignment sessions per month. During other arraignments it is reported that either a staff person or a personal friend or relative will assist some defendants. It was recommended such cases be continued to another time when a professional translator is present. Two of the municipal courts interviewed volunteered they also have set days for defendants needing translation

services, provide an on-site Spanish translator, and use a phone service which accommodates a range of languages.

Website

It was reported by a good number of interviewees that the court's website needs to be updated and enhanced. It was recommended that to better serve customers there needs to be more information about the court's operations, hours, and on-line service capacity. Specific on-line services recommended by multiple interviewees included allowing for on-line payments and adding the ability to have defendants review dockets.

Software system

The City of Loveland Municipal Court has recently implemented a court management software system. It was reported by a number of interviewees that the court is still in transition to the new system. It was also said that many processes continue to be done in paper versus electronically or are replicated in paper despite being available electronically. It was noted this is especially true in the courtroom. Interviewees acknowledged the court is still in a learning curve on the new system. Most of these interviewees suggested moving to a more electronic process to make the overall functioning of the court more effective and efficient.

In speaking to the surrounding municipal courts, they all report having and using a court management software system. In all four jurisdictions it was noted the administrative staff use the systems. It varied from place to place as to how much the judges used the system. For example, in Longmont the judge does not use the system at all. The other courts noted efforts to move to a paperless system with some courts reporting that such changes required the judges to be willing to embrace the technology.

Liquor Licensing Authority

The Loveland Municipal Judge serves as the hearing officer for the Liquor Licensing Authority with the City Clerk's office providing administrative support. Of the four municipal courts interviewed, three follow this same model. The other city interviewed (Boulder) and the other cities surveyed use advisory boards appointed by City Council. A good number of interviewees saw the use of a hearing officer (whether it is the judge or another attorney hired for that duty) as the most efficient, cost-effective, and unbiased approach. Some of the specific advantages noted by interviewees included:

- Daytime hearings work better for businesses whose primary busy time is in the evenings when a citizen board would most likely meet
- The Liquor Code is highly technical so being judge or attorney is advantageous
- Consistency in rulings over time
- Removes politics from the process

Staffing and structure themes

Municipal Judge's role in supervision

It was noted by a number of interviewees that the current supervisory structure in which the City Clerk supervises the court administrative staff is effective. Some of the advantages reported by interviewees included:

- Allows the judge to focus on judicial matters versus administrative matters
- Creates a closer connection between the administrative functioning of the court and the rest of the municipal organization

In reviewing the survey data and the interviews with the surrounding municipalities there is no consistency as to whether or not the judge is the supervisor. In the majority of the cities interviewed (five of eight) the judge does not supervise the administrative staff. In these cities it varied as to who supervises the administrative staff.

Of the four surrounding municipal courts interviewed, two have the judge supervise the administrative staff and two do not. Reports from these municipalities varied as to the perceived value of these structures. In the two cities where the judge is the supervisor both the judge and the administrator in these cities reported favorably on this structure. Some of the advantages reported include the close partnership between the administrator and the judge, the complete focus on the court versus the perceived distractions of the rest of the municipal organization, and the efficiencies related to having a clear supervisory line.

There were differing views on the topic in the two cities where the judge does not supervise administrative staff. The administrators in these courts both reported the value of the current structure including allowing the judge to focus on judicial matters versus the details of the administrative processes, the importance of being closely connected with the city administration, and some belief that individuals who are skilled at being judges may not have management/leadership skills. These courts report processes are in place for the judge to have input into management and administrative issues.

In both of these courts, the judges thought it would improve the system if they were in a supervisory role. Concerns raised by these judges included frustrations with not being able to deal directly with personnel concerns and a belief that full authority over the administrative staff and duties creates more independence for the judicial branch of the municipal organization.

It was noted by interviewees that the municipal judge is responsible for keeping administrative staff informed on changes in the law which impact the court. It was also noted that a judge is often involved in policy and procedure development and communication. These responsibilities apply whether or not the judge supervises the administrative staff. Even in the

courts in which the judges are not the supervisors, they report working collaboratively with their court administrators and others in the municipality to develop policies, procedures, and to communicate changes in the law.

Court Administrator's role in supervision

It was reported by a few interviewees that the administrator position at the City of Loveland could transition back to a supervisory role and assist more in the budget development and management. It was noted this is the traditional model of most municipal courts. In reviewing the survey data provided, all eight of the comparison cities have their administrator supervise some, if not all, administrative staff. In all communities the administrator is the supervisor over the court clerks either directly or through a Deputy Court Administrator. In some cities the administrators also have other staff under them including probation officers, finance positions, and bailiffs. In some of the other cities such roles were supervised by others in the organization.

City Council supervision

City Council's supervision of the Municipal Judge was discussed by a few interviewees. It was noted by these interviewees there is value for City Councilmembers to occasionally attend a court session to gain insight into the functioning of the court and the performance of the judge. A few of the external judges noted the value of this practice. It should be noted that in seven of the eight cities surveyed the judge is appointed by and supervised by City Council. The City of Longmont is the only city in which the municipal judge is nominated by a committee and then stands for retention elections.

Part-time versus full-time Municipal Judge

A couple of interviewees stated they thought there was value in leaving the Municipal Judge position at full-time for customer service reasons, in order to attract quality applicants, and for the potential for increasing caseloads. All of the interviewees who commented on whether or not the City of Loveland's Municipal Judge should be part-time or full-time noted the current workload only requires a part-time position. Those who recommended a specific number of hours or percentage of time thought a .75 to .80 Full-time Equivalent (FTE) was the appropriate range.

Some of the advantages and disadvantage noted by interviewees included:

- Moving to part-time will mean the judge will not be as available to answer questions in as timely a manner
- The current structure requires most decisions to be made by the judge and moving to a part-time position will limit the timeframe for such decisions

- Moving to a part-time judge may require some responsibilities being delegated to the clerks and/or the administrator which will offer them greater involvement and skill development
- Moving to a part-time position may limit the time available for the judge to participate in professional organization activities

Interviewees noted a number of factors which impact the number of hours required to do the Municipal Judge position. It was reported by a few interviewees that much of the time needed for the position is driven by caseload. A primary driver of caseload is the number of cases written to the court by the Police Department. Mr. Hartman's analysis shows Loveland has had a decline in caseload in the last three years and has been stagnant over a ten year period. A few interviewees said there are intricacies to what impacts caseload. These interviewees noted aspects such as demographics of a community and a police department's philosophy toward writing tickets as impacting caseloads. A couple of interviewees used Greeley as an example of a community where both the demographics and the police department's approach increase the number of cases in the municipal court

It was also stated by a few interviewees that research and prep time are required before and/or after many of the judge's courtroom duties. In the interviews with the four surrounding municipal courts, each judge had differing answers to how much time each major activity required. For the most common duties (e.g. arraignments, show cause hearings, bench trials, and pretrial conferences) the time spent prior to or following these events was minimal. The duties noted by multiple judges as requiring substantial time were related to jury trials, preparing for fill-in judges, and Liquor Licensing hearings. A couple of these judges acknowledged there is typically one trial or topic per year which may require 20 to 40 hours of research and/or prep time. This was noted as being the exception rather than the norm.

It was also reported by a few interviewees that municipal judges have administrative duties and responsibilities which impact the time needed for the position. In the interviews, all four municipal judges reported administrative duties and time needed to work on City Council matters. Even the two judges interviewed who do not have supervisory duties were still involved in meetings and activities related to the supervision and management of the administrative staff and court processes. Other activities reported on by some or all the external judges included budgeting responsibilities, data review and reporting to City Council, working on city or community work teams, collaborating with other city departments, and working on City Council goals. The time related to these activities varied greatly from jurisdiction to jurisdiction and from year to year.

It was reported that time is needed in the position for professional development. The interviews with the judges noted the most common methods for staying current on trends,

legislation, and other changes in the law was through participation in conferences, using list-serves, and professional reading.

Some interviewees noted judges have other duties of which people may or may not be aware, including some after-hours duties. These responsibilities are reported as impacting the number of hours needed to do a judge position. After-hours duties noted by interviewees included approving search warrants, deciding whether or not to extradite a defendant, approving medical releases, and attending City Council meetings. All of the municipal courts interviewed noted some combination of these duties; most noted after hour's duties are rare. Only one jurisdiction said they had regular after-hours calls and they allocate two hours per week for such work.

Two other duties were noted by two or more interviewees. A couple of jurisdictions reported the judge conducts weddings. This is true in Loveland. It was also stated by multiple interviewees that the judge in Greeley serves as an administrative hearing officer for items which are not criminal in nature (e.g. code enforcement hearings). This role was noted to be comparable to the role the Greeley Municipal Judge serves for their Liquor Licensing Authority. It was reported this is part of the position and included in that person's regular schedule.

