

July 19, 2018

Amy Hamilton
c/o Grand Junction Daily Sentinel
734 South 7th Street
Grand Junction, CO 81501

Via e-mail

Dear Amy,

This letter is in response to your recent Colorado Open Records Act requests addressed to me. I am not the custodian of the records that you request; however, as you know I do receive and assist with responding to such requests on behalf of the City.

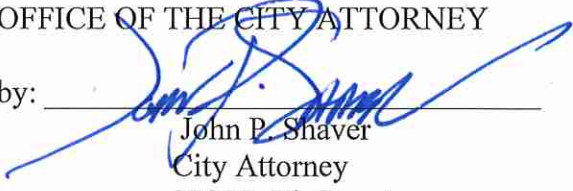
In your first request you asked for "any and all email communication from Jan. 1, 2018, through today, sent or received by Grand Junction Municipal Judge Care McInnis or any attorneys acting for her to all council members including Phyllis Norris, Duncan McArthur, Bennett Boeschstein, Rick Taggart, Barbara Traylor Smith, Chris Kennedy and Duke Wortmann, as well as City Manager Greg Caton, and yourself, John Shaver, concerning the duties, responsibilities, job status and settlement negotiations of McInnis."

In your second request you asked for "... ratings for past performance evaluations, salary and benefits, and dates of employment for Grand Junction Municipal Judge Care McInnis."

The e-mail records that are responsive to your first request are attached. For purposes of the second request, Human Resources Director Hazelhurst compiled information from a number of documents and records. While those records may be privileged personnel records in accordance with C.R.S. 24-72-202(4.5) and (3)(a)(II)(A), there is some information contained in those records that is non-privileged. Accordingly, we are providing, without waiving any privilege that may attach under Colorado law, the attached compiled responsive information. Hopefully you will find the information sufficiently responsive to your request. If not, please let me know.

OFFICE OF THE CITY ATTORNEY

by: _____


John P. Shaver

City Attorney

250 N. 5th Street

Grand Junction, CO 81501

(970) 244-1508

CORA REQUEST - JUDGE CARE' MCINNIS

from Amy Hamilton, The Daily Sentinel, on 7/16/18 @ 2:44 p.m.

DATES OF EMPLOYMENT

1/1/2007 - 8/15/2018

SUMMARY OF MUNICIPAL COURT JUDGE PERFORMANCE EVALUATIONS

DIMENSION	2016 AVERAGE RATING	2015 AVERAGE RATING
Communication and Customer Relations	Highly Competent Minus	Highly Competent Minus
Relationship with Public/Public Relations	Competent Plus	Highly Competent Minus
Internal Relations	Competent Plus	Competent Plus
Professional/Personal	Competent Plus	Competent Plus

SALARY AND BENEFITS

2017 MUNICIPAL COURT JUDGE; F/T, \$110,00 annual salary; executive benefits

Wage Rate	\$52.88	
Hours Worked	2,080	.5 FTE to 1.0 FTE
Earnings	\$110,000	Budgeted hours x wage rate
Paid Time Off	\$12,692	240 hours/year; accrued
Social Security	\$6,820	6.20%
Medicare	\$1,595	1.45%
Health	\$4,900	\$408.35/mo.
Dental	\$515	Fully paid by employer
Vision	\$0	Employee paid benefit
Disability	\$425	Fully paid by employer
Life Insurance	\$144	Fully paid by employer
Retirement	\$9,900	9% Executive Plan
Total	\$146,992	

2016 MUNICIPAL COURT JUDGE; P/T, \$87,682 annual salary; negotiated benefits		
Wage Rate	\$84.31	
Hours Worked	1,040	Half-time employee
Earnings	\$87,682.40	Budgeted hours x wage rate
PTO	\$8,431.00	100 hours/yr; paid out if not used
Health	\$3,150.36	Paid as half-time employee
Dental	\$154.68	Paid as half-time employee
Vision	\$68.40	Fully paid by employer
Disability (private policy)	\$2,892.00	City paid private disability policy
Life Insurance (private policy)	\$192.00	City paid private disability policy
Total	\$102,570.84	

From: Care' McInnis
Sent: Tuesday, February 13, 2018 1:01 PM
To: Michael Nordine;Greg Caton
Cc: Joanna Adams;John Zen
Subject: Re: Annual security training

Thank you Chief. We have reserved the courtroom for this training. Let me know if you need anything from us in this regard.

Care' McInnis
Presiding Judge
City of Grand Junction

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From: Michael Nordine
Sent: Tuesday, February 13, 2018 11:40:08 AM
To: Greg Caton; Care' McInnis
Cc: Joanna Adams; John Zen
Subject: Re: Annual security training

Judge McInnis,

There is no conflict in regards to the training for Muni Court on the 26th. We are including staff from the Planning Department in that training opportunity but I don't see that as a conflict.

Let me know if you have any questions or concerns,

[Get Outlook for iOS](#)

From: Greg Caton
Sent: Tuesday, February 13, 2018 11:23:20 AM
To: Care' McInnis
Cc: Joanna Adams; John Zen; Michael Nordine
Subject: RE: Annual security training

Hi Judge,

I am copying DC Zen who is acting while Chief Nordine is out of the office. I do not have the training on my schedule, so I cannot indicate if there is a conflict or not.

Thank you,
Greg

Greg Caton, ICMA – CM
City Manager
City of Grand Junction
970-244-1502

From: Care' McInnis
Sent: Tuesday, February 13, 2018 8:28 AM
To: Greg Caton <gregc@gjcity.org>
Cc: Joanna Adams <joannaa@gjcity.org>
Subject: Annual security training

Greg,

Each year the Grand Junction Police department runs our department through an informal refresher regarding security in the courtroom and shared space with customer service. We also cover our exit routes which include the door through to the City clerk. We had tentatively scheduled this for February 26th at 9:30 a.m. in the Municipal Courtroom. It is my understanding this date and time may conflict with a security training for one of your departments. Could you please let me know if I need to reschedule our training?

Thank you.
Care' McInnis
Presiding Judge
City of Grand Junction

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From: Care' McInnis
Sent: Thursday, February 15, 2018 3:03 PM
To: John Shaver
Cc: Dan Robinson
Subject: Sealing and Expunge
Attachments: 20180215121432900.pdf; 20180215135844609.pdf

Mr. Shaver,

Attached please find Standing Order 18-01 and my responsive correspondence.

Care' McInnis
Presiding Judge
City of Grand Junction

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MUNICIPAL COURT, CITY OF GRAND
JUNCTION, MESA COUNTY, COLORADO

250 North 5th Street, Grand Junction, CO 81501

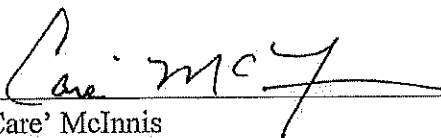
Honorable Caré McInnis
Presiding Municipal Court Judge
250 North 5th Street
Grand Junction, CO 81501

STANDING ORDER 18-01 SEALING/EXPUNGING

The Court enters the following orders:

1. The prosecuting attorney shall provide a report and summary of all diversion information for all diversions administered by the office of the City Attorney which have been completed to assist the court in making its determination of the appropriateness of expungement and sealing pursuant to C.R.S. §19-1-306, and C.R.S. §24-72-702.5. The information shall be provided within 28 days of the successful completion.

So ordered this 15 day of 2, 2018.



Caré McInnis
Presiding Municipal Court Judge



MUNICIPAL COURT

February 15, 2018

John Shaver
City Attorney
250 N. 5th Street
Grand Junction, Co 81501

Mr. Shaver,

On February 1, 2018, Judge Robinson and I requested information from your office regarding both sealing and expunging criminal records. However, your response is in terms of only the juvenile diversion information. We renew our request for diversion information as it pertains to the sealing of records as well. Attached please find Standing Order 18-01 reflective of this request.

You repeatedly cite C.R.S. § 19-1-306(9)(f) which in your words, "refers to the bi-annual municipal court expungement". However, C.R.S. § 19-1-306(9)(f) provides:

"On November 1 of each year, the municipal court shall review all juvenile court files during the two previous years that resulted in a finding of not guilty or guilty or resulted in diversion, deferred judgement, dismissal, or other disposition or resolution, and enter an expungement order for all juveniles eligible for expungement pursuant to this subsection (9) if the expungement order was not previously made."

Your conclusion that § 19-1-306(9)(f) refers to a bi-annual municipal court expungement is incorrect.

Please refer to C.R.S. § 19-1-306(9)(b) which provides:

"If the prosecuting attorney does not file an objection within forty-two days after receipt of the notice from the court pursuant to subsection (9)(a) of the section, **the municipal court shall** order all records related to the case and charges in the custody of any other agency, person, company, or organization expunged."

Please refer to C.R.S. § 19-1-306(9)(g) which provides:

"In the event that municipal records have not been expunged pursuant to this section, an individual may petition the juvenile court in the judicial district where the municipality is located to expunge records of a municipal case brought against a juvenile."

§ 19-1-306(9)(g) clarifies that the municipal court has jurisdiction to expunge these records and only after the municipal court does not expunge these records pursuant to § 19-1-306, the individual may petition the district court. If your assertion that the word "court" throughout the

entirety of §19-1-306 were to refer only to the juvenile court of the city and county of Denver or the juvenile division of the district court outside the city and county of Denver, the entire article 1, part 3 would be nonsensical.

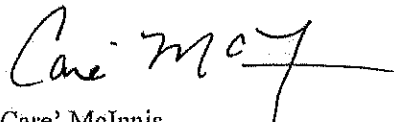
The teen court program is for first time offenders of non-violent offenses. No juvenile has been, or would be eligible for participation in the teen court program for aggravated juvenile offenses pursuant to §19-2-516(4) or §19-2-516(3), adjudicated of homicide and related offenses, adjudicated for a felony offense involving unlawful sexual behavior as described in C.R.S. §16-22-102(9), or charged, adjudicated, or convicted of any offense or infraction pursuant to title 42. Although your office chose to terminate your participation in the teen court program per Ms. Beard, the standards remain the same. Based upon the high standards you set for participation in the teen court program, along with the constant monitoring of our long-time teen court facilitator, Dennis Kiefer, there would be no grounds for objection to expunging such records.

If, however your office would like to delay this expungement of the teen court records from it's inception prior to 2006, for another 42 days, I will set any case over which you object for a formal hearing.

The potential risk to the City of failing to expunge records to the detriment of the defendant far outweighs the need to object to first time offenders of non-violent offenses which have successfully completed the teen court program.

Consistent with all other municipal court jurisdictions in the State of Colorado of which I am aware, we will continue to expunge and seal records pursuant to statute.

We look forward to your compliance with statute and immediate disclosure of records for all completed diversions through your office. Standing Order 18-01 may be beneficial should you choose to seek clarification from a higher court.


Care' McInnis
Presiding Judge

From: John Shaver
Sent: Friday, February 09, 2018 2:37 PM
To: Care' McInnis
Cc: Rick Taggart;Greg Caton;Michael Nordine;danrobinlaw@gmail.com
Subject: Expungement of Records
Attachments: McInnis Muni Court.pdf

Judge McInnis,

Please find attached a second letter regarding expungement of records. Please let me know when we can discuss the matter or if you prefer to write, I look forward to receiving your correspondence soon.

John

This electronic mail transmission is from John P. Shaver, City Attorney for the City of Grand Junction, CO. The information contained in this message may be privileged and/or confidential, protected by the attorney-client privilege or the attorney work product doctrine. The privileges are not waived by virtue of this message being sent to you in error. If the person receiving this message or any other reader of the message is not the intended recipient, please note that disclosure, copying, distribution or use of the information contained in the message is prohibited. If you have received this message in error, please immediately return it via e-mail and then delete the message by which it is returned.

February 9, 2018

The Honorable Care' McInnis
Grand Junction Municipal Court
250 N. 5th Street
Grand Junction, CO 81501
Via e-mail

Re: Your Letter of February 1, 2018 and 90 Orders of February 6 and 7, 2018

Dear Judge McInnis,

On February 5, 2018 I replied to your letter of February 1st. In that letter I offered my thoughts on C.R.S. 19-1-101 *et. seq.* and specifically noted C.R.S. 19-1-103(70) and 19-1-306(9)(f). In general, those references a) define "court" as "the juvenile court of the city and county of Denver or the juvenile division of the district court outside the city and county of Denver" and b) provide specific and limited authority for the Municipal Court to act in expungement matters when/if expungement was not previously made by and through the District Court. In short I contend that C.R.S. 19-1-101 *et. seq.* substantially vests jurisdiction in the District Court regarding expungement, except for the limited grant provided in (9)(f). Since my letter I have not heard from you; however, my office as well as the Grand Junction Police Department received ninety (90) orders ("Orders") from you that are unclear as to the legal and factual predicate for the Orders and do not name the agency(ies) to which the Orders are directed. The Orders are dated February 6 and 7, 2018.

