**TOWN COUNCIL SPECIAL MEETING**
Zoom Webinar and/or Town Council Chamber
3 S. Timber Ridge Parkway, Severance, CO 80550

# AGENDA
# TOWN COUNCIL SPECIAL MEETING
# Tuesday, February 25, 2025, at 5:00 PM

## A. CALL TO ORDER SPECIAL MEETING (5:00 PM)

1. **Roll Call**

2. **Pledge of Allegiance**

   *The Consent Calendar is intended to allow the Town Council to spend time and energy on the important items and not routine actions. A Council Member may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately as a regular agenda item. Items remaining on the Consent Calendar will be approved by Town Council with one vote.*

3. **Approval of Agenda**

4. **Public Comment**

   *The purpose of the Public Comment is for members of the public to speak to the Town Council on any subject not scheduled on the agenda. To accomplish scheduled agenda items, comments should be limited to three minutes for those attending in person or an appropriate time as deemed by the Mayor. The Town Council is not obligated to make decisions or take action on comments but may choose to schedule the matter for a later discussion. Those addressing the Town Council, please state your name and address and sign-in.*

5. **Council Member Comments**

## B. TOWN COUNCIL

1. **Pg. 3 - Resolution 2025-06R: Appointing Adam Stephens as Presiding Municipal Judge of the Town of Severance Municipal Court**
   - Legislative
   - Staff Presentation: Nicholas Wharton, Town Manager

2. **Pg. 9 - Ordinance 2025-06: Establishing the Annual Salary of the Presiding Municipal Judge of the Town of Severance Municipal Court**
   - Legislative
   - Staff Presentation: Nicholas Wharton, Town Manager

3. **Pg. 12 - Resolution 2025-07R: Appointing Holly Coulehan and Thomas Joaquin as Alternate Municipal Judges for the Town of Severance Municipal Court**

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

4. **Pg. 21 - Ordinance 2025-07: Establishing the Compensation of the Alternate Municipal Judges of the Town of Severance Municipal Court**
   - Legislative
   - Staff Presentation: Nicholas Wharton, Town Manager

**C. ADJOURN**

**Town Council MEETING**
*Tuesday, February 25, 2025, 5:00 PM (MDT)*

*Registration URL*
*https://us02web.zoom.us/webinar/register/WN_GSL5tq02RNOARXxagWeWpA*

*The Town Council reserves the right to adjourn to a virtual-only meeting at their discretion should the need arise.*

*The Town of Severance does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services. For disabled persons needing reasonable accommodation to attend or participate in a town service, program, public meeting, or activity, call 970-686-1218 at least 72 hours in advance. Disabled access is available from the front entrance of the Town Hall.*

# AGENDA ITEM SUMMARY

| AGENDA ITEM | SUBMITTED BY | PRESENTED BY |
|---|---|---|
| **Pg. 3 - Resolution 2025-06R:** Appointing Adam Stephens as Presiding Municipal Judge of the Town of Severance Municipal Court | Nicholas Wharton, Town Manager | Nicholas J. Wharton, MPA |

## ACTION REQUESTED

Town Management requests that the Town Council review Resolution 2025-06R and take action.

- Actions that may be taken:
  - Move to approve Resolution 2025-06R
  - Take no action

**Resolution**
**Attorney Approved**
**Action Requested**

## BRIEF SUMMARY

As the Town Council Judge Appointment Committee decided on February 13th and 14th, Resolution 2025-06R will appoint Adam Stephens as the presiding Municipal Judge for the Town of Severance Municipal Court.

## PUBLIC SUPPORT/CONCERN

None at this time.

## ANALYSIS AND RECOMMENDATION

Town Management requests that the Town Council take action and move to approve Resolution 2025-06R.

## MATERIALS SUBMITTED

The following materials were submitted and included in this packet:
1. Resolution 2025-06R Appointment of Presiding Municipal Judge
2. Town of Severance Presiding Judge Contract

**TOWN OF SEVERANCE**
**RESOLUTION NO. 2025-06R**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, APPOINTING ADAM STEPHENS AS PRESIDING MUNICIPAL JUDGE OF THE TOWN OF SEVERANCE MUNICIPAL COURT**

**WHEREAS,** pursuant to Sections 4.04 and 7.01(4) of the Town of Severance Home Rule Charter and Section 2-4-30 of the Severance Municipal Code, the Town Council of the Town of Severance shall appoint a Presiding Municipal Judge by majority vote and shall set the compensation of such judge by ordinance; and

**WHEREAS,** the Town conducted a search, and on February 13th and 14th, 2025, the Town Council Judge Committee interviewed applicants for Presiding and Alternate Municipal Judges, and now desires to appoint Adam Stephens as Presiding Municipal Judge of the Town of Severance Municipal Court to serve in accordance with the Town's Charter and Code, having found that Mr. Stephens is duly qualified for such position; and

**WHEREAS,** the Town Council and Mr. Stephens desire to memorialize the terms of Mr. Stephens's appointment and compensation as Presiding Municipal Judge, as set forth in the agreement attached hereto, and to compensate Mr. Stephens as set forth in Ordinance No. 2025-06.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:**

Section 1. Mr. Stephens is hereby appointed as the Presiding Municipal Judge of the Town of Severance Municipal Court, effective March 1, 2025

Section 2. Mr. Stephens shall serve as provided in the Town's Charter and the Severance Municipal Code, and in accordance with the terms and conditions set forth in the above recitals, which are incorporated herein by this reference, and in the "AGREEMENT – PRESIDING MUNICIPAL JUDGE," attached hereto.