It was also reported by a couple of interviewees that the current structure and many of the processes used in the Loveland Municipal Court focus decision making and/or action on the part of the judge. Many of these duties are delegated to administrative staff in other jurisdictions. It was reported these aspects also impact how many hours per week are worked by the judge. The major types of delegated duties are outlined above in the Operational Themes section.

Interviewees could not quantify the workload impact of moving these duties to administrative staff. Neither the survey data nor the interviews went into enough detail to answer that question. It is my conclusion that to do so would be very time consuming and would be unlikely to provide enough valuable data. What was noted by some of the municipal courts is their use of such processes (e.g. accepting pleas at the window and approving initial continuance requests) as a method of minimizing what goes before the judge. These interviewees reported this was of value in managing the caseload and in providing quality customer service. It is a reasonable conclusion that giving additional duties to Loveland's administrative staff would increase their workloads. A couple of the municipal courts interviewed said they do not use clerks in the courtroom. The other courts interviewed have clerks working in the courtroom in a fashion similar to how the Loveland Municipal Court works.

Strategic themes

Judicial independence

It was noted by a few interviewees the importance of maintaining clear separation of the judicial branch from the other branches of government and maintaining judicial neutrality. While the judge in Longmont did not participate in the interview, the court administrator noted the value of having the judge elected and not under the supervision of City Council or city administration. She stated this helps maintain judicial independence.

Personal characteristics

Most internal interviewees were asked to name the three to five most important things a judge should do. While the question was designed to elicit tasks, a number of personal characteristics were identified by two or more interviewees. These included:

- Having personal integrity
- Demonstrating fairness including making impartial rulings and treating people respectfully
- Developing and maintaining positive working relationships

Knowledge, skills, and abilities

The same question evoked the following knowledge, skills, and abilities themes reported by two or more interviewees:

- Knowledge of the law and how to apply them within the court
- Ability of preside over court proceedings
- Ability to work as a partner with other parts of city leadership
- Ability to ensure court administrative process are functioning efficiently

Affiliation with other city departments

While there is a strong need for judicial independence, interviewees noted the judge still needs to work collaboratively with other departments within the organization. It is stated by a number of interviewees that the judge should not communicate with others on individual cases which come before the court. It was suggested the judge should develop and maintain strong relationships, especially with the Police Department, Code Enforcement, the Fire Department, the City Attorney's Office, and any other department that may have issues come before the court. It was specifically reported the judge should work with these departments on reviewing and developing policies and procedures which may involve the court.

In interviewing the surrounding municipal courts, it was reported that these courts have this type of close working relationship with comparable departments in their organizations. These courts reported both formal and informal methods to develop these relationships, share

information, and discuss policy and procedures. A number of the courts reported making a priority of relationship building so that the policy and procedure and day-to-day interactions go smoothly.

Future trends

All interviewees (both internal and external) were asked to project two to five years out regarding what a municipal court will need to be doing to best serve the customer. Themes reported by two or more people included:

- The need to move to more internet based services such as on-line payments
- Improving information available on websites and through social media
- Move to a more paperless process and reduce or eliminate paper based systems
- Movement to electronic ticketing
- Looking for ways to improve customer service in the court processes
- Tracking staffing needs based on workload and caseload increases

Theme credibility

I find the majority of the themes listed above to be credible. I will address which recommendations I agree with later in this report. There are a few themes (versus recommendations) of which I disagree with the group perspective or have a view on issues with multiple perspectives.

- There were differing views as to whether or not the current practice of having payment status hearings is valuable. I found credibility in the argument that this process is efficient because it brings people in at a set time. It also appears to be helping with compliance
- There were also differing opinions as to whether or not the Loveland Municipal Court would benefit from adding a probation program at this time. It is my conclusion the argument against adding such a program has more merit at this time. My conclusion is based on the current caseload and types of issues brought to the court. This conclusion is not based on a philosophical or policy basis. Depending on the city' philosophy toward rehabilitation, such a program may become appropriate regardless of caseload
- While interviewees noted that certain duties require more time for preparation and/or research (jury trials, preparing for fill-in judges, and liquor licensing hearings) it does not appear that under current conditions these occur often enough to require the judge position being full time
- While it was noted the court does not currently accept on-line payments there is evidence such functionality is in process of being added

Potential strategies

Each organization has its own unique culture, needs, and considerations. As such, the items listed below are presented from an outsider's perspective and offered as potential strategies. The best approach to determining the appropriate design of the Municipal Judge position and the supporting systems will be led by the organization in a manner which fits with the norms and expectations of the City of Loveland. The information provided below is based on my understanding of the function, the information discovered through this assessment, and my professional experience and knowledge. They are offered as suggestions and considerations to assist in the decision making process.

Operational improvements

In reviewing the information gathered in the course of this analysis it is clear that the municipal courts studied all provide the same basic services (e.g. arraignment, show cause hearings, bench trials, jury trials, etc.). There is great variety, though, in the processes, policies, and procedures used in each court. As such it would be unreasonable for me to conclude there is one standard structure or even a "best practice" of how to structure the Municipal Court Judge position and the administrative functions which support that position. The operational improvements listed below are provided in this context as areas for consideration and discussion.

Determination of appropriate role for decision making

With the need for judicial independence it is not clear from the information gathered as to what role is appropriate for City Council in designing specific municipal court processes and procedures and what needs to be left to the Municipal Judge. This would be a legal question which is outside the scope of this analysis and for which I am not qualified to determine. While specific operational improvements are recommended for review, the first suggestion is for City Council to gather legal advice as to whether or not such considerations are for their determination or are best managed by the Municipal Judge under broad City Council policy guidance.

Arraignments and advisements

The current arraignment and advisement processes appear to be appropriate and are not far outside the norm when compared to the practices of surrounding municipal courts. If the court would like to enhance its customer service it could consider a couple of alternatives used by other courts. Greeley's approach of having their police department write tickets to a particular session based on the severity of the issue allows a public defender to be available. This approach reportedly reduces the number of times many defendants need to come to court for a case. The challenges I see with such a change would be during the transition period. Such an approach would require the cooperation of the police department and would require

training of officers. There may also be an increase in the number of amendments filed until such a time the system is running smoothly.

Written versus verbal advisements

It could also improve customer service if the court allowed some defendants to receive a written advisement in lieu of the verbal advisement in certain circumstances. The current use of a full verbal advisement is an excellent tool to assure defendants are made aware of their rights. Any further analysis of this option would need to consider the line between making sure people receive appropriate information about their rights with the customer service enhancement of moving more minor issues through the process more quickly. If it is determined more defendants could resolve their situation through the administrative process then there would be more capacity in the judge's arraignment schedule for increasing caseloads. The challenges in such a change is creating clear written advisements and having supporting systems to help those with questions. This may increase the administrative staff's workload. If it becomes a considerable time increase for the administrative staff it may require additional staffing.

Alternative processes for defendants to see the prosecutor

The option of allowing some defendants to speak with a prosecutor prior to going before the judge appears to merit further review and analysis. As with the other options in this area such a change has the potential to move people more quickly through the process and improve their experience as a customer. It could also lower the number of people going in front of the judge and create capacity in the arraignment schedule. On the downside, defendants will need assistance determining if this option is appropriate for them which will most likely increase the administrative staff's workload. This could also impact the workload of the prosecutor if the organization moved to a model similar to Fort Collins in which it is reported that more than 90 percent of the defendants start with the prosecutor. As noted, Fort Collins has multiple prosecutors working each arraignment session.

Use of bailiffs

The use of bailiffs for assisting in the advisement and checking in processes also merits consideration. This has potential value in Loveland because the bailiffs are volunteers and utilizing them for such work would not increase personnel costs. One concern I see with this approach is the willingness of volunteers to take on this type of additional duty. This would require a strong training program. If the process is done electronically, which makes sense from an efficiency perspective, then there is also training in that process and a requirement for fast acting technical support when the equipment has problems.

Amendments

Amendments filed with the Loveland Municipal Court are also dealt with in a fashion similar to other courts. The practice of some courts of delegating minor motions to amend to the

prosecutor may or may not bring value to the process. While it would be one less duty for the judge it adds to the workload of the prosecutor. There may some value in that this creates back-up on this duty. If the prosecutor is out, the judge could fill in for this duty.

Failure to appear

As with the prior duties, there are multiple ways to accomplish this responsibility. It may be of use for the Loveland Municipal Court to analyze the value of delegating this to administrative staff or having the judge do this in a more streamlined administrative process. There could be some time savings each week by such a change. In addition, delegating such a responsibility would allow for skill development for the staff who take on the duty. Such a change could increase the workload of administrative staff with the potential for needing additional staff. It will also require training and may lead to more mistakes if managed by someone without the legal knowledge of an attorney.