It is my contention, which I would be pleased to discuss with you, that the Municipal Court has exceeded its jurisdiction under C.R.S. 19-1-101 *et. seq.*, to enter the Orders as they are written. Among other things the "findings" of the Orders are unsubstantiated: finding 1 of the Orders states "the case is eligible for expungement pursuant to 19-1-306 C.R.S." On what basis is that finding made? There is no reference to a petition or other evidence. If the Court is finding eligibility in accordance with (9)(f) then to confer jurisdiction it would be necessary and proper to affirm the authority/basis for the Orders rather than a non-specific reference to §306.

The problems with finding 1 of the Orders are aggravated by the fact that the prosecuting attorney did not receive a petition from the defendant or notice from the Court prior to any of the 90 Orders issuing. Without notice how is the prosecution to know that it could object? It is wholly improper for the Court to make finding 3, (that the prosecuting attorney did not file

Judge McInnis
February 9, 2017
Page 2

an objection) without notice to the prosecutors. A foundational requirement of Due Process is prior notice, which was not afforded.

As noted above, the Orders provide that "each agency listed" is ordered to expunge records; however, there are no agencies listed in the Orders.

For your reference I have attached the Colorado Judicial Department instructions on filing an expungement, the form expungement petition and the form order of expungement. Please note that the instructions are for filing for expungement of a "juvenile or municipal case" and provide in relevant part "the juvenile should file the paperwork to expunge your records with the District Court ...". Additionally, the Colorado Judicial Department form petition and order, both of which refer to municipal court cases, call for the filing in District Court. Certainly the Municipal Court does have limited jurisdiction under paragraph (9)(f) but aside from that, the statute as well as the Judicial Department documents are clear that expungement is a District Court matter.

Unless the Orders are amended to reflect proper findings including a clear reference to the authority on which the Court has relied and the naming of the agency(ies) to which the Court is directing Orders, the City is left with no option but to appeal the Orders to State Court. The Police Department has questions about the efficacy of the Orders and as I have written both before and now again, so do I. From my perspective there is potential liability that may attach to the Police Department and in turn the City, if the expungement process is not conducted properly.

I ask for the courtesy of reply to this and my prior correspondence on or before the close of business on February 15, 2018.

OFFICE OF THE CITY ATTORNEY

by: _____

John P. Shaver

City Attorney

250 N. 5th Street

Grand Junction, Colorado 81501

pc: City Manager Greg Caton
Interim Police Chief Mike Nordine
Judge Dan Robinson
Mayor Rick Taggart

INSTRUCTIONS TO FILE AN EXPUNGEMENT JUVENILE "JD", OR MUNICIPAL CASE PURSUANT TO 19-1-306, C.R.S.

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.

GENERAL INFORMATION

- ◆ Pursuant to §19-1-306, C.R.S., you may ask the court to "expunge" your juvenile record. "Expungement" means your records will be considered to have never existed, and the public will not be able to see the records. You may lawfully deny that you have ever been arrested, charged, adjudicated, convicted, or sentenced in regards to the expunged matter. A respondent parent or guardian (parent or guardian named in a case), or a court-appointed guardian ad litem may also ask the court to expunge the records.
- ◆ The Juvenile should file the paperwork to expunge your records with the District Court or Juvenile Court in the county where you had contact with law enforcement or where your juvenile case was heard.
- ◆ If the Juvenile's case was transferred from one county to another, the expungement paperwork must be filed with the court in each county where a case exists to ensure that all of the records are expunged.
- ◆ You are **not eligible** to petition for an expungement order if:
 1. You were adjudicated for a felony offense involving unlawful sexual behavior as defined in §16-22-102(9), C.R.S.; **or**
 2. You were adjudicated an aggravated juvenile offender pursuant to §19-2-516(4), C.R.S.; **or**
 3. You were adjudicated a violent juvenile offender pursuant to §19-2-516(3), C.R.S.; **or**
 4. You were adjudicated of homicide and related offense pursuant to part 1 of article 3 of title 18; **or**
 5. You were adjudicated, or convicted of any offense or infraction pursuant to title 42.
- ◆ You are **eligible** to petition for an expungement order:
 1. **Immediately** under one of the following circumstances:
 - A) You may petition the court to expunge a **closed case** that has not already been expunged immediately after:
 - You are found not guilty at an adjudicatory trial; **or**
 - The petition was dismissed in its entirety; **or**
 - You successfully complete a sentence for a petty offense, drug petty offense, class 2 or 3 misdemeanors, level 1 or 2 drug misdemeanor if the offense does not involve unlawful sexual behavior as defined in §16-22-102(9), C.R.S., is not an act of domestic violence as defined in § 18-6-800.3, C.R.S., or is not a crime under §24-4.1-302(1), C.R.S., and you were under 18 years old at the time the offense was committed; **and**
 - You do not have a felony, misdemeanor, or delinquency action pending against you.
 - B) You may petition the court to expunge a **closed case** that has not already been expunged immediately after you have completed one of the following:
 - A juvenile diversion program, a deferred adjudication, or an informal adjustment; **or**
 - A juvenile sentence for an adjudication for a class 1 misdemeanor or a petty or a misdemeanor offense that is not eligible for expungement under Section A above, if the offense did not involve unlawful sexual behavior as defined in §16-22-102 (9), C.R.S.; **or**
 - A juvenile sentence for an adjudication for a misdemeanor offense involving unlawful sexual contact as described in § 18-3-404, C.R.S.; **or**

- A juvenile sentence for an adjudication for a felony offense or felony drug offense if: (i) the felony offense was not unlawful sexual behavior as defined in §16-22-102 (9), C.R.S.; (ii) the felony offense was not a crime of violence as described in §18-1.3-406, C.R.S.; (iii) the felony offense was not a class 1 or class 2 felony; and (iii) you had no prior felony adjudications; and
- You do not have a felony, misdemeanor, or delinquency action pending against you.

2. One year from the date of the following occurrences:

- A law enforcement contact, (you were given a ticket or arrested) but no further action was taken against you and you do not have a felony, misdemeanor, or delinquency action pending against you; or
- From the date the court issued an order denying the expungement records order in a closed case that falls under Section B above; and you provide new information to the court that the prior court had not considered; and you do not have a felony, misdemeanor, or delinquency action pending against you.

3. Three years from your unconditional release from your juvenile sentence, if you were adjudicated as a mandatory sentence offender under 19-2-516(1), C.R.S. or a repeat offender under 19-2-516(2) and a proceeding concerning a felony, misdemeanor or delinquency action is not pending against you.

◆ **A Petition may be filed only once during a twelve-month period, unless otherwise stated in § 19-1-306, C.R.S.**

◆ **After your juvenile records are expunged, they are not open to the public, however:**

1. Basic identification information and a list of any state and local agencies and officials having contact with you will be available to a district attorney, local law enforcement agency, the department of human services, the state judicial department and the victim. However, they will not be available to an agency of the military forces of the United States.
2. Any expunged record will be available to a judge and the probation department for use in any future juvenile or adult sentencing hearing pertaining to you.

◆ **For repeat or mandatory juvenile offenders, any expunged record will be available for use by a court, a district attorney, any law enforcement agency, or any agency of the state judicial department in a subsequent criminal investigation, prosecution or adjudication. They may also be available during probation or parole supervision.**

◆ **For additional information, please review Colorado Revised Statute §19-1-306, C.R.S.**

◆ **If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:**

http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm

COMMON TERMS

- | | |
|----------------|--|
| ☒ Petition: | Document officially commences the Expungement process. |
| ☒ Petitioner: | The person or persons filing a Petition for Expungement of Records. |
| ☒ Expungement: | The designation of a juvenile's record whereby such records are deemed never to have existed except for the limited purposes noted above. |
| ☒ Adjudicated: | A determination by the Court that it has been proven beyond a reasonable doubt that a juvenile has committed a delinquent act or that a juvenile has pled guilty to committing a delinquent act. |
| ☒ Arrest: | To take into custody by legal authority. |

- ☒ Juvenile/Criminal Case: A case brought by the government against an individual accused of committing a crime.
- ☒ May: In legal terms, "may" is defined as "optional" or "can".
- ☒ Shall: In legal terms, "shall" is defined as "required".

If you do not understand this information, please contact an attorney.

FEES

No filing fee is required. Other fees that a party to the case may encounter are as follows:

- | | |
|--|--|
| ☐ Records Search Fees | Varies and is payable to the agency |
| ☐ Copies of Documents (Documents on File) | \$.75 per page or \$1.50 if double-sided |
| ☐ Copies of Documents (Documents not on File) | \$.25 per page or \$.50 if double-sided |
| ☐ Certification Fee | \$20.00 per document |

FORMS

To access forms online, go to the website at www.courts.state.co.us and then click the "Self Help/Forms" tab. The forms are available in PDF by selecting **All Court Forms and Instructions** → **Seal my case** → **Expungement of Juvenile Records**. Please click the Download PDF link under the title of the form. You may complete a form online and print or you may print it and type or print legibly in black ink.

- | | |
|----------------------------------|---|
| ☐ JDF 302 | Petition for Expungement of Records |
| ☐ JDF 304 | Order of Expungement of Records |
| ☐ JDF 324 | Petition for Expungement of Records for a Law Enforcement Contact Not Resulting in a Referral to Another Agency |
| ☐ JDF 326 | Order of Expungement of Records for a Law Enforcement Contact Not Resulting in Referral To Another Agency |

STEPS TO FILING YOUR CASE:

Step 1: Complete all applicable forms listed below.

The caption below needs to be completed on all forms. If you are filing the Petition in a Juvenile Delinquency "JD" case, check the box entitled "People of the State of Colorado in the Interest of:" If you are filing the Petition to expunge a municipal conviction you obtained as a juvenile, check the box entitled "People of the City of _____ v." and indicate the city where you obtained your conviction.

☐ District Court ☐ Denver Juvenile Court _____ County, Colorado Court Address: _____		▲ COURT USE ONLY ▲
☐ People of the State of Colorado in the Interest of: ☐ People of the State of Colorado v. ☐ People of the City of _____ v.		
Petitioner: _____ Attorney or Party Without Attorney (Name and Address): _____		
Phone Number: _____ FAX Number: _____	E-mail: _____ Atty. Reg.#: _____	Case Number: _____ Division _____ Courtroom _____
PETITION FOR EXPUNGEMENT OF RECORDS ☐ JUVENILE "JD" CASE OR ☐ MUNICIPAL CASE		

- ☐ **Petition for Expungement of Records (JDF 302) — JD**
- ☐ Enter the Juvenile's name in the case caption.

- ☐ All applicable sections must be completed before the Petition is filed.
- ☐ **Petition for Expungement of Records for a Law Enforcement Contact Not Resulting in Referral to Another Agency (JDF 324)**
 - ☐ Enter the Juvenile's name in the case caption.
 - ☐ All applicable sections must be completed before the Petition is filed.
- ☐ **Order of Expungement of Records (JDF 304) OR Order of Expungement of Records – Law Enforcement Contact Not Resulting in Referral to Another Agency (JDF 326)**
 - ☐ Complete all portions of the form.
 - ☐ The Judge or Magistrate will sign the Order at the time of the hearing if your Petition is approved.

Step 2: You are ready to file the case with the Court.

Provide the Court with the documents completed as described in Steps 1 above. If you are requesting to expunge multiple cases, you must file a separate Petition for each case.

- ◆ If your petition meets the eligibility requirements of **Section A** (under the "General Information" section), the court may enter an order to expunge the records and provide copies to you, parties in the case, and other agencies who have records of the case.
- ◆ If your petition meets the eligibility requirements of **Section B** (under the "General Information" section), the court will provide notice to the prosecuting attorney. If neither the prosecuting attorney nor victim files an objection within 84 days after the court issues the notice, the court will order the records expunged. If an objection is filed, the court must set a hearing on whether the records will be expunged

Step 3: Be prepared for the hearing if necessary.

In cases where the Court has received a Petition for Expungement of Juvenile Records, the Court may order your case expunged and any records of any other agency or official, if at the time of the hearing on the Petition, the Court finds that:

- ◆ There are no criminal or delinquency actions pending or being instituted against you; and
- ◆ The Juvenile has rehabilitated to the satisfaction of the Court; and
- ◆ The expungement is in your best interest and the best interest of the community.

During the hearing, you may be asked questions about the request to have your record expunged. You may present evidence to the court in writing prior to the hearing and in person at the hearing. On the hearing date the Court will either grant or deny the Petition for Expungement of Records. If the Court grants the Petition, the Court will automatically "expunge/seal" the juvenile case.

Step 4: Once an order for expungement is entered

The court will send a copy of the order to parties in the case and other agencies who have records of the case.

☐ District Court ☐ Denver Juvenile Court _____ County, Colorado Court Address: _____ ☐ People of the State of Colorado in the Interest of: ☐ People of the State of Colorado v. ☐ The People of the City of _____ v. Petitioner: _____ Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg.#: _____	▲ COURT USE ONLY ▲ Case Number: _____ Division _____ Courtroom _____
PETITION FOR EXPUNGEMENT OF RECORDS OF ☐ JUVENILE "JD" CASE OR ☐ MUNICIPAL CASE PURSUANT TO 19-1-306 C.R.S.	