From a customer service perspective, allowing a grace period for some people who fail to appear may be worthy of consideration. This will increase the workload of administrative staff that will need to call or send a letter informing the defendant of the extension. The value would be if the compliance rate increases since greater compliance increases the revenues brought into the municipal court. Any review of such an option would want to determine the cost/benefit of compliance versus additional staff time.

Hearings and trials

At this time it appears the Loveland Municipal Court's handling of show cause hearings is both appropriate and consistent with how other municipal courts manage such processes. As noted in the Theme Credibility section, the use of payment status hearings appears to be a good method and meeting the needs of the organization. The Loveland Municipal Court's approach to bench trials and jury trials is consistent with the processes in other municipal courts interviewed for this study. At this time, there does not appear to be practices or approaches used elsewhere which would bring additional value to Loveland.

Delegating responsibilities to court staff

As noted in the Theme section of this analysis, judges at other municipal courts delegate some duties to administrative staff. The ones identified during the interview process included:

- Taking pleas at the windows for low level infractions
- Bonding people from jail by converting a surety bond to a personal recognizance bond
- Granting some continuances
- Approving some stays of execution
- Granting a motion to dismiss for certain proof of insurance tickets
- Signing motions to set aside some default judgments

It varied from jurisdiction to jurisdiction as to what aspects were delegated, under what circumstances an administrative person could take action, and who on staff was designated to take the action. Therefore there is no set answer as to what is the best model. There may be value, though, in having the organization further study which of these could improve the Loveland Municipal Court processes. In my analysis, I found similar pros and cons for each of these potential changes:

Pros

- Most of these changes create a customer service improvement by allowing defendants to have the action taken at the counter versus having to go through the more lengthy court process
- They provide higher level responsibility for administration staff which leads to skill development and greater involvement in the work of the court. Such empowerment may lead to higher engagement in the job
- Having multiple individuals able to take action or make decisions allows for such functions to be covered when individuals are on leave or doing other duties which take them away from the customer service area
- Duties done at the administrative staff level are less expensive than being done by the higher paid Municipal Judge
- Allows the judge position to absorb increases in caseload which may impact the court over time

Cons

- All of the municipal courts using such delegation have templates and/or policies to guide the administrative staff. Developing such tools requires staff and time resources
- If such duties are allocated to multiple people, systems will need to be in place to verify consistency and accuracy
- Training of staff to do such work will require people and time resources
- Adding to the workload of the administrative staff may lead to the need for additional staffing at the administrative level. This may be one aspect of why the various courts surveyed for this analysis had considerably more administrative staff than Loveland. Additional staffing adds costs including salary, benefits, equipment, training, and can impact space needs over time

Rehabilitative activities

The rehabilitative activities used by the Municipal Judge in the Loveland Municipal Court are consistent with those used in other surrounding jurisdictions. No specific improvements were

identified which appear to provide additional value to Loveland. As noted in the Theme Credibility section there is not a caseload driven need for adding probation services at this time. This does not bring into consideration policy reasons which may warrant the addition of such a program. It may be of value to have the policy discussion regarding how the court addresses rehabilitation. As noted earlier, with the need for judicial independence such policy discussions would need to be held by the appropriate parties. The City Attorney's office can provide legal insight into how to best maintain such independence during a policy discussion.

Homeless and transient population

Challenges presented by homeless and transient populations are impacting Loveland and a number of the surrounding municipalities. Loveland has an interdepartmental team looking at these complex issues. It may be of value for the court staff in Loveland to reach out to their peers (especially Fort Collins and Boulder) to find out what programs and initiatives have been considered and implemented. While each community has its own set of challenges, such peer-to-peer discussions can provide additional insight and ideas.

Customer service enhancements

There are some administrative aspects raised during the interviews worthy of further review by the Loveland Municipal Court for customer service reasons. While most of the courts interviewed were open during traditional business hours, a few courts are offering some services before or after the workday for customers to come to court to handle administrative matters. At this time Loveland offers no such hours, is closed during the lunch hour, and does not accept payments on-line or by phone. Finding some combination of processes which give more options to customers would be an improvement. The potential downside to such changes is they increase either the workload on staff or require additional staffing. There may also be costs associated with technology improvements.

Translation processes also need review. The use of staff and/or defendants' friends or family members would appear to be inferior options and may open the organization to unnecessary liability. Options such as continuing hearings to a day in which a professional translator is available or using translation phone lines may be worthy of further study. Such tools may increase costs and may be inconvenient if people have to return for a second visit to the court.

The website page currently used by the Loveland Municipal Court has outdated information, lacks much detail, and offers no interactive services. It would improve the customer experience if the website can be enhanced. It does not appear there is capacity in the current administrative workload to take on this duty so additional resources (and the associated costs) would be a consideration. The more interactive services may also require specialized equipment and resources to implement and maintain.

The new court management software system appears to be a step in the right direction and consistent with how other surrounding courts manage their processes. It would behoove the Loveland Municipal Court to move toward reducing or eliminating as many dual (paper and electronic) processes as possible. This will make the court more effective and efficient. As discovered in the interview process a key factor in making such a transition is the cooperation of the person in the judge position. This may be an important expectation for whoever is the Municipal Judge at the City of Loveland.

Liquor Licensing Authority

City of Loveland utilizes the Municipal Judge as the hearing officer for the Liquor Licensing Authority. This model is also used by a few other municipalities surveyed in the course of this study. The remaining municipalities surveyed use a citizen advisory board. As with many other aspects of this analysis, there is not a clear choice in this regard. Listed below are three options with some of the pros and cons identified:

Using the Municipal Judge as hearing officer

This is the current model. The Municipal Judge has responsibilities during the monthly hearing and responds to questions raised between hearing sessions. In reviewing the data for those duties which require action on the part of the judge (versus administrative staff) there does not appear to be an increase in workload in the last few years. As such, the monthly hearing date appears to be sufficient and the time required from the Municipal Judge is adequate at the full-time level. It also appears to be reasonable if the position were reduced to a .75 or .80 FTE. The pros and cons I identified of maintaining this option include:

Pros

- Daytime hearings work better for businesses whose primary busy time is in the evenings when a citizen board would most likely meet
- The Liquor Code is highly technical so being a judge or attorney is advantageous
- The use of an attorney/judge in this role removes the need for additional counsel to be hired to advise a citizen board
- Consistency in rulings over time
- Removes politics from the process
- Current businesses are already familiar with the process

Cons

- The role requires time from the judge which could be spent on other duties or in reducing hours from the position's schedule
- When the judge is in the courtroom s/he is not available to assist with liquor licensing questions

- Using the judge may diminish businesses' perception that a citizen board would consider other factors than the law in their decision making. This could be seen as being more favorable to the establishments

Using a citizen board

A greater number of the municipalities surveyed use this process. A citizen board is appointed by City Council, trained on how to proceed in such matters, and receives advice from staff and/or legal counsel in their actions. The pros and cons of moving to this option, which I identified in the course of my analysis include:

Pros

- In most situations, the staff working with this board will be paid less than the Municipal Judge
- It would allow for the hours of the judge to be reduced or allocated to other duties
- It allows a group of citizens to participate in governance
- Some businesses may believe they will receive greater consideration for factors other than the law in their situations

Cons

- Due to the legal nature of this process, outside counsel and/or staff attorneys may be required to participate in the process adding additional costs
- Rulings may lose consistency over time as new board members are brought on and leave the board
- Group deliberation may take more time than a single hearing officer model extending the time of hearings and resulting in more staff time
- Training for a board will need to be more in-depth and may take additional time and resources
- Hearings will likely be held during the evening when board members are available but which is typically the busiest hours for establishments who serve liquor
- Any outside counsel hired would be paid hourly and extensive research or decision writing may become costly for the organization
- Because of the timing of the application process, lack of a quorum could result in not being able to hold a meeting that has been noticed to meet all of the statutory deadlines. Delays could cost licensees substantial financial loss

Hiring an external hearing officer

While none of the cities surveyed for this study used this model it may be an option for consideration. In this model, an attorney is hired to serve as the hearing officer in a manner similar to how the Municipal Judge position currently does this work. The pros and cons of moving to this option, which I identified in the course of my analysis include:

Pros

- Daytime hearings work better for businesses whose primary busy time is in the evenings when a citizen board would most likely meet
- The Liquor Code is highly technical so being a judge or attorney is advantageous
- The use of an attorney/judge in this role removes the need for additional counsel to be hired to advise a citizen board
- It would allow for the hours of the judge to be reduced or allocated to other duties
- Consistency in rulings over time
- Removes politics from the process
- Current businesses are already familiar with the process
- This person may be more objective since it would be his/her only relationship with the organization

Cons

- With the hearing officer only being on-site once a month getting questions answered between hearings may be less timely than the current system
- Using a hearing officer may diminish businesses' perception that a citizen board would consider other factors than the law in their decision making. This could be seen as being more favorable to the establishments
- Turnover may be increased due to the few hours per month needed for this role
- There may be a reduced pool of good candidates for such work due to the limited hours offered
- Any outside hearing officer hired would be paid hourly and extensive research or decision writing may become costly for the organization

Staffing and structure improvements

Municipal Judge's role in supervision

As noted above there is no single approach to supervision in the municipal courts surveyed. In five of the eight courts the judge is not the supervisor of the administrative staff. In three cities the judge is the department head and supervises the administrative staff. There is also no

apparent correlation between the hours the judge is scheduled to work and whether or not s/he supervises. For example, Fort Collins has an .8FTE judge and she is the department head and supervises the court administrator.

It is my conclusion from the interview process that the primary determinant as to what supervisory structure is best is based on the individuals in the role. Interviewees in both situations (judge is supervisor and judge is not supervisor) noted interpersonal skills, leadership capacity, and collaboration skills as the primary factors in what works and does not work in the system. It was noted by one judge in the surrounding communities that by having the judge as supervisor and department head it brought greater independence of the court from the rest of the municipal organization.

Regardless of what supervisory structure the City of Loveland chooses, it makes sense for City Council, during their hiring process and through their supervision, to set strong expectations for communication and collaboration on the part of the judge. In those courts interviewed in which the judge is not the supervisor there are efforts and systems in place to make sure the judge has input into decisions, is involved in communication of changes in the law, and participates in the management of the court and the broader organization.

Listed below are some of the pros and cons of each model I have identified in the course of this study:

Administrative staff reports to someone in city administration – currently City Clerk

Pros

- The vast majority of interviewees who commented on the current structure at the City of Loveland stated it has been a positive change
- Facilitates the connection between the court and the rest of the municipal organization
- Allows the judge to focus on judicial matters and not be bothered by the details of administration
- Allows the judge position to be part-time since the judge does not have supervisory duties

Cons

- Adds complexity to the supervisory structure since the administrator and the rest of the administrative staff have two leaders whom they must please
- Requires greater efforts to make sure communication and collaboration systems are sufficient to meet the needs of the organization
- Since the City Clerk is housed in a different facility from the administrative staff it creates distance in the supervisor/employee relationship

- Judicial independence could be challenged if city administration has too much control of court processes

Municipal Judge as department head and supervisor

Pros

- Provides a more streamlined reporting structure for the administrative staff. The administrative staff does not have two masters to please
- Provides greater independence for the judicial branch of the municipality
- Changes in the court may move more quickly because there are less individuals involved in decision making
- If the judge delegates additional responsibility to administrative staff this lets him/her track those decisions closely and take corrective action in a timely manner
- The judge is housed in the same facility as administrative staff so it allows for closer involvement

Cons

- The current system is working and changing it up may erase the improvements which have occurred in the last couple of years
- The judge would be brought into the details of administration which may take away from his/her judicial duties
- Additional supervision duties require time which could lead to the position needing to be full-time
- The skill set of being a judge may not be the same skill set needed for leadership and management

Hybrid of two options

There is potential for the city to choose a middle option. One version would be that if a new judge is hired to do so without initially changing the current reporting structure. Once the judge is settled in and City Council, staff, and the judge have had time to work together a determination could be made to move the administrative staff under the judge's supervision. Here are some pros and cons I have identified of this option:

Pros

- This option allows for the positive changes which have occurred to be finalized prior to changing supervision
- If there is a new judge, s/he will have the luxury of getting fully oriented to the judicial duties prior to taking over the supervision and administrative duties

- The city clerk has a heavy workload and this allows for her to be able to ultimately offload some duties
- It can be determined if a new judge has the leadership skills needed for a management role

Cons

- If management duties is not included in the job description some quality candidates may choose not to apply
- If management skills are not measured in the hiring process then the likelihood that a judge could be the department head and supervisor will be left to chance alone
- It may be disruptive to current staff to not have clarity on the long-term plan for their supervision

Court Administrator's role in supervision

Unlike most aspects of the courts surveyed and interviewed in the course of this study, the role of the administrator is homogeneous in all the comparison cities. At the City of Loveland, the Court Administrator is not in a supervisory role. All other cities interviewed and surveyed have the administrator as the primary, if not sole, supervisor of the other administrative staff. While this appears to be the norm, there is nothing which requires this structure so there are options available. Listed below are some pros and cons these options:

Court Administrator is not the supervisor of the other administrative staff – current system

Pros

- The current administrator is the key employee in the implementation of the new court management software program. Moving her into a supervision role may negatively impact the work on the program implementation
- Since the city clerk is a remote supervisor her direct supervision of all administrative staff allows for closer connection to them than if she only supervised the administrator
- The current system appears to be working at this time
- It is unknown if the current administrator has the training and skills for the role

Cons

- This supervisory structure adds considerable complexity to the communication system when issues must be communicated from the judge to the city clerk to staff
- Recruitment and retention of quality administrators may be hampered by not including higher level supervisory duties which are traditional for an administrator position

- The administrator serves two masters and this may lead to confusion or interpersonal conflict

Court Administrator is the supervisor of the other administrative staff

Pros

- Reduces the number of direct reports for the city clerk
- Provides development opportunities for the administrator
- As supervisor, the administrator would be housed in the same facility as the rest of the administrative staff
- The judge and the city clerk could delegate higher level tasks to the administrator such as budget development and more program and policy responsibilities
- The position would be similar in nature to others in the field resulting in a high quality recruitment pool
- Creates advancement opportunities for court staff

Cons

- The current system appears to be working at this time
- It is unknown if the current administrator has the training and skills for the role
- This may not be the time to make such a change with the current administrator's role in the software implementation
- There may be too much change at once with both the hiring process for the judge's position and changing the role of the administrator
- The administrator position may need to be reclassified into a higher pay grade if given higher level duties

Hybrid of the two options

If a new judge is hired, there could also be a "go slow" option which would transition the supervision to the administrator after the new judge is up to speed. Some of the pros and cons I identified are:

Pros

- Allows for the current administrator to complete her duties in the implementation of the software system
- Allows for additional coaching and training of the administrator to prepare her for the responsibilities
- Allows the city clerk to transition higher level duties incrementally versus all at once

- Allows the new judge to get comfortable with his/her duties prior to the impact of a major staffing change

Cons

- Requires both the judge and court staff to be in a transitional state for an extended period
- Does not assist the city clerk's current workload challenges
- Could be a demotivator for the current administrator who may feel as though she has to "prove" herself

City Council's supervision of the Municipal Judge

The current system of City Council appointing and supervising the judge is consistent with the vast majority of the comparison cities. It is my conclusion there is no obvious reason to change that system at this time. To date, some City Council members have occasionally attended court sessions. It is suggested such a practice continue, especially if a new judge is hired. This should be a regular practice during the first year of a new judge. A new judge would need input from City Council and this is one of the best methods for gaining the insights needed to give concrete feedback to the person in the job.

Part-time versus full-time Municipal Judge

The survey data shows municipalities with both full-time and part-time judges. There does not appear to be a simple answer as to why some judge positions are one way or the other. Caseload is the most obvious driver of how much work there is for the municipal court. The survey data shows there is not a simple correlation between population and caseload in municipal court. The staffing and philosophy of a police department and demographics impact caseload coming into the court. Also, as demonstrated above, the court processes drive how much of the caseload is heard by the judge. Decisions such as what to delegate to administrative staff and what options the defendants have regarding seeing the prosecutor are some of the main factors impacting the time the judge is needed in the courtroom.

There also does not appear to be a trend in communities to determine whether or not a municipal judge is full-time or part-time based on population. The two comparison cities that have part-time judges, Fort Collins and Broomfield, have distinctly different populations. Broomfield is smaller than Loveland and Fort Collins is larger than Loveland.

I found the interviewees credible when they said that the current caseload of the Loveland Municipal Court speaks to a part-time versus full-time judge; even with no changes to processes or programs. The declining caseload over the last few years and flat caseload over a longer period support the assessment made by multiple interviewees.

I also found validity in the interviewees' conclusion the position would be best moved to a .75 or .8 FTE. The weekly court schedule has three days which are primarily in the courtroom or doing liquor licensing hearings (one day a month). That schedule puts the position over a .5 FTE timeframe. It is also reasonable the judge needs time for administrative duties, professional development, and research and prep time. There also appears to be a need for time to work collaboratively with other departments in the city.