I, _____, petition the court for an expungement of my records.

1. Information about the Petitioner:

Date of Birth: _____

Current Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Home Phone #: _____ Work Phone #: _____ Cell #: _____

Date of Offense	Charge	Agency Case Number	Arresting Agency	Court Case Number

2. (Select one of the following):

☐ I was released from the Court's jurisdiction on _____ (the date you were found not guilty at an adjudicatory trial; or the date the petition was dismissed in its entirety).

☐ On _____ (date), I successfully completed a sentence for a petty offense, drug petty offense, class 2 or 3 misdemeanor offense, or level 1 or 2 drug misdemeanor; and

- The offense does not involve unlawful sexual behavior as defined in §16-22-102(9), C.R.S., is not an act of domestic violence as defined in § 18-6-800.3, C.R.S., and is not a crime under §24-4.1-302(1), C.R.S.; and
- I was under 18 years old at the time the offense was committed.

☐ On _____ (date), I successfully completed one of the following:

- A juvenile diversion program, a deferred adjudication, or an information adjustment;
- A juvenile sentence for an adjudication for a class 1 misdemeanor or a petty or a misdemeanor offense that is not eligible for expungement in the sections above, and the offense did not involve unlawful sexual behavior as defined in §16-22-102 (9), C.R.S.;

☐ District Court ☐ Denver Juvenile Court _____ County, Colorado Court Address: _____ ☐ People of the State of Colorado in the Interest of: ☐ People of the State of Colorado v. _____ ☐ People of the City of _____ v. _____ Juvenile: _____ Date of Birth: _____	COURT USE ONLY Case Number: _____ Division _____ Courtroom _____
ORDER OF EXPUNGEMENT OF RECORDS ☐ JUVENILE "JD" CASE OR ☐ MUNICIPAL COURT CASE	

This matter having come before this Court for Expungement of Records, the Court finds:

- ☐ All statutory requirements have been met under §19-1-306(4), C.R.S.
- ☐ All statutory requirements have been met under §19-1-306(5), C.R.S.; and
- ☐ The Juvenile has been rehabilitated to the satisfaction of the Court.
☐ The expungement is in the best interests of the Juvenile and the community.
- ☐ All statutory requirements have been met under §19-1-306(6), C.R.S. and there are no felony, misdemeanor, or delinquency actions pending against the Petitioner.
- ☐ All statutory requirements have been met under §19-1-306(9), C.R.S; and
- ☐ The Juvenile has been rehabilitated to the satisfaction of the Court; and
☐ The expungement is in the best interests of the Juvenile and the community

The Court also finds that:

The Court Orders That:

1. The following record(s) can be expunged.

Date of Offense	Charge	Agency Case Number	Arresting Agency	Court Case Number (if Applicable)

2. After expungement, upon any inquiry in this matter, all persons in charge of expunged records shall reply that no record exists. Records shall not be open to the public but shall be available to a district attorney, local law enforcement agency, the department of human services, the state judicial department and the victim as defined

in §24-4.1-302(5), C.R.S.; except that such information shall NOT be available to an agency of the military forces of the United States.

3. The records shall be available to any judge or probation department for use in any future juvenile or adult sentencing hearing regarding the Petitioner.
4. ☐ If applicable, send a copy of this Order to the originating court to expunge its record due to a change of venue. The originating court is responsible for notifying local law enforcement.
5. The Court shall mail a copy of this Order to the following:
- ☐ Juvenile _____
 - ☐ Juvenile's last attorney of record _____
 - ☐ Sheriff's Department _____
 - ☐ Probation Department _____
 - ☐ District Attorney _____
 - ☐ Municipal (City) Attorney _____
 - ☐ Law Enforcement Agency _____
 - ☐ Colorado Bureau of Investigation, 690 Kipling St., Suite 3000, Attn: Identification- Seals Lakewood, CO 80215
 - ☐ Municipal Court _____
 - ☐ State Court Administrator's Office, 1300 Broadway Suite 1200, Denver, CO 80203; Attn: Records Sealed
 - ☐ Division of Youth Services, DYS Closed Records 3900 S. Carr St. Bldg. #81 Denver, CO 80235
 - ☐ Department of Human Services _____
 - ☐ Department of Corrections _____
 - ☐ School _____
 - ☐ _____
 - ☐ _____

Date: _____

☐ Judge ☐ Magistrate

CERTIFICATE OF SERVICE

I certify that on _____ (date), I ☐ e-filed through jPOD, ☐ hand-delivered or ☐ mailed a copy of this Order to the following address:

To: ☐ Juvenile and/or ☐ Juvenile's Attorney

To: ☐ Sheriff's Department or ☐ Law Enforcement Agency

To: ☐ Probation Department

To: ☐ District Attorney or Municipal (City) Attorney

To: ☐ Department of Human Services

To: ☐ Colorado Bureau of Investigation

690 Kipling Street, Suite 3000

Attn: Identification - Seals

Lakewood, CO 80215

To: ☐ State Court Administrator's Office,

1300 Broadway, Suite 1200

Denver, CO 80203

Attn: Records Sealed

To: ☐ School

To: ☐ _____

To: ☐ Department of Corrections

To: ☐ Municipal Court

To: ☐ Division of Youth Services

Closed Records

3900 S. Carr St, Bldg. #81

Denver, CO 80235

To: ☐ _____

Clerk

From: John Shaver
Sent: Friday, February 16, 2018 4:53 PM
To: Care' McInnis
Cc: danrobinlaw@gmail.com;Greg Caton;Rick Taggart
Subject: Deferred Judgments
Attachments: Deferred Judgments.pdf

Judge McInnis,

Please find attached a letter regarding the offering of deferred judgments in Grand Junction Municipal Court. There have been a number of defendants that have requested deferreds, which as you know are not currently being offered. It would be my hope, so as to save time and inconvenience to all concerned, that the Court not encourage a disposition that is not available. I welcome the opportunity to discuss the letter, the proposed municipal court ordinance or any other matter of shared concern.

John

This electronic mail transmission is from John P. Shaver, City Attorney for the City of Grand Junction, CO. The information contained in this message may be privileged and/or confidential, protected by the attorney-client privilege or the attorney work product doctrine. The privileges are not waived by virtue of this message being sent to you in error. If the person receiving this message or any other reader of the message is not the intended recipient, please note that disclosure, copying, distribution or use of the information contained in the message is prohibited. If you have received this message in error, please immediately return it via e-mail and then delete the message by which it is returned.

February 16, 2018

The Honorable Care' McInnis
Grand Junction Municipal Court
250 N. 5th Street
Grand Junction, CO 81501
Via e-mail

Re: Offering of Deferred Judgments

Dear Judge McInnis,

Recently we have had a number of defendants contact Ms. Merritt, Ms. Beard and/or Mr. Belkin requesting deferred judgments on criminal and traffic citations. I am told that common to all of the requests the defendants related being advised by the Court to request a deferred and furthermore, the defendants have said that they were told that a deferred *should be no problem* or words to that effect which the defendants believed to be an endorsement by the Judge and/or Court staff. While the Court's suggestion of a disposition is problem enough, the indication that a deferred judgment will or should be offered only confuses defendants and unjustifiably increases expense, delay and inefficiency in the administration of justice.

According to the Colorado Supreme Court in *People v. Clark*, 515 P.2d 1242, "participation by the trial judge in the plea bargaining process must be condemned" and I respectfully request that the Court cease advising defendants of any possible disposition(s). Certainly it is proper for the Court to facilitate defendants contacting the prosecutors but beyond providing a telephone number or location in the building of the prosecutor's office, the Court has no role in offering, suggesting or otherwise involving itself in what offer is or is not made to any defendant.

Lest there be any question please know that the current policy regarding deferred judgments is in response to the position that you have taken regarding diversion.

Prior to October 2017 both diversion and deferred judgments were possible dispositions commended to the sound discretion of the prosecutors. Because you asserted to the Office of Attorney Regulation (OAR) as well as City Council prior to your filing with OAR, that the diversion program, which was conducted pursuant to Colorado law (C.R.S. 18-1.3-101 *et seq.* and/or 19-2-303 *et seq.* and *inter alia*) was "illegal" the dispositions are no longer offered. Curiously the assertion of "illegality" was without entry of any order by you and therefore the People have no appeal; however, because diversion was premised on statutory

Judge McInnis
February 16, 2017
Page 2

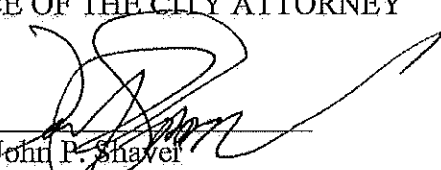
authority and not a local ordinance, as would be deferred judgments (see, C.R.S. 18-1.3-102), I directed the suspension of the offering of diversion and deferred judgment as those dispositions are not authorized by a Grand Junction ordinance(s).

As you know I have proposed to the Council an ordinance that addresses both diversion and deferred judgment, as well as other matters of jurisdiction and operations of the Court. The City Council named a committee to review the ordinance, with the first task being diversion. You, Mayor Taggart and I had many meetings during the Spring and Summer of 2017. At the cessation of those meetings you remained opposed to the ordinance and nothing progressed to City Council. Not long thereafter I became aware of your filing with the OAR. Because the filing with the OAR is a very serious matter and because I remain uncertain of what you conclude is "illegal" about diversion, I was left with no option but to suspend deferred judgments as the authority for both, in the absence of a City ordinance, derives from State law.

I can neither subject the prosecutors nor myself to possible sanctions and/or I cannot subject the City to potential liability by the offering of dispositions that have the same legal status yet you have repeatedly claimed one to be "illegal" while encouraging the other.

In light of the foregoing please do not discuss deferred judgments as possible dispositions with Municipal Court defendants as it is a disservice to the defendants and makes the conduct of matters before the Court unnecessarily complicated.

OFFICE OF THE CITY ATTORNEY

by: 

John P. Shaver
City Attorney

250 N. 5th Street
Grand Junction, Colorado 81501

pc: City Manager Greg Caton
Judge Dan Robinson
Mayor Rick Taggart

From: Joanna Adams
Sent: Thursday, March 01, 2018 9:07 AM
To: John Shaver;Care' McInnis
Subject: Re: ACLU of Colorado - URGENT: HB 17-1338 and Request for Records
Attachments: 20180301090415529.pdf

John - attached is a copy of the warrant that is now being used.

Let me know if you need any thing further

Thanks - Joanna

From: John Shaver
Sent: Wednesday, February 28, 2018 12:18:05 PM
To: Care' McInnis
Cc: Joanna Adams
Subject: Re: ACLU of Colorado - URGENT: HB 17-1338 and Request for Records

Judge McInnis,

Please forward the warrant form; I have an e-mail with the December 21st order but I did not receive, after our correspondence in late December, the modified warrant form. For your ready reference I have included below an excerpt from our communication of December 29.

Please send the warrant and I will reply to the ACLU.

John

Care' McInnis

|
Fri 12/29/2017, 12:30 PM

Thank you for the suggestions John. We will delete the \$500 from the warrant language which will result in an unsecured PR bond.

We will have a paper copy of a blank warrant and the standing order available in your pick-up box for Jennifer by this afternoon.

Care' McInnis
Presiding Judge
City of Grand Junction

This electronic mail transmission is from Care' McInnis, Presiding Judge for the City of Grand Junction, CO. The information contained in this message may be privileged and/or confidential, protected by the attorney-client

privilege or the attorney work product doctrine. The privileges are not waived by virtue of this message being sent to you in error. If the person receiving this message or any other reader of the message is not the intended recipient, please note that disclosure, copying, distribution or use of the information contained in the message is prohibited. If you have received this message in error, please immediately return it via e-mail and then delete the message by which it is returned.

John Shaver

|

Fri 12/29/2017, 10:33 AM

The suggested warrant language and the standing order are inconsistent; there is nothing in the order about a "\$500 PR bond." I would expect the ACLU to be all over that.

I do not know if there is law that a monetary condition on a PR bond satisfies HB17-1338 - do you? If there is law, I would recommend that it be cited as authority in the proposed warrant language and/or amend the standing order to reflect that authority/be consistent with the bond.

Once these questions have been resolved please provide the final version of the warrant and the order to me and I will forward the same to the ACLU.

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From: Care' McInnis

Sent: Wednesday, February 28, 2018 11:44 AM

To: John Shaver

Subject: Fw: ACLU of Colorado - URGENT: HB 17-1338 and Request for Records

Mr. Shaver,

Please be advised of the request received from the ACLU. If you need anything further from the court please let me know.

Thank you.

Care' McInnis
Presiding Judge
City of Grand Junction

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From: Joanna Adams
Sent: Wednesday, February 28, 2018 10:53 AM
To: Care' McInnis
Subject: Fw: ACLU of Colorado - URGENT: HB 17-1338 and Request for Records

From: courts
Sent: Wednesday, February 28, 2018 10:08 AM
To: Joanna Adams; Amy Cordova; Robin Segura-Broughton
Subject: FW: ACLU of Colorado - URGENT: HB 17-1338 and Request for Records

From: Jessica Howard
Sent: Wednesday, February 28, 2018 10:07:32 AM (UTC-07:00) Mountain Time (US & Canada)
To: courts
Cc: Joan Richardson
Subject: ACLU of Colorado - URGENT: HB 17-1338 and Request for Records



Nathan Woodliff-Stanley, Executive Director
Mark Silverstein, Legal Director

February 28, 2018

SENT VIA EMAIL: courts@gjcity.org

Attn: Court Administrator
Grand Junction Municipal Court

Re: House Bill 17-1338 and Request for Records

Dear Grand Junction Court Administrator,

We are writing to ensure that you are aware of the requirements of House Bill 17-1338 (HB 1338), which went into effect on January 1, 2018.

Attached is a copy of the general letter that was sent on December 1, along with a copy of HB 1338 and a fact sheet. The letter was addressed and sent via US mail to your municipal court judge and e-mailed to your city attorney, based on the contact information we have on file. Included in the letter was a records request, which requires a response under Colorado law.

In order to comply with the requirements of HB 1338, if your municipality or court ever has individuals arrested related to municipal charges, your court must adopt a standing order, distribute that order to the county jail, and change the language on arrest warrants issued by your court. These and other mandates of the new law were detailed in the letter we sent.

Request for Records

- Please provide both the standing order and the updated warrant form to the ACLU **by March 15.**
- In the alternative, should your court never have in-custody municipal defendants, please let us know **by March 15.**
- Please feel free to reply via e-mail and copy Jessica Howard, Legal Assistant at jhoward@aclu-co.org. Questions can be directed to Jessica at 720-402-3113.

Sincerely,



Rebecca Wallace
Staff Attorney & Policy Counsel, ACLU OF COLORADO
Encl. (1) December 1, 2017 ACLU Letter
(2) Copy of HB 17-1338
(3) ACLU Fact Sheet – HB 17-1338

From: Care' McInnis
Sent: Friday, March 23, 2018 11:59 AM
To: Michael Nordine; Susan Hyatt
Cc: Joanna Adams; Robert Russell; Greg Caton
Subject: Re: Muni Court Security

Gentlemen,

Your expertise regarding the frequency and specific training, (ex.-"x" rounds every "x" months), would be greatly appreciated as we are all lay-people in this regard. Otherwise, I think we are comfortable with the contract for private security.

Please let me know if you have any questions and thank you for your assistance.

Care' McInnis
Presiding Judge
City of Grand Junction

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From: Michael Nordine
Sent: Friday, March 23, 2018 10:12:06 AM
To: Susan Hyatt
Cc: Care' McInnis; Joanna Adams; Robert Russell; Greg Caton
Subject: RE: Muni Court Security

Susan,

Our having responsibility is also news to me. As I recall when Courts went down the path of hiring private security for this function we were not involved in the bid/procurement process. Also, to that point I do know we don't have the funds in the PD budget. So, quite frankly, I'm pretty sure I don't want to accept responsibility for it today.

Thank you,

Michael A. Nordine
Interim Chief of Police
Grand Junction Police Department
555 Ute Avenue
Grand Junction, CO 81501
(970)549-5110

From: Robert Russell
Sent: Friday, March 23, 2018 9:59 AM
To: Susan Hyatt <susanh@gjcity.org>; Michael Nordine <miken@gjcity.org>
Cc: Care' McInnis <carem@gjcity.org>; Joanna Adams <joannaa@gjcity.org>
Subject: Re: Muni Court Security

Susan,

Unless Mike thinks otherwise, I'm fine with you moving forward on the process. I've never been asked about this in the past and this is the first I've heard that we're responsible.

Thanks.

Bob R.

Get [Outlook for iOS](#)

From: Susan Hyatt
Sent: Thursday, March 22, 2018 10:45:20 AM
To: Robert Russell; Michael Nordine
Cc: Care' McInnis; Joanna Adams
Subject: Muni Court Security

Bob/Mike,

Municipal Court is going out for bid for Security Services. Care' mentioned PD is responsible for court security.

Do you want to see or participate in the solicitation before it goes out on the street? If it's your responsibility I want to make sure we cover all the bases.

Thank you!

Susan

Susan Hyatt
City of Grand Junction
Purchasing Division
250 North 5th Street
Grand Junction, CO 81501
970-244-1513
susanh@gjcity.org



From: Care' McInnis
Sent: Tuesday, March 13, 2018 6:57 AM
To: Rick Taggart
Subject: Substitute Judges

Mayor Taggart,

I just wanted to advise you that my clerks were given direction from Claudia to arrange for a substitute Judge today and possibly the rest of the week. When Judge Mueller appeared for work today I advised that I would be on the bench today.

Care' McInnis
Presiding Judge
City of Grand Junction

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From: Care' McInnis
Sent: Sunday, March 25, 2018 3:26 AM
To: Michael Nordine; Susan Hyatt
Cc: Joanna Adams; Robert Russell; Greg Caton; Gary Marak
Subject: Re: Muni Court Security

Chief,

Thank you for your offer of assistance. I highly respect your expertise in determining what type of ongoing training our security in the courtroom may require.

I did not intend to re-assign any obligation from the court to the PD. In the past, we have worked with Chief Camper and others in compliance with the statute and case law that the PD would assist with security in the Municipal Court, and the Sheriff would do so in the State Courts.

I look forward to your input especially in regards to an adequate bullet proof vest and ongoing training similar to what you feel is best for your officers given the same circumstances.

Again, thank you for your assistance.

Care' McInnis
Presiding Judge
City of Grand Junction

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From: Michael Nordine
Sent: Friday, March 23, 2018 8:38:10 PM
To: Care' McInnis; Susan Hyatt
Cc: Joanna Adams; Robert Russell; Greg Caton; Gary Marak
Subject: Re: Muni Court Security

Care',

I certainly don't have a problem with offering any advice you would like in preparing the RFP. I will make Commander Russell available to provide any help you may need with that. My concern was with the initial email which seemed to re-assign responsibility for court security to the PD.

Thank you,

Get [Outlook for iOS](#)

From: Care' McInnis
Sent: Friday, March 23, 2018 11:58:42 AM
To: Michael Nordine; Susan Hyatt
Cc: Joanna Adams; Robert Russell; Greg Caton
Subject: Re: Muni Court Security

Gentlemen,

Your expertise regarding the frequency and specific training, (ex.-"x" rounds every "x" months), would be greatly appreciated as we are all lay-people in this regard. Otherwise, I think we are comfortable with the contract for private security.

Please let me know if you have any questions and thank you for your assistance.

Care' McInnis
Presiding Judge
City of Grand Junction

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From: Michael Nordine
Sent: Friday, March 23, 2018 10:12:06 AM
To: Susan Hyatt
Cc: Care' McInnis; Joanna Adams; Robert Russell; Greg Caton
Subject: RE: Muni Court Security

Susan,

Our having responsibility is also news to me. As I recall when Courts went down the path of hiring private security for this function we were not involved in the bid/procurement process. Also, to that point I do know we don't have the funds in the PD budget. So, quite frankly, I'm pretty sure I don't want to accept responsibility for it today.

Thank you,

Michael A. Nordine
Interim Chief of Police
Grand Junction Police Department
555 Ute Avenue
Grand Junction, CO 81501
(970)549-5110

From: Robert Russell
Sent: Friday, March 23, 2018 9:59 AM
To: Susan Hyatt <susanh@gjcity.org>; Michael Nordine <miken@gjcity.org>

Cc: Care' McInnis <carem@gjcity.org>; Joanna Adams <joannaa@gjcity.org>

Subject: Re: Muni Court Security

Susan,

Unless Mike thinks otherwise, I'm fine with you moving forward on the process. I've never been asked about this in the past and this is the first I've heard that we're responsible.

Thanks.

Bob R.

Get [Outlook for iOS](#)

From: Susan Hyatt

Sent: Thursday, March 22, 2018 10:45:20 AM

To: Robert Russell; Michael Nordine

Cc: Care' McInnis; Joanna Adams

Subject: Muni Court Security

Bob/Mike,

Municipal Court is going out for bid for Security Services. Care' mentioned PD is responsible for court security.

Do you want to see or participate in the solicitation before it goes out on the street? If it's your responsibility I want to make sure we cover all the bases.

Thank you!

Susan

Susan Hyatt

City of Grand Junction

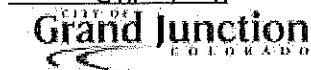
Purchasing Division

250 North 5th Street

Grand Junction, CO 81501

970-244-1513

susanh@gjcity.org



From: John Shaver
Sent: Monday, February 05, 2018 2:18 PM
To: Care' McInnis; danrobinlaw@gmail.com
Cc: Jamie Beard; DeLayne Merritt
Subject: Reply to February 1, 2018 Letter
Attachments: McInnis & Robinson02052018.pdf

Judge McInnis and Judge Robinson,

Please find attached a reply to your recent letter. If you would like to discuss the letter, my reply or any other matter, please let me know.

John

This electronic mail transmission is from John P. Shaver, City Attorney for the City of Grand Junction, CO. The information contained in this message may be privileged and/or confidential, protected by the attorney-client privilege or the attorney work product doctrine. The privileges are not waived by virtue of this message being sent to you in error. If the person receiving this message or any other reader of the message is not the intended recipient, please note that disclosure, copying, distribution or use of the information contained in the message is prohibited. If you have received this message in error, please immediately return it via e-mail and then delete the message by which it is returned.

February 5, 2018

The Honorable Care' McInnis and Dan Robinson
Grand Junction Municipal Court
250 N. 5th Street
Grand Junction, CO 81501
Via e-mail

Re: Your Letter of February 1, 2018

Dear Judge McInnis and Judge Robinson,

I am writing in response to your recent letter regarding expungement of "some criminal records" and your request for information from my office "so that we may comply with the statute." Because your letter does not state what "criminal records" you are referring to I will assume that you are asking about juvenile diversion and that the "statute" with which you intend to comply is C.R.S. 19-1-101 *et. seq.* If either or both of those assumptions is incorrect, please let me know.

While some changes to C.R.S. 19-1-306 became effective in November of last year, the definition of "court" did not change. Accordingly, the Municipal Court is without jurisdiction to make the request that you have made. The definition of "court" is specific to "the juvenile court of the city and county of Denver or the juvenile division of the district court outside the city and county of Denver." See, C.R.S. 19-1-103(70). If you are aware of a case that has construed the definition differently or other law that would confer jurisdiction other than in the courts stated in C.R.S. 19-1-103(70) or 19-1-306(9)(f) (which refers to the bi-annual municipal court expungement) please provide that to me at your earliest convenience.

Notwithstanding the jurisdictional problem with your request (specifically the 6 particulars listed in your letter) please know that my staff has: a) notified juveniles with diversion contracts of their right to petition the juvenile court to expunge records and b) provided affirmative notice of successful completion of diversion. I have attached for your information samples of both notifications.

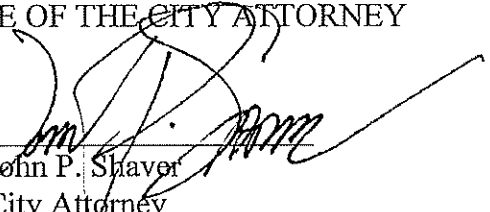
Please also know that if/when the District Court sends notice in accordance with C.R.S 19-1-306(5)(a) my office will evaluate each notice and as deemed appropriate by them object or not and/or provide information to the District Court and/or appear at the hearing if an objection is filed, all pursuant to C.R.S 19-1-306.

Judge McInnis
Judge Robinson
February 5, 2017
Page 2

If I have failed to discern what criminal records or statute you had in mind or if you are aware of a case or other law that confers jurisdiction other than in district court under C.R.S 19-1-306(5)(a) or (9), except for the bi-annual expungement pursuant to (9)(f), please let me know. To facilitate the bi-annual process, when it occurs, we will provide copies of the completion affidavits for those persons that have successfully completed their contracts and have not previously petitioned for an expungement order from the District Court.

I would be pleased to discuss this or any other matter with you at your convenience.

OFFICE OF THE CITY ATTORNEY

by: 

John P. Shaver
City Attorney

250 N. 5th Street

Grand Junction, Colorado 81501

pc: Assistant City Attorney Jamie Beard
Staff Attorney DeLayne Merritt



Date

John Doe
c/o Parent or Guardian
1234 Happy Place
Grand Junction, CO 81501

Re: Citation No. G000000
Diversion Agreement

Mr. Doe and Parent or Guardian:

Please find this letter as notice that the diversion agreement you entered into with the City Attorney's Office on _____ regarding the Citation No. G000000 you received on _____ for the charge of MIP Marijuana is complete. You have complied with all of the terms and conditions of the agreement. No further criminal prosecution concerning this offense will be instituted in the municipal court.