While the numbers imply that part-time status is the best outcome, City Council may see value in keeping the position full-time for other business reasons. Listed below are some of the pros and cons I see of each of these options:

Municipal Judge as full-time employee – current model

Pros

- There is sufficient time currently to perform all duties, including the Liquor Licensing Authority
- As the caseload grows additional hours will not be needed to meet the increases
- If a new judge is hired, the extra time will give him/her an opportunity to “learn the ropes”
- This provides opportunities for the judge to lead new initiatives which may bring value to the court. For example, if a probation function met the policy needs of the organization the judge would have the time to take on such a large project
- This provides the judge time to study the various processes and procedures being practiced in other courts to determine if they would bring value to the City of Loveland
- A full-time position may attract a larger applicant pool
- The judge may maintain responsibility for making most decisions. This reduces the impact on staffing which may occur with changes at the administrative level
- Questions can be answered by the judge in a timely manner
- If supervision is returned to this position, there is capacity to absorb the additional time needed for this responsibility

Cons

- It may not be an appropriate use of taxpayers' dollars to have a position which is not needed at the full-time level
- Filling time with other administrative duties may draw the judge away from the need to focus primarily on judicial functions
- The caseload has been flat to diminishing so the assumption it will grow may be incorrect

- Maintaining a system which keeps one person as the primary decision maker, even on smaller issues, may not provide the best customer service and creates challenges when the person is absent

Municipal Judge as part-time employee

Pros

- This is an effective use of taxpayers' dollars if the judge's hours are reduced and all other aspects of the system stay the same
- Part-time hours offer the flexibility to add in additional hours if caseload or project loads increase
- Alternatively, if caseloads increase some processes and decisions can then be delegated to administrative staff. This allows for staffing increases to be made in lower cost positions versus the more highly paid judge position
- The judge would focus solely on judicial matters helping maintain judicial independence

Cons

- If it is determined that supervision should be moved to the judge, this will limit the time and exposure the judge will have to administrative staff
- An incumbent hired into a part-time role may not want to move to full-time if such a change is needed down the road
- Customers may not receive as timely answers to questions based on the reduced availability
- Having the time to take on important initiatives will be limited based on the schedule
- When there is an issue requiring extensive research and preparation time there may be additional hours charged to the city which are not in the basic budget for the position
- The applicant pool may be diminished based on the hours of the position

Strategic improvements

Judicial independence

Without legal training, it would be inappropriate for me to state an opinion as to how to best maintain judicial independence while reviewing the policies and procedures of the municipal court. As noted earlier, I recommend City Council seeking legal guidance on these topics so changes to the court processes are done appropriately within these confines.

Hiring process

The characteristics noted for a successful judge by interviewees have merit and in my estimation align with City Council's expectations for the role. I would suggest that in addition

to looking at the technical knowledge, skills, and abilities of candidates the Council explore these traits during the interview process. Human Resources has the knowledge and ability to assist Council with developing questions and activities to help measure these core competencies.

Affiliation with other city departments

The interviewees were credible in their assessment that there needs to be strong working relationships between the court and those departments that bring cases before the court. While this appears to be happening on an ad-hoc basis currently, it is my suggestion the court makes a more systematic effort in this realm. Lessons may be learned from the surrounding courts who arrange for periodic formal training, communication, and relationship building efforts between the departments.

It is also important that when policies and procedures impact the court (or vice versa) that the court partner with the other department(s). Involvement and/or communication between the administrative side of the court and the judge are essential in such situations. It may make sense for the city clerk, the administrator and the judge to sit down and determine who will represent the court in such projects and the communication system needed to make certain all parties are up-to- date and involved throughout the process.

Closing

The City of Loveland is to be congratulated for its efforts to determine the best design of the Municipal Judge position. With some review on the operation, staffing and structure, and strategic improvements the Municipal Court can be successful for years to come.



CITY OF LOVELAND
CITY MANAGER'S OFFICE

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TO: Bill Cahill, City Manager
Julia Holland, Human Resources Director

FROM: John Hartman, Senior Policy Analyst

DATE: January 7, 2015

RE: Municipal Court Survey Data and Court Data Analysis

This memo is to provide analysis of the seven city survey conducted by the Human Resources Department through a consultant and historical caseload for the City of Loveland to aid in the discussion on the amount of time the Municipal Judge Position should be set at for the City of Loveland. The bulk of the analysis is on the citation data from 1995-2014. A more detailed analysis is being prepared by the consultant.

Survey Analysis

The Human Resources Department conducted a survey regarding the duties, special programs in the Court, and the number of administrative staff and relationship of the Municipal Judge to court administration of seven communities on the north Front Range. The cities include Longmont, Westminster, Greeley, Broomfield, Boulder, Arvada and Fort Collins. Key information from the survey includes:

- All the cities have a larger population with the exception of Broomfield;
- Nearly all have the Municipal Judge as a full time position. Exceptions are Broomfield with the Municipal Judge as a 0.5 FTE and Fort Collins with the Municipal Judge as a 0.8 FTE.
- Court duties regarding offenses brought to the Court are similar across all cities.
- Nearly all the Municipal Court judges are appointed by the City Council. Longmont is the exception, which uses a District Court model where a nominating committee selects the judge and then the judge stands for retention elections on a regular basis.
- Only Greeley, Longmont and Fort Collins include Liquor Authority duties within the Municipal Court. The other cities use a Liquor Authority through a separate board. In some cases the City Clerk manages the administrative function for the Board.
- There is wide variation among the cities in the amount of administrative duties that are part of the Municipal Judge duties. Many have ancillary programs such as Restorative Justice or Probation. The variance is from all court administration being within a City department, to the Municipal Judge being primarily an administrator over Court Administration, only sitting in Court on a part time basis (Westminster). A 32-hour per week part-time judge handles most of the Court sessions. The description would imply a fulltime judge is needed for the Court proceedings to cover all events if that function were singled out in this City.
- Most cities had more court administration staff than the City of Loveland, by at least double the amount of FTEs.
- Nearly all the cities employed multiple part-time or contract judge positions for coverage of court proceedings.
- In all the cities but Arvada, Bailiffs are supervised through the Police Department, rather than through the Court. In Arvada, the Court Administrator supervises the bailiff function. In the City of Loveland, the Court supervises the bailiff function.

The amount of administrative duties given to the judge is one factor in determining the amount of hours the position should be hired for. Another significant factor outside the control of the Court is the number of cases written to the Court.

Case load data from the survey is limited as only the last three years were provided in most cases and only one year (2013) was provided by one city. How offenses were categorized vary, making exact comparisons to Loveland difficult. In many cases only one year of the data by category is given.

Using total caseload data, Loveland has the second lowest amount of cases. Only Broomfield is lower. The 2013 data is shown in Figure 1. Data from Fort Collins omits those classified as “Camera Radar/Red Light” since the inclusion significantly skews the number high. The City of Boulder is not included since its data is exponentially higher than the other cities, partially due to stronger parking citation initiative. While Greeley is included, a significantly higher amount of parking citations that accounts for its strong data.