YOU MAY BE ELIGIBLE TO EXPUNGE CERTAIN RECORDS. You may petition the Juvenile Court of the Twenty-first Judicial District (at the Mesa County Courthouse) requesting an Order of expungement of certain records regarding this matter since you completed the diversion program if there is no proceeding concerning a felony, misdemeanor, or delinquency action pending against you. A filing fee, notarization, or other formalities are not required. The petition may only be filed once during a twelve-month period.

On November 1st of each year, the Municipal Court shall review all juvenile court files during the two previous years that resulted in a diversion or dismissal, and enter an expungement order for all juveniles eligible for expungement if an expungement order was not previously made. If you have any questions/concerns, please consult the State statutes or legal counsel with respect to these matters. The City Attorney is the prosecutor for the City of Grand Junction and cannot give you legal advice. Please consult your own legal counsel if you have questions regarding the sealing of your record.

If you have any questions, please do not hesitate to telephone me at (970) 244-1508.

OFFICE OF THE CITY ATTORNEY

DeLayne G. Merritt
Staff Attorney



Date _____

The City Attorney for the City of Grand Junction through the undersigned Staff Attorney, DeLayne G. Merritt, hereby certifies that per the records of the Office of the City Attorney John Doe did successfully complete all terms of the diversion agreement that he/she entered into with the City Attorney for the violation of GJMC Section 9.04.230 MIP Marijuana that occurred on _____ in relation to Citation No. G000000. The information included in the attached letter is accurate and was provided to Mr. Doe by the City Attorney's Office by US mail delivery on or about _____.

OFFICE OF THE CITY ATTORNEY

By: _____
DeLayne G. Merritt #40952

Sworn to before me on this the ____ day of _____ by DeLayne G. Merritt as Staff Attorney for the City of Grand Junction.

Witness my hand and seal.

My commission expires _____.

Notary Public

From: Care' McInnis
Sent: Thursday, February 01, 2018 9:43 PM
To: Rick Taggart
Subject: Re: Reviews

Thank you Mayor I understand. I did not see the agenda prior to sending my email earlier in the day and wanted to make myself available if Council needed me during the Monday time-slot.

Care' McInnis
Presiding Judge
City of Grand Junction

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From: Rick Taggart
Sent: Thursday, February 1, 2018 7:39:07 PM
To: Care' McInnis
Subject: RE: Reviews

Care', I am sorry I could not respond earlier, my day got away from me. The executive session and the topic that the Council will be receiving advice on and/or instructing negotiators on, as noticed, is privileged and as such I am not at liberty to discuss it with you.

Rick

From: Care' McInnis
Sent: Thursday, February 1, 2018 7:37 AM
To: Rick Taggart <rickt@gjcity.org>
Subject: Re: Reviews

Thank you Mayor. I would assume Monday's executive session must not involve the Municipal Judge?
Have a good weekend.

Care' McInnis
Presiding Judge
City of Grand Junction

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From: Rick Taggart
Sent: Thursday, February 1, 2018 6:24:21 AM
To: Care' McInnis
Subject: Reviews

Care' we have not yet set the date to complete the reviews for you, Greg and John. I will let you know as soon as we set a potential date. Rick

Sent from my iPhone

From: Rick Taggart
Sent: Tuesday, January 30, 2018 10:53 AM
To: Care' McInnis
Subject: Re: Executive Session Tuesday the 29th at 6:00 pm

No, you need not attend, this meeting is for Council deliberation. There will then be a follow up meeting with you. We can schedule this in the next few days, Rick.

Sent from my iPhone

On Jan 30, 2018, at 6:51 AM, Care' McInnis <carem@gjcity.org> wrote:

Thank you Mayor. I was assuming you would like me to attend. Is this correct?

Care' McInnis
Presiding Judge
City of Grand Junction

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From: Rick Taggart
Sent: Monday, January 29, 2018 5:55:59 PM
To: Care' McInnis
Subject: Executive Session Tuesday the 29th at 6:00 pm

Care`,

Council is holding an Executive Session tomorrow at 6:00 P.M. to resume discussion of your evaluation. Council has some concerns and has asked for additional time to deliberate and consult. As you may know you may request the meeting to be open. If you prefer an open meeting, please send an e-mail to me. Communicating to me will help to ensure clear and concise communication.

Rick

From: Rick Taggart
Sent: Monday, January 29, 2018 5:56 PM
To: Care' McInnis
Subject: Executive Session Tuesday the 29th at 6:00 pm

Care`,

Council is holding an Executive Session tomorrow at 6:00 P.M. to resume discussion of your evaluation. Council has some concerns and has asked for additional time to deliberate and consult. As you may know you may request the meeting to be open. If you prefer an open meeting, please send an e-mail to me. Communicating to me will help to ensure clear and concise communication.

Rick

From: Care' McInnis
Sent: Wednesday, January 17, 2018 7:11 AM
To: Greg Caton
Subject: Re: video collaboration

Thank you Greg.

Care' McInnis
Presiding Judge
City of Grand Junction

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From: Greg Caton
Sent: Tuesday, January 16, 2018 5:48:16 PM
To: Care' McInnis
Subject: RE: video collaboration

Hi Judge,

Thank you for the email. I will have the most appropriate IT staff person make contact with you to see how they can assist.

Thank you,
Greg

Greg Caton, ICMA – CM
City Manager
City of Grand Junction
970-244-1502

From: Care' McInnis
Sent: Tuesday, January 16, 2018 11:09 AM
To: Greg Caton <gregc@gjcity.org>
Subject: video collaboration

Greg,
I serve on a committee with the head of Mind Springs. She and I have determined that both the Court and Mind Springs could mutually benefit from a brief video link-up in some cases. Both agencies may already have

the technology to make this happen without further expense. We already do this three times a week with the Mesa County Jail.

Long story short, I would like to contact IT to discuss this, and they may be able to discuss it with the VP of IT at Mind Springs.

Do you have any objection to me contacting IT directly in this regard?

Thanks.

Care' McInnis
Presiding Judge
City of Grand Junction

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From: Care' McInnis
Sent: Tuesday, January 16, 2018 11:09 AM
To: Greg Caton
Subject: video collaboration

Greg,

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Long story short, I would like to contact IT to discuss this, and they may be able to discuss it with the VP of IT at Mind Springs.

Do you have any objection to me contacting IT directly in this regard?

Thanks.

Care' McInnis
Presiding Judge
City of Grand Junction

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From: John Shaver
Sent: Tuesday, January 02, 2018 9:05 AM
To: Care' McInnis
Subject: Re: standing order

Judge McInnis,

Did Judge Robinson, Lake and Mueller receive/review the proposed re-written order including the date change? Did you notify them of the date problem so it could be changed for their courts? If the three substitute judges did not see the proposed draft and/or are not aware of the date problem, it is my advice that they need to see the draft and separately correct the dates for each of their signatures/respective courts use. Did all 3 decline to use the amended version and/or authorize the date change? I will be glad to talk with each and or forward the draft for their review.

Among others, paragraphs 4 and 5 of the executed order are unclear and may create confusion: in paragraph 4 the phrase "... absent further notice from the Court, regarding any applicable exceptions" seems to create an obligation for the Court to identify/notify of "applicable exceptions" (which is contrary to the "automatic" aspect of the new law) and in paragraph 5 the first sentence provides (in relevant part) "should the defendant fail to comply with the issuance of an unsecured personal recognizance bond ..." What is *failing to comply with the issuance* and how and when will the jail staff know that has happened?

Upon receipt of an e-mail from you with a final version of the order I will forward it to the ACLU as you have requested.

John

This electronic mail transmission is from John P. Shaver, City Attorney for the City of Grand Junction, CO. The information contained in this message may be privileged and/or confidential, protected by the attorney-client privilege or the attorney work product doctrine. The privileges are not waived by virtue of this message being sent to you in error. If the person receiving this message or any other reader of the message is not the intended recipient, please note that disclosure, copying, distribution or use of the information contained in the message is prohibited. If you have received this message in error, please immediately return it via e-mail and then delete the message by which it is returned.

From: Care' McInnis
Sent: Saturday, December 30, 2017 2:59 PM
To: John Shaver
Subject: standing order

John,
Attached please find my standing order with a revised date.

Care' McInnis
Presiding Judge
City of Grand Junction

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From: Care' McInnis
Sent: Wednesday, January 03, 2018 2:35 PM
To: John Shaver
Subject: Re: standing order

John,
I have previously provided you the final version of the order which is supported by all of the judges.

Care' McInnis
Presiding Judge
City of Grand Junction

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From: John Shaver
Sent: Tuesday, January 2, 2018 9:05:00 AM
To: Care' McInnis
Subject: Re: standing order

Judge McInnis,

Did Judge Robinson, Lake and Mueller receive/review the proposed re-written order including the date change? Did you notify them of the date problem so it could be changed for their courts? If the three substitute judges did not see the proposed draft and/or are not aware of the date problem, it is my advice that they need to see the draft and separately correct the dates for each of their signatures/respective courts use. Did all 3 decline to use the amended version and/or authorize the date change? I will be glad to talk with each and or forward the draft for their review.

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Upon receipt of an e-mail from you with a final version of the order I will forward it to the ACLU as you have requested.

John

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From: Care' McInnis
Sent: Saturday, December 30, 2017 2:59 PM
To: John Shaver
Subject: standing order

John,
Attached please find my standing order with a revised date.

Care' McInnis
Presiding Judge
City of Grand Junction

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From: Care' McInnis
Sent: Sunday, January 14, 2018 4:37 PM
To: Rick Taggart;Bennett Boeschstein;Barbara Traylor Smith;Duncan McArthur;Duke Wortmann;Phyllis Norris;Chris Kennedy
Subject: Municipal Judge Performance Review
Attachments: 20180114162930376.pdf

Mayor Taggart and Members of Council,
Attached please find my self assessment and compensation request in anticipation of my performance review January 19, 2018.
Thank you.
Care' McInnis
Presiding Judge
City of Grand Junction

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Presiding Municipal Judge

MEMORANDUM

TO: Mayor Taggart, and Members of City Council
FROM: Care' McInnis, Presiding Municipal Judge
SUBJECT: Self Assessment for Performance Evaluation
DATE: January 17, 2018

A handwritten signature in black ink, appearing to read "Care' McInnis", written over the typed name in the memorandum header.

The purpose of this memorandum is to provide a self-assessment of my performance over the past year in the position of Presiding Municipal Judge for the Grand Junction Municipal Court. It is intended for use during my performance evaluation in executive session January 19, 2018. I have not been provided the rubric utilized by Council for this review but have attached a copy of the rubric and job description approved by Council in April of 2017 for your convenience.

The role of the Grand Junction Municipal Court is to provide justice and public safety. We continue to provide a fair and impartial process for the special populations of the mentally ill, addicted, chronically homeless, juveniles, and those appearing in a courtroom for the first and only time.

The foundation of the court continues to be based upon a mutual respect between the Judiciary, and those that appear in our court. I explain the court procedures, law, reasoning, and conclusions thoroughly to defendants in a way which is clearly understood by those that are not familiar with the court, or those who might be intimidated by it. Most importantly, those that appear in the court are provided an opportunity to be heard in a fair and impartial way, and in compliance with law. I have been serving as a Municipal Court Judge for the City of Grand Junction since 1994, and continue to enjoy the people and processes therein.

In my first full year as the Manager of the Operations of the Municipal Court, there were 4,673 new cases and 8,091 new parking tickets. The number of misdemeanor and traffic tickets slightly increased and parking tickets increased significantly from the 5,085 tickets issued in 2016.

None of my rulings were reversed on appeal in 2017. I take pride in the fact that I have been reversed only once on appeal in over 24 years on the bench in the City of Grand Junction and elsewhere, and am well versed in municipal law.

As both a judge and manager of operations of the court, I continue to focus on strong intergovernmental relationships and partnerships. District Court Chief Judge Brian Flynn invited me to join him on the Mesa County Criminal Justice Advisory Committee, (CIAC), as the Municipal Judge for the region in 2018. The purpose of CIAC

is to serve as the primary planning body to formulate policy, and discuss and develop plans and programs for the criminal justice systems in Mesa County and the 21st Judicial District. I have been elected to the Board of Directors for the Statewide Colorado Municipal Judges Association. I continue to serve on the Statewide rules committee to evaluate the Colorado Municipal Court Rules and make recommendations to the Colorado Supreme Court. I serve on a Judicial strategy committee consisting largely of front range Judicial officers. The purpose of this committee is to be proactive regarding possible legislation concerning the Municipal Courts, and to mitigate risk in applying new law. We communicate with groups and agencies such as CML and the ACLU, within the restrictions of the Code of Judicial Ethics.

My collaboration on a local and regional level comports with Council's newly adopted Strategic Plan. The municipal judges from the five municipal courts in Mesa County worked with the Sheriff's department to enact a joint order in 2017. The order provides defendant's an opportunity to expeditiously appear before judge, and is unique to Mesa County. It is anticipated that this partnership will reduce the use of jail beds and efficiently resolve cases. The excellent relationship amongst the Judiciary of all levels effectively serves the City as well as the community at large.

I continue to pursue restorative justice with our juvenile defendants in collaboration with Partners of Mesa County, and through our highly successful Teen Court program with School District 51. Each semester I am a guest speaker for both Grand Junction High School students and those currently attending Colorado Mesa University with an interest in law or work within a municipality.

The Grand Junction Municipal Court hosted the Western Slope conference for Municipal Court Clerks in 2017. In a unique collaboration, I teamed up with the "Visit Grand Junction", to assure that all participants received material highlighting the Grand Valley when returning home to their respective towns and cities.

I worked with the IT department providing a presence for the Municipal Court within the City of Grand Junction's website. The newly created Municipal Court section outlines processes and self help for those that have never interacted with the court, including forms and transparent lists of court costs and scheduled fines.

Each year I stress the importance of security within a criminal court. The Grand Junction Police department agreed to provide specific on-site security trainings for my staff to protect citizens and employees. I plan on continuing this practice on an annual basis into the future.

The first full year of moving a court clerk into the courtroom proved highly successful, and efficient. Most all documents presented in court were scanned immediately into the court system providing immediate access and transparency to court staff outside of the courtroom and to the Office of the City Attorney. The court clerk assisted the Judges while on the bench increasing the efficiency of each docket. My participation in the budget process resulted in funding in 2018 for updating and improving our files, filing cabinets, and sound systems. The collection of court fines far exceeded the \$350,000 projected in the amended budget with \$403,403 in 2017. These figures do not include monies received by the court as a result of the 8,091 parking tickets.

In addition to acting proactively to proposed and adopted State legislative changes, many unfunded changes were incorporated into the processes of the Grand Junction Municipal Court. These changes include sealing/expunging of numerous records and ordering other agencies to do so as well, and holding video dockets every Monday, Wednesday, and Friday.

In 2018, I will be partnering with the Statewide Internet Portal Authority, (SIPA), and internally with the IT department. We plan to transform service delivery through the use of technology for customers with payments

for monies owed to the court. This partnership through the governmental website is at no additional cost to the City of Grand Junction. Additionally, I will continue to assist in fully integrating online payments for parking matters thus reducing necessary court staff time and increasing efficiency.

Proactively participating in the City budget process in 2017 has lead to the collaboration with defense counsel and the Mesa County jail in providing Court appointed counsel for incarcerated defendants during video appearances. This is in compliance with Statewide legislation effective July 1, 2018.

I plan to continue to pursue personnel and resources for effective service levels to promote justice and public safety. The Municipal Court will be impacted should the Grand Junction Police Department traffic unit be re-established. I hope to assure a smooth transition for the department when the long term court administrator retires in 2018 by proactively filling her position prior to her departure. I will continue to pursue assistance in enforcing the lawful orders of the Court, which is essential in a criminal court. I will focus on true integration for the Municipal Court as a Manager, and at the department head level.

I truly love my work in the courtroom and the people therein. I have an exceptional staff that goes above and beyond to handle the heavy workload and serve those that participate in the municipal court judicial system. The Municipal Court is where the "rubber hits the road". Some defendants choose to take their case to trial and are acquitted of their charges. Other lower risk defendants are provided an opportunity to make the victims whole, while in many cases moving on to college, buying a home, and obtaining gainful employment without the burden of a criminal record.

I would respectfully request that Council deliberate on my personnel matters or performance evaluation; negotiations over my compensation and benefits;; in executive session consistent with State law, and all direct reports. I have attached under separate cover the confidential requests and supporting documentation for my request.

Thank you for allowing me to continue to serve as the Presiding Judge for the Grand Junction Municipal Court.

2016 PRESIDING MUNICIPAL JUDGE PERFORMANCE EVALUATION

PERFORMANCE DIMENSION	COUNCIL MEMBER COMMENTS	PERFORMANCE LEVEL
Communication and Customer Relations • Thorough and effective communication, both oral and written. • Availability to Council, personally and through appropriate, designated subordinates. • Maintain an effective and dependable stream of information reporting to Council the current issues/concerns. • Provide effective materials to Council in a comprehensive and clear manner.		Circle one: Distinguished Highly Competent Competent Inconsistent Unsatisfactory
Relationship with Public/Public Relations • Promote and provide for customer service training of employees in contact with the public, either by phone or in person. • Ensure that an attitude of helpfulness, courtesy and sensitivity to public perception exists in employees coming in contact with the public. • Establish and maintain an image of the Court to the community that represents service and professionalism. • Establish and maintain a collaborative relationship with agencies, organizations and governmental jurisdictions involved in areas of concern that relate to services or activities of the Court.		Circle one: Distinguished Highly Competent Competent Inconsistent Unsatisfactory

2016 PRESIDING MUNICIPAL JUDGE PERFORMANCE EVALUATION

PERFORMANCE DIMENSION	COUNCIL MEMBER COMMENTS	PERFORMANCE LEVEL
Intergovernmental Relations - Maintain awareness of new law, legislation, decisions and other developments which may relate to or affect the Court. - Establish and maintain positive relations with judges, courts and other governmental jurisdictions, in areas that affect the Court. - Establish and maintain positive relations with local, regional, and statewide municipal courts and judges.		Circle one: Distinguished Highly Competent Competent Inconsistent Unsatisfactory
Professional/Personal - Demonstrate positive leadership and representation of the Court. - Maintain professional competence and a professional reputation. - Provide relevant, legal education to court staff. - Establish and maintain ethical standards.		Circle one: Distinguished Highly Competent Competent Inconsistent Unsatisfactory

PRESIDING MUNICIPAL COURT JUDGE

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To direct, manage, supervise and coordinate the activities and operations of the Municipal Court; to adjudicate and sentence Municipal Court cases including preparation of legal documents and related work pursuant to City Charter, Ordinance and 13-10-101 et. sec. C.R.S.

SUPERVISION RECEIVED AND EXERCISED

Receives policy direction from the City Council.

Exercises direct supervision over supervisory, professional, technical, and clerical staff of the court.

PRIMARY DUTIES--*The following are examples of primary duties assigned to positions in this classification. Other related duties and responsibilities may be assigned.*

Assumes management responsibility for assigned services and activities of the Municipal Court; recommend and administer policies and procedures.

Adjudicates civil and criminal cases arising under City Charter, City Code and other ordinances of the City. Explains the laws and system to offenders. Evaluates evidence, testimony, and legal briefs. Issues written findings as necessary. Applies appropriate ordinances, code provisions and/or regulations. Imposes fines and penalties. Assesses and collects civil penalties. Orders and enforces contempt, failure to appear, abatement of nuisance, and other responsibilities prescribed by the charter, code or ordinance. Acts as hearing officer. Issues inspection and search warrants in accordance with applicable law. Recommends the appointment of associate and substitute judges. Oversees and supervises Associate/Substitute judges, temporary referees, and Administrative Officers. Oversees and participates with Court staff on matters related to Court procedures.

Promulgates and enforces all rules, procedures and proceedings pertaining to the Municipal Court.

Oversees and participates with Court staff in legal or procedural matters of recordkeeping and docketing.

Provides input on the revision and creation of City ordinances related to matters of the Municipal Court.

Manage and participate in the development and implementation of goals, objectives, policies and priorities for assigned programs; recommend and administer policies and procedures.

Monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; recommend, within departmental policy, appropriate service and staffing levels.

Plan, direct, coordinate and review the work plan for Court staff; assign work activities, projects and programs; review and evaluate work products, methods and procedures; meet with staff to identify and resolve problems.

Select, train, motivate and evaluate support personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and termination procedures.

Oversee and participate in the development and administration of the division's annual budget; participate in the forecast of funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement adjustments.

Serve as the liaison, or delegate to other Court staff in matters which may require Judicial recusal, for the Municipal Court with other divisions, departments and outside agencies; negotiate and resolve sensitive and controversial issues.

Attend and participate in professional group meetings; stay abreast of new innovations and law.

Keeps abreast of and current in the areas of Municipal Court proceedings. Provides relevant legal education to Court staff.

Takes proper safety precautions, anticipates unsafe circumstances and acts accordingly to prevent accidents.

Serves as the Presiding Judge over Teen Court.

Performs related duties as required by management to meet the needs of the City.

QUALIFICATIONS

Knowledge of:

Operational characteristics, services and activities of the Municipal Court.
Principles of civil, criminal, constitutional, and administrative law.
Judicial procedures and rules of evidence.
Principles, materials and methods of legal research.
Legal precedents and court decisions impacting municipal government.
Charter, statutes, and codes applicable to legal proceedings.
Duties, powers, limitations and authority of a municipal court judge.
Principles of supervision, training and performance evaluation.
Pertinent Federal, State and local laws, codes and regulations.

Ability to:

Oversee and participate in the management of a Municipal Court.
Oversee, direct and coordinate the work of lower level staff.
Select, supervise, train and evaluate staff.
Participate in the development and administration of division goals, objectives and procedures.
Prepare and administer large program budgets.
Display respect for the judicial system and rule of law.
Prepare and conduct trials, sentence, and assure enforcement of lawful judgements of the Court.
Present statements of fact, law and argument clearly and logically in both written and oral form.
Use a wide variety of legal research methods.
Work effectively with difficult people and adapt well to diverse populations.
Demonstrate strong analytical and writing skills.
Demonstrate strong organizational and problem-solving skills.
Make sound judgments and exhibit patience when dealing with stressful situations.
Establish and maintain effective working relationships with those contacted in the course of work.

Experience and Training Guidelines

Experience:

Four years of increasingly responsible experience in the practice of law in Colorado.

Training:

A Juris Doctorate from an accredited law school.

License or Certificate

Membership in the State Bar of Colorado.

WORKING CONDITIONS

Environmental Conditions:

Office environment; some travel to other locations.

Physical Conditions:

Primary functions may require maintaining physical condition necessary for effectively performing assigned functions and may include sitting for prolonged periods of time; and operating a computer.



Presiding Municipal Judge

January 17, 2018

Mayor Taggart and Members of Council,

The purpose of this correspondence is to aid in the negotiations over my compensation and benefits in the position of Presiding Judge of the Grand Junction Municipal Court. It is intended for use in executive session and for this specific purpose. I would respectfully ask that it not be distributed outside of Members of Council.

The City of Grand Junction Pay Plan guidelines combine an analysis of a Defined Labor Market, with an Internal Equity or Job Family analysis. I am requesting that the compensation for the position of Presiding Judge be re-aligned with the compensation of all other employees of the City of Grand Junction. My request comports with the Grand Junction Pay Plan and is consistent with all other 600+ employees of the City of Grand Junction.

The position of Presiding Municipal Judge in the City of Grand Junction, is currently salaried at \$110,000 with executive benefits. I am respectfully requesting a salary consistent with the 2016 market survey provided by the Human Resources department, along with the additional information I previously provided to Council in 2017. I have attached a copy for your convenience. This request is consistent with the pay plan guidelines of the City, and with the method of compensation for the City Attorney, City Manager, and all other employees of the City.

According to the attached market survey provided by Human Resources, the median base annual salary for my position is \$138,278. According to the actual contracts for these positions which I have attached, the annual base salary for my position was actually \$149,632 in 2017. As such, I am requesting that my position be compensated pursuant to the Grand Junction Pay Plan guidelines and consistent with the other two Managers with an annual base salary of \$144,000.

This request is consistent with the Internal Equity or Job Family analysis. The comparable positions within the City of Grand Junction include the City Attorney, City Manager, Assistant City Attorney, and Municipal Court Prosecutor. With the exception of the City Manager, all involve similar work, and require a Juris Doctorate degree.

I appreciate the fact that you have set aside the time to negotiate and determine the compensation and benefits for the position. I have thoroughly enjoyed serving as a Municipal Judge for the City of Grand Junction since 1994, and thank you for allowing me to continue in the position of Presiding Municipal Judge.

A handwritten signature in cursive script that reads "Care' McInnis".

Care' McInnis, Presiding Municipal Judge

City of Grand Junction 2016 Market Survey

Municipal Judge

Performs direct court case adjudication for a municipal court operation. Responsible for the operations of the entire municipal court. Has the same authority as a presiding judge over cases before the court. FLSA: Exempt. MINIMUM QUALIFICATIONS include graduation from college with a Juris doctorate degree. Requires license to practice law by the State; plus, prior criminal, civil, and/or municipal law experience preferred.