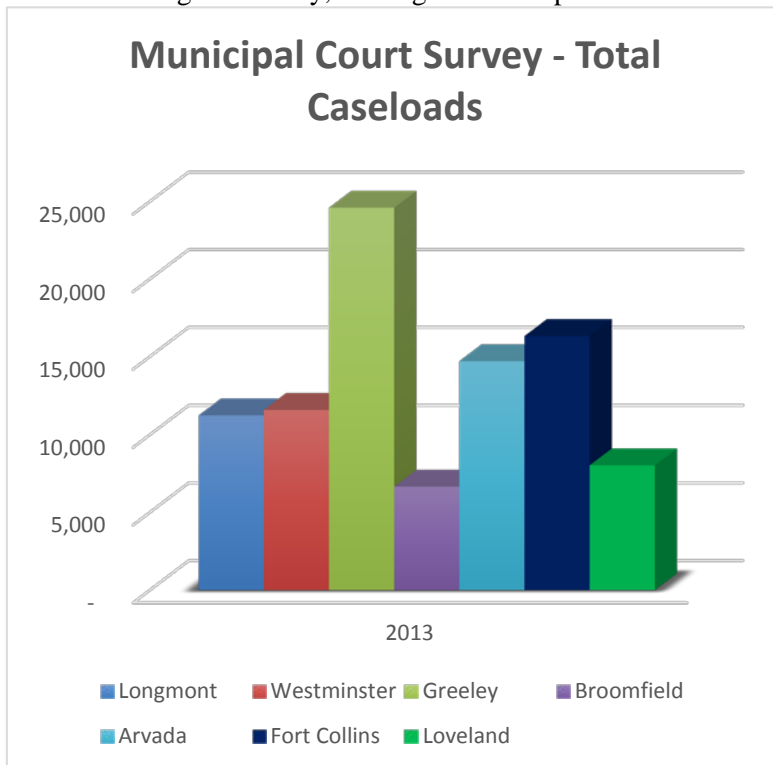


Figure 1

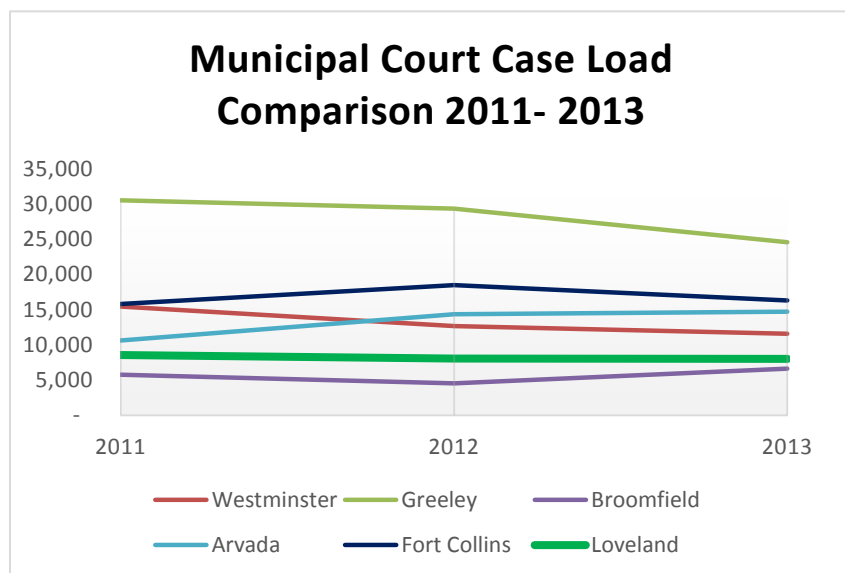


Figure 2

The data from 2011-2013 (Figure 2) shows a trend in many of the cities of declining caseloads, particularly from 2012 to 2013. In Fort Collins, Greeley and Westminster, the drop in caseloads is a significant drop. In Fort Collins, Westminster and Loveland the decline is from 2011, although Loveland’s decline is not as steep. Arvada and Broomfield are exceptions and have experienced increasing caseloads from 2011.

One method to normalize the data to account for the population variance is to display the data in terms of the number of cases per 1000 population. 2013 population amounts are used for the calculation in all years. Presenting the data in this fashion is an indication of the equality of effort given the differing sizes in the cities. Both Greeley and Boulder have been omitted from this graph because of the high parking data that skews the results. Also, the Fort Collins data is on citations written by officers only. A significant part of Fort Collins traffic enforcement is through the Camera Radar/Red Light program. If these infractions are included the Fort Collin per capita number nearly doubles to 215.3 208.95, and 212.87 for the three years. Due to the small degree of variance in the remaining cities both the entire data set (Figure 3) and the graph (Figure 4) are shown.

Caseload per 1000 population	Longmont	Westminster	Greeley	Broomfield	Arvada	Fort Collins	Loveland	Boulder
2011	na	142.00	305.51	93.21	95.25	101.82	118.87	1,338.91
2012	na	116.44	293.72	73.99	128.39	119.16	112.09	1,309.70
2013	124.72	106.66	245.98	107.73	131.67	105.08	111.59	1,185.47

Figure 3

This view also shows the decline in caseloads for many cities, with the exception of Broomfield and Arvada. Westminster, which was significantly higher than the other cities has dropped into an equivalent range. For the cities portrayed in Figure 4, the average in 2011 was 110.23, in 2012 it was 110.01, then in 2013 due to the large increase in Broomfield, is 112.55. The City of Loveland had the second highest number in 2011 and has since declined to the same level as Westminster and Fort Collins.

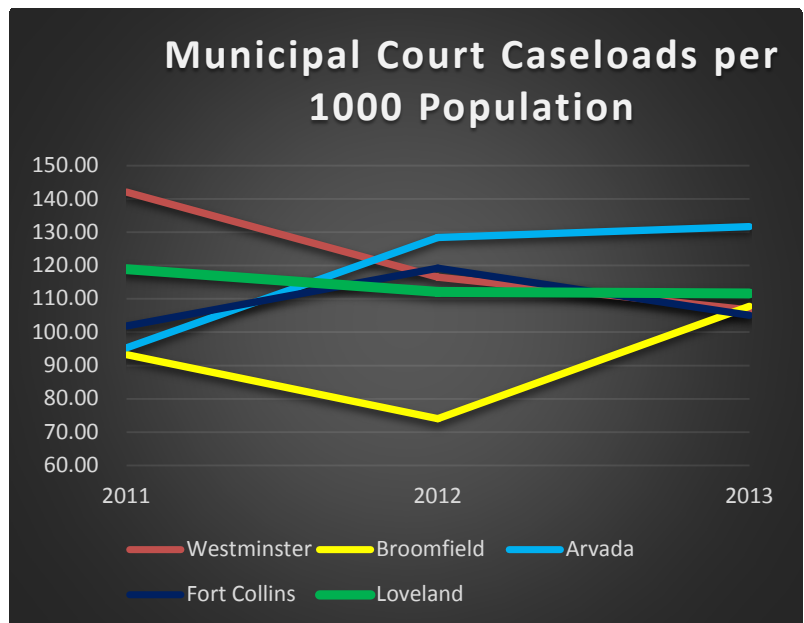


Figure 4

Municipal Court and Police Data

The number of citations written to the Municipal Court is one of the most important drivers in determining the amount of time a judge position is required. The capacity of the Court should be enough to avoid backlogs in hearing cases that will result from changes over time. While an increase in cases does not always lead to increased court time, due to increased early payments through mail-in or electronic payments, it is reasonable to assume that additional court time will follow the change in caseloads. It also seems reasonable to assume that the number of cases would increase as the population and land area within the City’s jurisdiction increases.

From the trends in the short term data included in the survey, a longer term view is required to see if the decline experienced in the past three years is part of a long term trend or if it is a bubble that can be expected to change. Data from the Municipal Court was gathered for the time-frame of 1995 through 2014 year to date. Data from Police Department records was also used to examine the relationship between total citations written and those just to the Municipal Court. Police data is only kept for ten years before being destroyed, consistent with the City’s records retention policy, so data from the Police Department is only available back to 2005. Many offenses are

both a violation of the Municipal Code and of State Statutes. This gives police officers discretion in some cases as to whether to write the citation to the County Court or to the Municipal Court.

There are four types of offenses that take the majority of the Municipal Court’s time:

- Traffic violations
- Municipal Code violations
- Parking violations, and
- Animal Control violations.

Of these, since 2000, traffic violations are over 70% of the total citations written to the Municipal Court. The data indicates that while there is annual variation, the current number of traffic and parking citations are nearly the same amount as those written in 1995, while the number of Municipal Code and Animal Control violations have seen significant decreases of 51% and 81% respectively (see Figures 5-8 below). Three of the categories, traffic, parking and municipal code have experienced significant decreases since the 2007- 2010 time frame, bringing the traffic citations down to near the 1995 amount, when they had been considerably higher than 1995 in previous years.

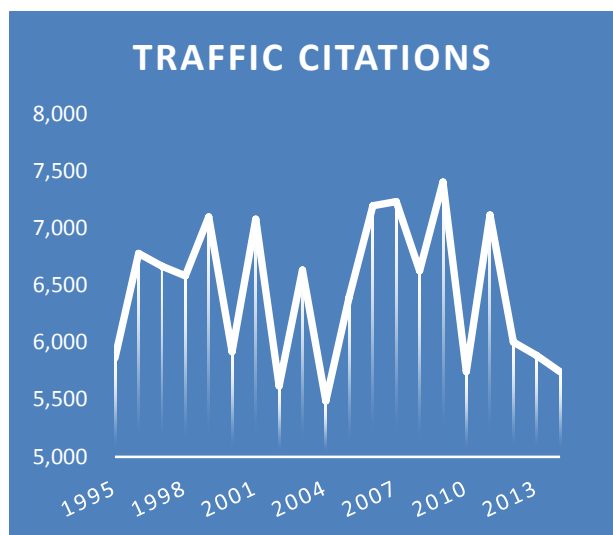


Figure 5

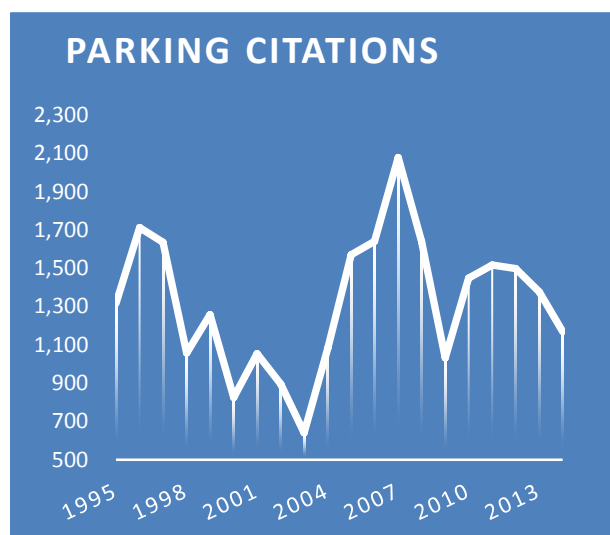


Figure 6

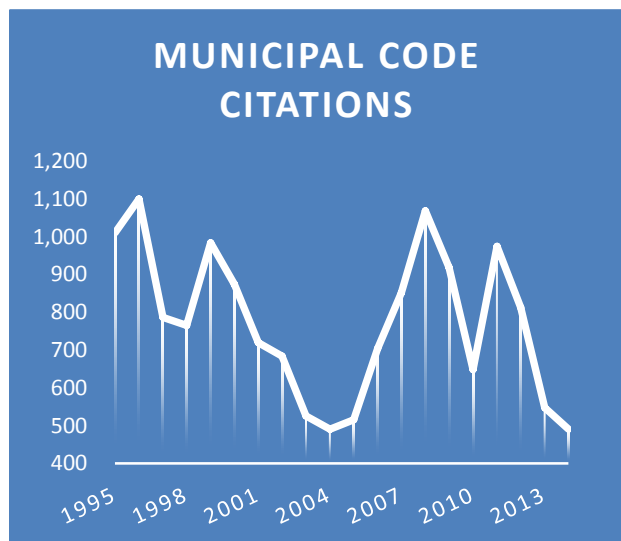


Figure 7

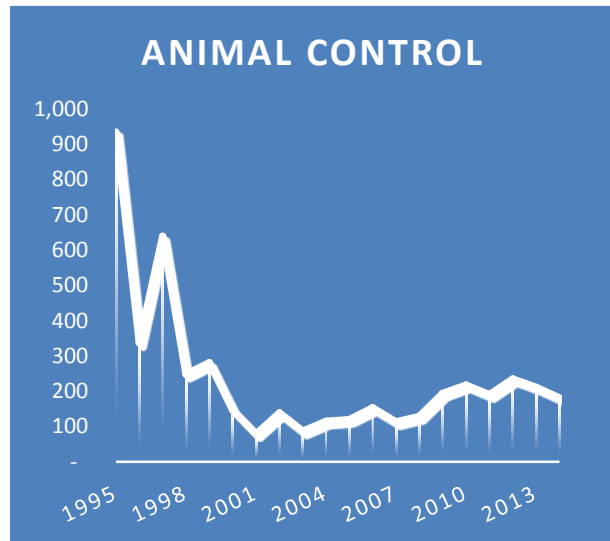


Figure 8

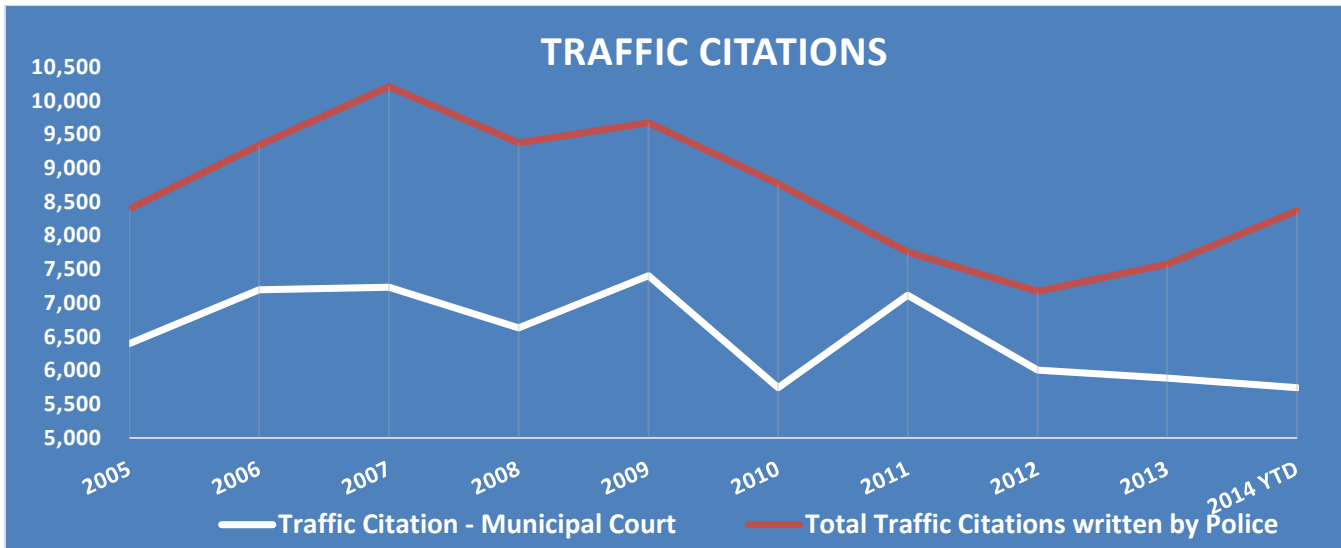


Figure 9

However, the downward trend in traffic citations to the Municipal Court experienced since 2011 is not matched in total traffic citations written by the Police Department. Total citations increased during this time period (see Figure 9), but the percentage of citations written to the Municipal Court decreased. Total citations written experienced a significant decline between 2009 and 2012, with a greater majority of the citations written going to the Municipal Court, particularly in 2011 and 2012. In 2013 this trend began to reverse with 2014 nearing the proportion seen in the mid-2000s.

The proportion between Municipal Code/Criminal violations cited to the County Court and the Municipal Court has stayed relatively constant, although total citations written has been in a downward trend since 2008 (see Figure 10).

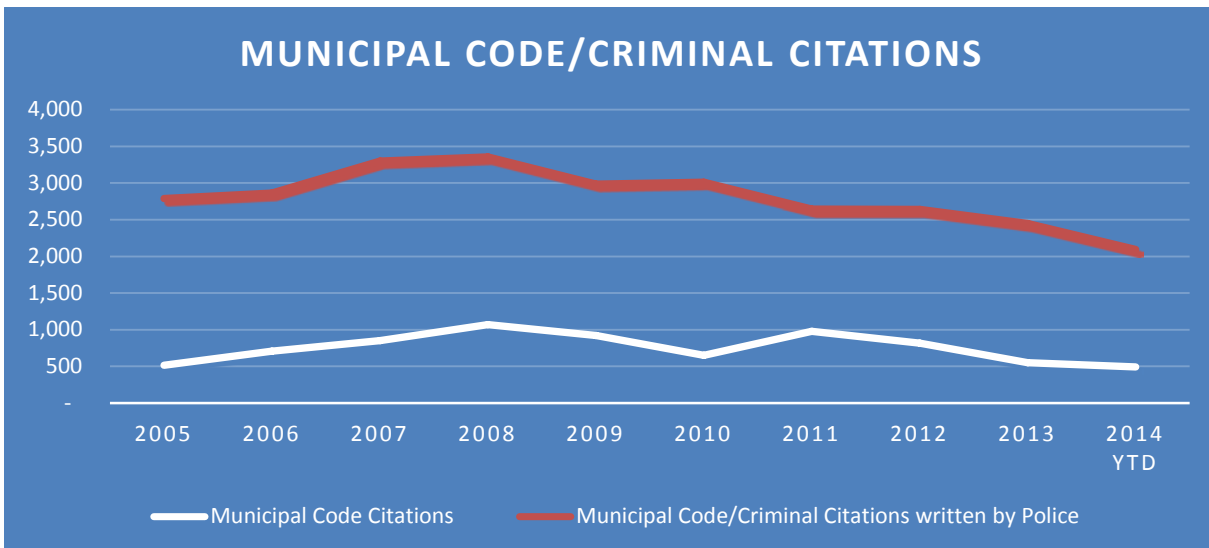


Figure 10

Since 1995 the population of the City has grown by about 30,000 or 72%. Around the year 2000 the City moved from a part-time municipal judge to a full time judge. To account for the change in population, presenting the data in terms of citations per 1000 population will normalize the data. Based on the data from 1995-1999 the decision

to move to a full time position appears warranted as traffic and parking citation growth was at or above the same percentage growth rate as population growth, indicating there would be an increased demand for court time to handle the growth in violations. However since 2000, there has been a declining trend in the number of citations per 1000 population written, and the spread between the number written and the projected growth based on the percentage population increase continues to widen (see Figures 11 -15) for all categories of offenses.