Entity	Position Title	Minimum	Midpoint	Maximum	Rank	2015 Actual Hourly Rate	Hour/Year	
Boulder	Municipal Judge	\$52	\$66.11	\$80	1	\$74.45	2080	Full time, supervises 1 Assoc. PT Judge, reports to CM
Lakewood	Presiding Municipal Judge	no range			2	\$72.62	2080	Full time, reports to CC; supervises Municipal Judge, Assoc Judges, and Court Administrator
Arvada	Presiding Municipal Judge	no range			3	\$70.94	2080	Full time, reports to CC
Westminster	Municipal Judge	no range			4	\$70.13	2080	Full time, supervises 1 Assoc Judge, reports to CC
Thornton	Presiding Municipal Judge	no range			5	\$67.81	2080	Full time, reports to CC, no other judges on staff
Englewood	Municipal Judge	no range			6	\$66.48	2080	Full time, supervises 1 Court Administrator, reports to CC
Greeley	Presiding Judge	no range			7	\$63.46	2080	Full time, supervises 11 FT and 1 PT Inc. Judges, admin & probation staff, reports to CC
Longmont	Municipal Judge	no range			8	\$62.56	2080	Full time, reports to CC
Fort Collins	Municipal Judge	no range			9	\$54.68	1664	.8 FTE, supervises Asst Judge, reports to CC
Pueblo	Municipal Court Judge	\$46.60	\$53.35	\$60.09	10	\$52.73	2080	Full time, supervises 6 admin & support, reports to CC
Loveland	Municipal Judge	no range			11	\$49.64	2080	Full time, supervises 1, reports to CC
Broomfield	No Match							
Castle Rock	No Match							
Commerce City	No Match							
Littleton	No Match							
Mesa County	No Match							
MSEC Western Slope Private	No Match							
School District 51	No Match							
State of Colorado	No Match							

Grand Junction	Municipal Judge					\$84.31	1,040
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All judges are paid on a salary basis that has been converted to hourly to compare to GJ's judge

% difference between GJ Hourly and Market Median Hourly	26.8%	Median	\$66.48
% difference between GJ Hourly and Market Average Hourly	31.5%	Average	\$64.14

VARIANT OR ADDITIONAL INFORMATION THAN PREVIOUSLY PROVIDED TO COUNCIL

	PRESIDING JUDGE			
ENTITY	PREVIOUSLY PROVIDED	ACTUAL BASE/HOURLY	VARIANCE	FULL TIME+BEN
Boulder	\$154,856	\$154,856	\$0	X
Mesa County Court Judge	NO MATCH	\$152,466	\$152,466	X
Lakewood	\$151,050	\$154,000	\$2,950	X
Arvada	\$147,555	\$147,571	\$16	X
Westminster	\$145,870	\$151,694	\$5,824	X
Thornton	\$141,037	\$141,037	\$0	X
Fort Collins	\$54.68/HR	\$70.40/HR	\$15.72/HR	.8 FTE/FT Ben
Loveland	\$49.64/HR	\$66.36/HR	\$16.72/HR	.75 FTE/FT Ben
Fruita	not a market Town	\$400/session	\$400/session	2-4 hour docket
Palisade	not a market Town	\$270.38/session	\$270.38/session	2-4 hour docket
	ASSOC/SUBS JUDGE			
ENTITY	PREVIOUSLY PROVIDED	ACTUAL HOURLY	PER SESSION	
Boulder	NONE	\$75.74	N/A	
Mesa County Court Judge	N/A	N/A	N/A	
Lakewood	NONE	\$76.24	N/A	
Arvada	NONE	\$75-\$90	N/A	
Westminster	NONE		N/A	
Thornton	NONE	\$78	N/A	
Fort Collins	NONE	\$75	N/A	
Loveland	NONE	\$65	N/A	
Fruita	not market Town	app \$100-\$200/HR	\$400	
Palisade	not market Town	app \$90-\$270/HR	\$270.38	

BOULDER

Here is the information we have regarding the items not already provided by Central Records. If you have any questions in regard to these items, please feel free to contact me at the information listed below.

- i. Any current hourly compensation as may be set, and whether additional benefits that apply. **The associate judge's hourly rate is \$75.74 and he works 24 hours a week. The municipal judge is full-time and her hourly rate is \$74.45, which is \$154,856 annualized. Both employees are eligible for vacation leave, sick leave, paid holidays, health insurance including medical, vision, dental, pension, life insurance, wellness pass, and Ecopass (bus pass).**
- ii. Any current base salary compensation as may be set, and whether additional benefits that apply. **See above.**
- iii. Any current specific benefit packages which may exist, including but not limited to the designation of executive benefits. **There are not any specific executive benefits.**
- iv. Any current written policy or ordinance outlining the performance evaluation process. **HR does not have a written for this process. We also checked with the City Clerk, and she did not find an ordinance outlining this process. We do know that the practice has been for the City Council to appoint two members as an evaluation committee to solicit input on the council employees and then provide a recommendation for the increase.**
- v. Any information outlining how often performance evaluations occur. **Performance evaluations are typically conducted on an annual basis and for the Municipal Judge are typically on a July 1 annual review cycle.**

Best regards,

Karen

**Karen Stone
HR Generalist**

LAKEWOOD

There are no salary ranges for the judges as their salaries are set by City Council each year. The response regarding hourly rate or base salary of the Presiding Judge is below.

Presiding Municipal Judge \$74.03/hourly; \$154,000/annual – benefits as described in attachment (Director)

Municipal Judge \$66.27/hourly; \$137,850/annual – benefits as described in attachment (Director)

Part-Time Associate Municipal Judge \$51.55/hourly; \$80,418/annual – benefits as described in attachment (Regular Part-Time)

Variable Associate Municipal Judge (11) \$76.29/hourly – no benefits

Please let me know if you have any questions.

Sincerely,

Jessica Claussen

BUSINESS SUPPORT SPECIALIST

303.987.7079

480 S. ALLISON PARKWAY

LAKEWOOD, COLORADO 80226

WWW.LAKEWOOD.ORG



JOB ANNOUNCEMENT

POSITION TITLE: Arvada Municipal Relief Judge – *This is a Part-time Temporary position*
SALARY RANGE: \$75.00 - \$90.00/hourly
DATE POSTED: August 14, 2015
APPLICATION DEADLINE: OPEN UNTIL FILLED

APPLICATION INSTRUCTIONS: A City of Arvada application is mandatory in order to be considered for this position. Please complete our online City application, available 24 hours a day, on our City's web page at www.arvada.org/city-jobs/. Resumes submitted without a City application and late applications will not be considered.

POSITION PURPOSE:

Provides judicial functions for the Municipal Court for cases arising under the city charter and ordinances. Acts under the supervision of the Presiding Judge.

JOB KNOWLEDGE - Essential Functions, Knowledge, Skills and Abilities

1. Job Duties

a. Provides judicial services consistent with the Colorado Code of Judicial Conduct, Colorado state law, the charter and ordinances of the City of Arvada, and policies of the Presiding Judge.

2. Knowledge, Skills, and Abilities

- a. Ability to work with various personalities who may appear before the court, and craft appropriate decisions and sentences within legal guidelines and policies.
- b. Has excellent written and verbal communication skills with the ability to effectively communicate and interact with all persons appearing before the Municipal Court.
- c. Able to think quickly, process information swiftly, and make calm clear decisions in a fast-paced environment.
- d. Understand applicable rules and precedent.
- e. Demonstrates compassion, creativity, and problem solving in the course of performing the duties of the position.
- f. Understand that the Municipal Court is the face of government to the community and should reflect the values of the community including treating all persons who come before the Court with respect at all times.
- g. Must play well with others and be a results-oriented team player who appreciates the collaboration required to effectively administer justice in a municipal court.

Scope of Authority:

The city council may appoint as many relief judges as is determined at the sole discretion of the city council to substitute for the presiding or associate judge from time-to-time. Relief judges shall be residents of the city and shall be compensated pursuant to an employment agreement, be supervised by the Presiding Judge on day-to-day operations of the Municipal Court and shall report to the city council as directed from time-to-time. Arvada Municipal Code, Sec. 58-74.

SUPERVISION EXERCISED:

Indirect supervision/coordination with Court staff as part of carrying out Relief Judge duties.

COMMUNICATION/WORKING RELATIONSHIPS:

Internal Contacts: Presiding Judge, Court Administrator, court employees and other city employees.
External Contacts: General public, and other legal organizations and other municipal judges.

MINIMUM EDUCATION OR FORMAL TRAINING AND EXPERIENCE:

Each judge of the Municipal Court shall be a resident of the City of Arvada and shall be an attorney-at-law licensed to practice in the State of Colorado. Prior criminal court trial experience preferred but not required. Civil litigation experience will be considered.

Work hours: Estimate 10 to 25 hours per month on an as needed basis

THIRD AMENDMENT TO AN EMPLOYMENT AGREEMENT WITH DAVID COOKE,
PRESIDING MUNICIPAL JUDGE

WHEREAS, on June 3, 2013, the City of Arvada and David Cooke ("Employee") entered into an Employment Agreement for the appointment to the position of Presiding Municipal Judge; as provided in Section 6.1 of the Arvada City Charter; and

WHEREAS, on June 30, 2014, said Employment Agreement was amended with the execution of the First Amendment; and with the Second Amendment on June 29, 2015; and

WHEREAS, the parties are desirous of amending said Employment Agreement by executing this Third Amendment as more fully set forth below.

Section 1. Section 4.0, Salary, Evaluation and Other Meetings, of the Employment Agreement is hereby amended and shall read as follows:

4.0 SALARY, EVALUATION AND OTHER MEETINGS.

- A. City agrees to pay Employee for services rendered pursuant hereto an annual base salary of One Hundred Forty Seven Thousand, Five Hundred Seventy One Dollars and Nineteen Cents (\$147,571.19); and accruing and payable in installments at the same time and in the same manner as other employees of the City are paid. Thereafter, the salary shall be on the basis of an annual salary and total compensation review of said employee made at the same time Employee is evaluated by the City Council as similar consideration is given to other employees generally, as set forth in the City Employee Pay Plan Resolution.

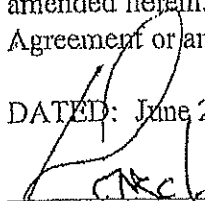
All other provisions of the Employment Agreement shall remain unchanged.

To the extent the Arvada Municipal Judge Retirement Plan requires amendment to conform herewith, said Retirement Plan is hereby amended.

Section 2. This amendment to an Employment Agreement shall be effective June 27, 2016.

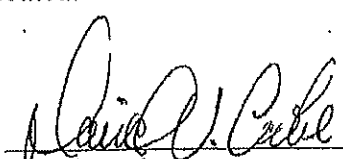
Section 3. The terms of the Employment Agreement shall remain unchanged except as specifically amended herein. This Third Amendment shall not act as a waiver of any term or condition of the Agreement or amendments thereto as previously executed.

DATED: June 27, 2016



Marc Williams, Mayor





David Cooke
Presiding Municipal Judge

Westminster

Subject: Councillor's Bill No. 40 re Revised Employment Agreement with John A. Stipech

Prepared By: Dee Martin, Human Resources Manager - Workforce

Recommended City Council Action:

1. Authorize the Mayor to execute a revised employment agreement with John A. Stipech for his services as Presiding Judge for 2017 with an effective date of January 1, 2017, and an automatic renewal for 2018, 2019 and 2020 unless terminated pursuant to the terms of the agreement.
2. Pass Councillor's Bill No. 40 on first reading setting the salary for the Municipal Judge for 2017.

Summary Statement:

- Under the proposed agreement, Judge Stipech's 2017 combined salary and deferred compensation will be \$151,700. The agreement allows the Judge to designate a portion of his salary as City-paid deferred compensation to be paid as a lump sum at the beginning of 2017. The new combined salary and deferred compensation for 2017 is four percent higher than the Judge's compensation in 2016.
- No additional modifications have been made to the existing agreement with the exception of the effective dates. If approved, the proposed contract between Judge Stipech and the City will be renewed automatically unless terminated by City Council pursuant to the terms of the agreement prior to October 31 annually for the years of 2017 through 2020.

Fiscal

Impact:

\$151,700 plus the cost of fringe benefits as described in the attached employment agreement

Source

of

Funds:

2017 General Fund: General Services Department, Municipal Court Division Operating Budget

THORNTON

The City is in receipt of your Open Records Request. Please see the following responses to each of your requests.

1. The City's Municipal Judge has been employed with the City for a number of years, however changed to Regular Full-Time 01/01/06. I have attached the Resolution/Contract from that time. There have been some changes to the contract (primarily salary related), however there is not a "new" contract signed each year. I am also attaching the most recent Resolution regarding Associate Judges
2. Our Municipal Judge currently makes \$141,037 annually. Associate Judges make \$78/hour.
3. See #2
4. The Municipal Judge's contract contains the benefits he is eligible for; however, I am attaching the 2016 Benefit Summary for reference as on occasion the contract refers to benefits similar to other Excluded employees. Associate Judges are not eligible for benefits.
5. I have attached the Resolution adopted in 2007 regarding our evaluation process.
6. See #5

Please let me know if you have any additional questions.