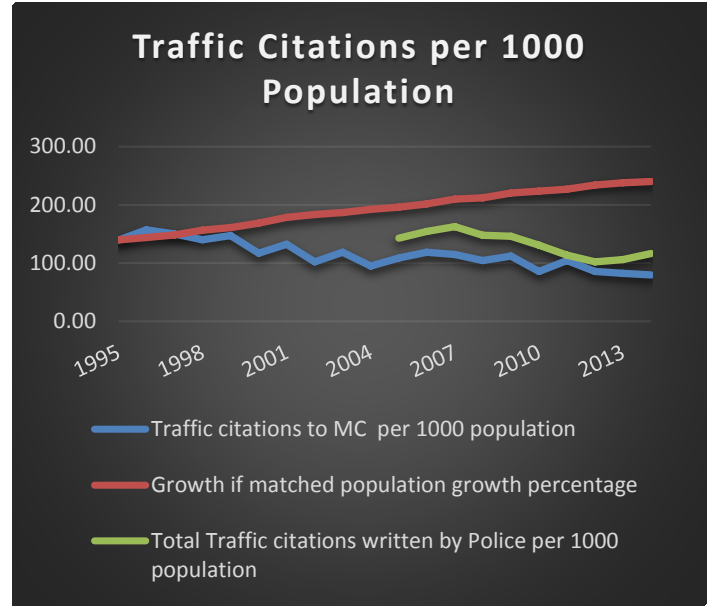
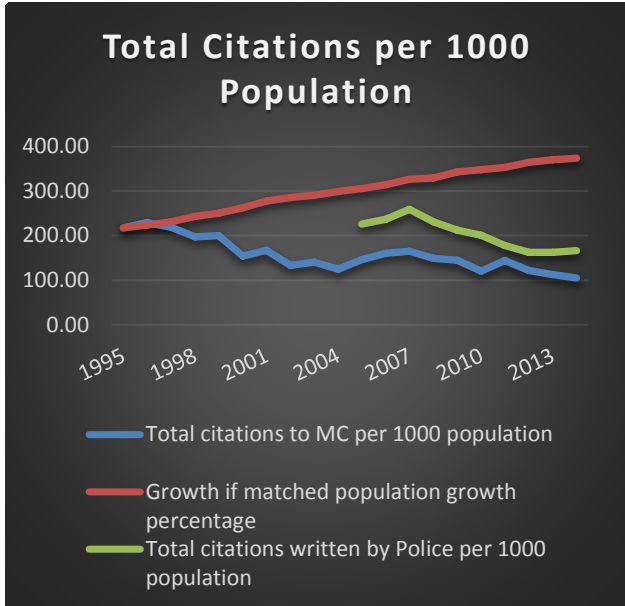
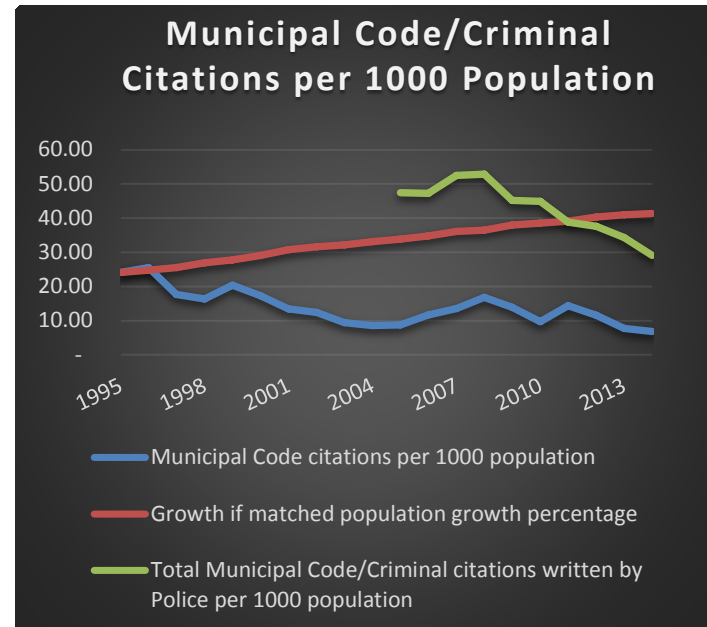
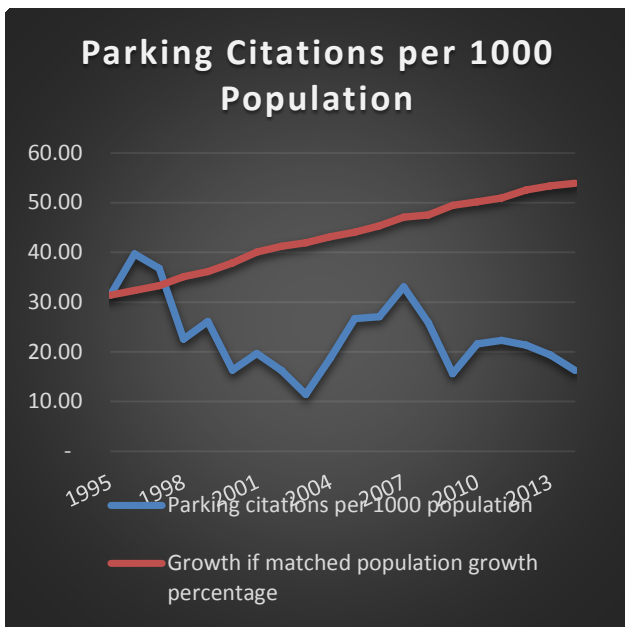


Figure 11



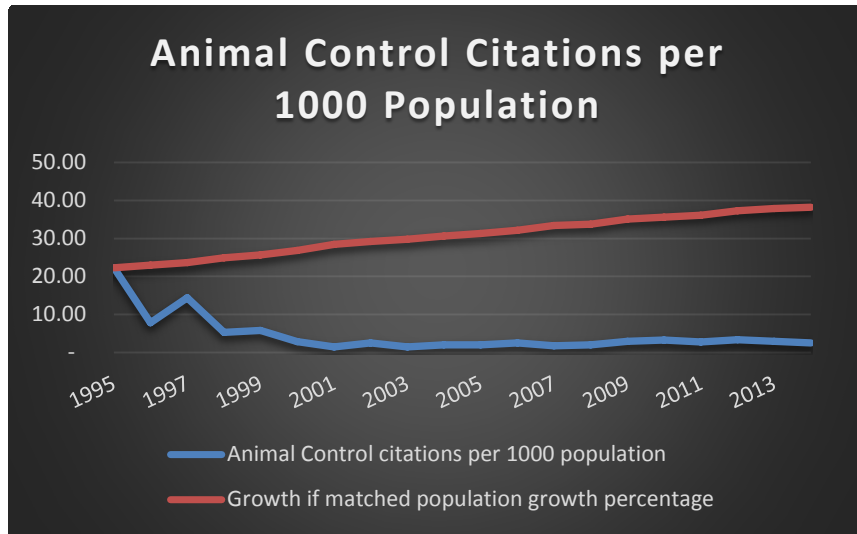


Figure 15

Related to the number of citations written to the Court, the other element significant in determining the amount of time allocated for the judge position is the number of trials. Depending on the issue, trials can be a significant consumption of time. Most trials are bench trials. Jury trials in the Municipal Court are rare with only one trial per year occurring in most years. The highest number is four in 2005. Data on the number of trials is only available back to 2000. As would be expected, if total caseloads decline, the number of trials would be expected to decline. However the data shows that the number of trials has declined at a greater rate than the decline in citations. In 2000 there were 136 trials (on average 11 per month) or 1.7% of the total caseload. In 2013 the number of trials declined to 23 (about 2 per month) or 0.3% of the total caseload.

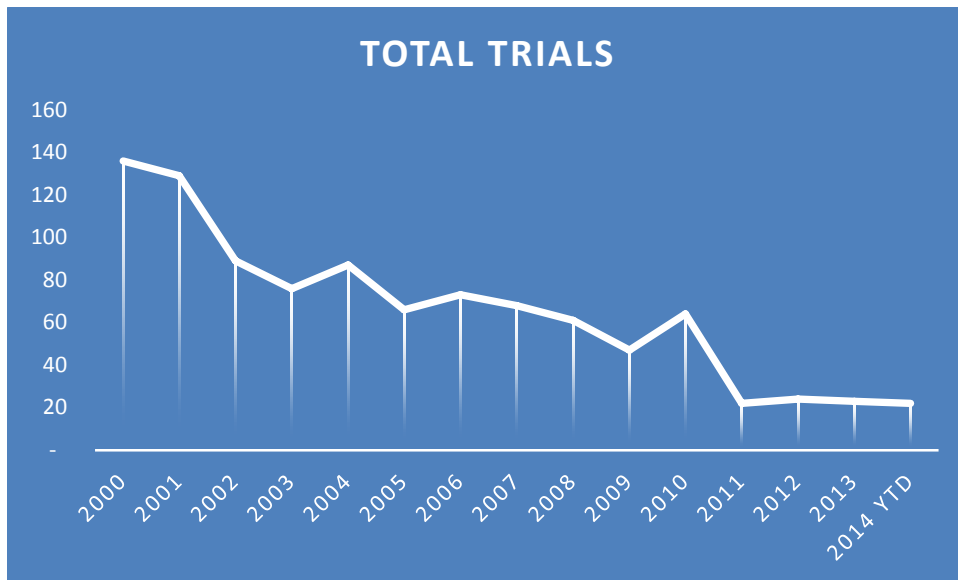


Figure 16