Tricia Hinton-Potter

Human Resources Director

303-538-7243

Reply all

RESOLUTION 2016-045
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REAPPOINTING TERESA ABLAO AS TEMPORARY JUDGE AND
AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT

WHEREAS, Article VII of the City Charter allows the City Council to designate a temporary judge to serve in the absence of the Municipal Judge; and

WHEREAS, the City Council appointed Teresa Ablao to serve in that capacity for a term ending June 30, 2016; and

WHEREAS, the City Council recognizes that Teresa Ablao is a reputable and qualified attorney; and

WHEREAS, the City Council wishes to reappoint Teresa Ablao to serve in such capacity on the recommendation of and at the discretion of the Municipal Judge.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Teresa Ablao is hereby reappointed temporary judge; for a term beginning July 1, 2016 and ending June 30, 2018, to serve as a temporary judge for the City as deemed necessary by the Municipal Judge.

Section 3. That the compensation to be paid by the City to Ms. Ablao for serving in this capacity shall be at the rate of Seventy-Five Dollars (\$75) per hour.

Section 4. That the Mayor is hereby authorized to enter into an employment agreement in a form consistent with Exhibit "A" attached hereto and incorporated herein by this reference, for the period of July 1, 2016 through June 30, 2018, between the City and Teresa Ablao to effectuate the purposes of this Resolution.

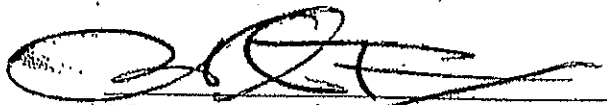
Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 17th day of May, A.D. 2016.



ATTEST:

W. Winkelman

City Clerk


Mayor

ORDINANCE NO. 134, 2016
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 2-606 OF THE CODE OF THE CITY OF FORT COLLINS
AND SETTING THE COMPENSATION OF THE MUNICIPAL JUDGE

WHEREAS, pursuant to Article VII, Section 1 of the City Charter, the City Council is responsible for fixing the compensation of the Municipal Judge; and

WHEREAS, the City of Fort Collins is committed to compensating its employees in a manner that is fair, competitive and understandable; and

WHEREAS, the City's pay philosophy is based on total compensation, which includes not only base salary but also deferred compensation payments, vacation and holiday leave, and amounts paid by the City for medical, dental, life and long-term disability insurance; and

WHEREAS, each year the City Council conducts a review of the past year's performance and the next year's goals of the Municipal Judge; and

WHEREAS, the City Council supports a compensation philosophy of paying employees a competitive salary based on established market data, and is adjusting the salary of the Municipal Judge to bring that salary more in line with the appropriate market data; and

WHEREAS, the City's philosophy is to reward performance that meets or exceeds expectations; and

WHEREAS, the City Council has determined that the base salary of the Municipal Judge should be established at the amount of \$117,152 effective January 2, 2017, so that the total compensation of the Municipal Judge for 2017 will be \$144,568.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 2-606 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-606. Salary of the Municipal Judge.

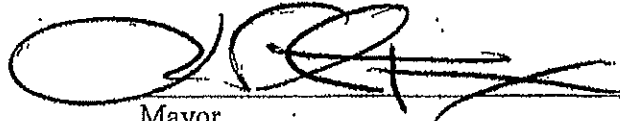
The base salary to be paid to the Municipal Judge for working 0.8 FTE shall be one hundred seventeen thousand one hundred fifty-two dollars (\$117,152) per annum, payable in biweekly installments, which sum shall be charged to general government expense.

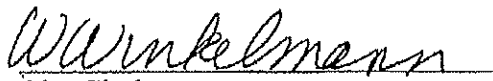
Section 3. That the effective date of the salary adjustment shall be January 2, 2017.

Introduced, considered favorably on first reading, and ordered published this 6th day of December, A.D. 2016, and to be presented for final passage on the 20th day of December, A.D. 2017.



ATTEST:


Mayor


City Clerk

Passed and adopted on final reading on the 20th day of December, A.D. 2016.



ATTEST:


Mayor


City Clerk

RESOLUTION #R-39-2015

**A RESOLUTION APPOINTING MARCO JOSEPH SCALISE
AS A DEPUTY MUNICIPAL JUDGE**

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

WHEREAS, City Council has reviewed the qualifications and experience of Marco Joseph Scalise ("Scalise") and believes him 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 Scalise as a Deputy Municipal Judge for a term of two years commencing July 7, 2015 and expiring on July 6, 2017.

Section 2. Scalise shall 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 \$65 per hour; 3) to serve as necessary and required, for all judicial municipal court functions, and liquor licensing authority functions; 4) to serve in an on-call and as needed basis; and 5) to serve subject to all the terms and limitations of Section 9-2 of the Loveland's Home Rule Charter and subject to Scalise signing an Agreement substantially in the same form as the attached document.

Section 3. This resolution is effective upon its approval by the City Council.

APPROVED on July 7, 2015.

CITY OF LOVELAND, COLORADO

Mayor

ATTEST:

City Clerk

Position	Classification	Current Rate of Pay	Benefit Eligible
Chief Municipal Judge	Salary Exempt	\$103,521.60 per year	Yes - Eligible for City-wide Health and Welfare Benefits; including retirement. Eligible for rates applicable to <u>30 hour per week</u> employees; Medical is at regular full time rate per City-wide policy for all employment status of 30+ hours per week. <i>All ben Fulltime per K.</i>
City Municipal Judge	Hourly Non-Exempt	\$65.00 per hour	No - Non benefit eligible position as employment status is less than 20 hour per week.

Loveland.

POLITICS COLORADO POLITICS

Colorado judges seek steep pay hikes that also would benefit lawmakers

By BRIAN EASON | brianeason@denverpost.com

December 27, 2016 at 12:01 am

Colorado judges are asking for more than double the pay raise of the typical state employee in 2017 — a wish that, if granted, would trigger a ripple effect of pay hikes for the state's top elected officials.

In the Judicial Branch's budget presentation recently, Chief Justice Nancy Rice of the Colorado Supreme Court laid out a case for a 3.15 percent raise for judges and certain staff members, on top of the 2.5 percent across-the-board pay hike that Gov. John Hickenlooper proposed in his annual budget.

Rice's proposal also calls for another 3.15 percent raise in 2018 — on top of any cost-of-living increases for state employees — which she said would bring Colorado's judicial pay in line with that of comparable states. Judge pay currently ranges from about \$152,000 to \$176,000.

"It's the one thing I would like to accomplish before I retire as chief is to have some judicial pay equity," Rice said Dec. 12 at a Joint Budget Committee hearing.

The additional raises would cost the judicial branch \$2.4 million next year. But because of a recent change to state law, judges aren't the only ones who would receive a bump in pay.

Other states try to take politics out of it entirely. Minnesota voters this year passed a ballot measure taking the power to set pay away from lawmakers and giving it to an unelected salary council. According to the NCSL, as many as 19 states have created compensation commissions with varying levels of power to set or recommend pay for state officials.

In Massachusetts, legislative salaries are tied to an index that goes up or down automatically based on the state's median household income. A few states, like Colorado, tie pay to other state employees, according to NCSL research.

One downside to Colorado's approach: It could make it harder for lawmakers to consider judicial pay increases on their own merits. What happens, for instance, if a lawmaker believes judges are underpaid, but feels that lawmaker pay shouldn't be increased?

For Everett, it's a nonissue: He said he would have opposed the judicial pay hikes even if they weren't tied to the salaries of elected officials. For one thing, he said the state has more pressing needs, such as roads and education funding, which are perennially underfunded. He also said state retirement and health benefits help make up for any pay disparities with the private sector.

According to budget briefing documents, the division commissioned two compensation studies over the last year. One, conducted by Segal Waters, said a 6.3 percent increase was warranted based on comparisons to peer states such as Arkansas, Minnesota, Nebraska, Nevada, Tennessee and Washington. The other study, by Fox Lawson, found that a 5 percent increase was "appropriate and conservative" based on the salaries of comparable public sector positions in Colorado.

Rice's proposal calls for a 6.3 percent raise over two years.

"We're concerned, frankly, that if we don't increase judge's salaries that we're going to have some detrimental effects," she said.

Since 2015, she said, the division saw an 11 to 15 percent decline in applicants. And over the next seven years, 44 percent of the judiciary is expected to retire.

"We think that if we can get to a market level, hopefully we'll be able to have and attract the kind of judges we want," Rice said.

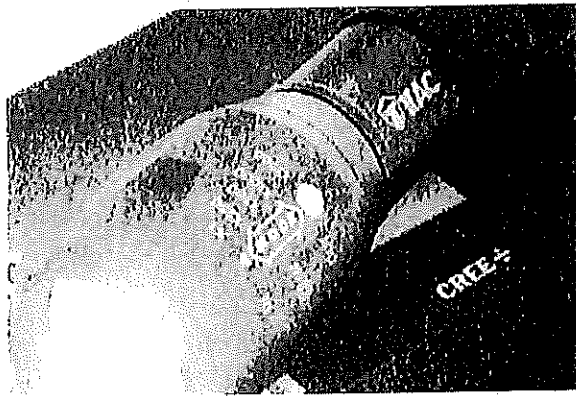
At the top of the pay scale, the chief justice's pay would increase from \$176,799 to \$192,816. At the bottom, county court judge pay would increase from \$152,466 to \$166,278.

Colorado judicial pay has risen steeply since the Great Recession. Pay was flat from 2009 to 2012, then rose 3.6 percent, 9 percent and 9.71 percent over the next three years. Judges did not receive a raise in the 2016 budget.

TAGS: COLORADO SUPREME COURT

Brian Eason

Statehouse reporter Brian Eason joined The Post from the Indianapolis Star, where he covered city hall for the news outlet's watchdog team beginning in 2014. Before that, he was an investigative reporter at The Clarion-Ledger in Jackson, Miss., and covered local government at The Leaf-Chronicle in Clarksville, Tenn. He graduated in 2009 from the University of Missouri with degrees in journalism and political science.



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Mesa County

From: Greg Caton
Sent: Thursday, May 10, 2018 1:03 PM
To: Care' McInnis
Subject: RE: Agenda

Hi Judge,

As we have previously discussed, I will ensure that you are included when there are agenda items that relate to the budget.

Thank you,
Greg

Greg Caton, ICMA – CM
City Manager
City of Grand Junction
970-244-1502

From: Care' McInnis
Sent: Thursday, May 10, 2018 11:33 AM
To: Greg Caton <gregc@gjcity.org>
Cc: Belinda White <belindaw@gjcity.org>
Subject: Agenda

Greg,

Would you mind if Belinda provides me with a copy of the agenda for upcoming directors meetings? This would be helpful in determining whether a substitute judge will be necessary.
Thank you.

Care' McInnis
Presiding Judge
City of Grand Junction

This electronic mail transmission is from Care' McInnis, Presiding Judge for the City of Grand Junction, CO. The information contained in this message may be privileged and/or confidential, protected by the attorney-client privilege or the attorney work product doctrine. The privileges are not waived by virtue of this message being sent to you in error. If the person receiving this message or any other reader of the message is not the intended recipient, please note that disclosure, copying, distribution or use of the information contained in the message is prohibited. If you have received this message in error, please immediately return it via e-mail and then delete the message by which it is returned.

From: Care' McInnis
Sent: Monday, May 07, 2018 1:12 PM
To: Greg Caton
Subject: Re: Adjustment

Thank you Greg. I appreciate your help.
Have a great day.

Care' McInnis
Presiding Judge
City of Grand Junction

This electronic mail transmission is from Care' McInnis, Presiding Judge for the City of Grand Junction, CO. The information contained in this message may be privileged and/or confidential, protected by the attorney-client privilege or the attorney work product doctrine. The privileges are not waived by virtue of this message being sent to you in error. If the person receiving this message or any other reader of the message is not the intended recipient, please note that disclosure, copying, distribution or use of the information contained in the message is prohibited. If you have received this message in error, please immediately return it via e-mail and then delete the message by which it is returned.

From: Greg Caton
Sent: Monday, May 7, 2018 12:52:37 PM
To: Care' McInnis
Subject: RE: Adjustment

Judge McInnis:

The expenditure could appropriately be placed in either the Court budget or the City Attorney's Office budget (both are funded by the general fund). But given your concern, we will put the expenses in the City Attorney's Office budget.

Thank you,
Greg

Greg Caton, ICMA – CM
City Manager
City of Grand Junction
970-244-1502

From: Care' McInnis
Sent: Friday, May 04, 2018 10:15 AM
To: Greg Caton <gregc@gjcity.org>
Subject: Adjustment

Greg,

It has come to my attention that some invoices directed to Mr. Shaver for legal services rendered by the special prosecutors have been paid out of the Court Budget. Specifically, Council approved of \$30,000 in 2018 for payment of contract services for Court appointed defense counsel. It is important that we use the funds as approved as Court appointed counsel is Constitutionally mandated. As you probably recall, these funds were sought in anticipation of new legislation effective July 1, 2018.

I was not made aware of these invoices or payments and did not authorize them. The Judges do not supervise or authorize payments for prosecutors.

Hopefully, it's just a matter of backing the payment out of the Court budget.

Thank you for your help in making the adjustment. Let me know if you have any questions or if I can be of further assistance.

Care' McInnis
Presiding Judge
City of Grand Junction

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