Section 3. The Mayor is authorized to execute the attached agreement on behalf of the Town.

**RESOLVED AND APPROVED** this 25th day of February, 2025.

TOWN OF SEVERANCE, COLORADO

_____
Matthew Fries, Mayor

ATTEST:

_____
Sarah Jacobsen, Town Clerk

APPROVED AS TO FORM:

_____
Hayashi & Macsalka, LLC, Town Attorney

**TOWN OF SEVERANCE**
**AGREEMENT – PRESIDING MUNICIPAL JUDGE**

THIS AGREEMENT is made and entered into on February 18, 2025, and effective as of March 1, 2025, by and between the Town of Severance, a Colorado home rule municipality (the "Town"), and Adam Stephens ("Judge Stephens ").

## RECITALS

A. Pursuant to Sections 4.04 and 7.01(4) of the Town of Severance Home Rule Charter ("Charter") and Section 2-4-30 of the Severance Municipal Code ("Code" or "SMC"), the Town Council of the Town of Severance ("Town Council") shall appoint a Presiding Municipal Judge by majority vote and shall set the compensation of such judge by ordinance.

B. On February 25, 2025, the Town Council adopted Resolution No. 2025-06R appointing Judge Stephens as the Presiding Municipal Judge of the Town of Severance, such appointment to be effective on March 1, 2025; and

C. On February 25, 2025, the Town Council adopted Ordinance No. 2025-06 establishing the compensation of Judge Stephens in accordance with Section 2-4-40 of the Code; and

D. The Town Council and Judge Stephens desire to memorialize the terms of Judge Stephens' appointment and compensation pursuant to the Charter and Code.

NOW, THEREFORE, for and in consideration of the promises and covenants herein, the parties agree as follows:

## I. TERM

Judge Whitfield is hereby appointed as the Presiding Judge of the Severance Municipal Court, for an initial term commencing March 1, 2025, through and including February 28, 2027 [SMC § 2-4-30]

## II. COMPENSATION

Pursuant to Section 4.04 of the Charter and 2-4-40 of the Code, and in accordance with Town of Severance Ordinance No. 2025-06 adopted by the Town Council on February 25, 2025, the fixed annual compensation for Judge Stephens as Presiding Municipal Court Judge shall be $9600.00, payable monthly in the amount of $800.00.

## III. OTHER COVENANTS

A. Before assuming the duties of the office of Presiding Municipal Judge, Judge Stephens shall make an oath of affirmation before the Town Clerk and shall file with the Town Council an oath of affirmation to support and uphold the Constitution of the United States, the Constitution and laws of the State of Colorado, and the laws, Charter, ordinances, and codes of the Town, and that he will faithfully perform the duties of the office. [SMC §§ 2-4-30, 2-4-50]

B. Judge Stephens' job performance, salary, and other contractual matters, if any, shall be reviewed by the Town Council prior to the date of any re-appointment for a new term. In addition, Judge Stephens will have one meeting with the Town Council prior to January 31, 2026, to provide an update to Town Council regarding the operation of the municipal court.

C. Judge Stephens shall serve at the will of the Town Council and shall be accountable to the Council and shall perform such duties as provided by Town of Severance ordinance or resolution. [Charter § 4.04; *People by People of Thornton v. Horan*, 556 P.2d 1217, 1218 (Colo. 1976)]

D. Judge Stephens shall provide the Town Council with sixty (60) days notice or two (2) court appearances notice, shall Judge Stephens elect to resign as Presiding Municipal Judge for the Town of Severance.

## IV. COPLIANCE WITH LAW

Nothing herein shall be deemed to create any additional terms, conditions, or obligations of employment in addition to those provided for in the Charter or Code, nor is anything herein intended to change the nature of the Presiding Municipal Judge position as an appointed position under the Charter and Code; rather, this Agreement is simply intended to memorialize the term and salary of the Presiding Municipal Judge as required by applicable law.

## V. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The parties agree that signatures transmitted by facsimile or electronically shall be binding as if they were original signatures.

IN WITNESS WHEREOF, the parties have executed this Agreement.

**TOWN OF SEVERANCE, COLORADO**

By:_____
Matthew Fries, Mayor

ATTEST:

_____
Sarah Jacobsen, Town Clerk

APPROVAL AS TO FORM:

_____
Hayashi & Macsalka, LLC, Town Attorney

**ADAM STEPHENS**

_____
By:
Adam Stephens

# AGENDA ITEM SUMMARY

| AGENDA ITEM | SUBMITTED BY | PRESENTED BY |
|---|---|---|
| **Pg. 9 - Ordinance 2025-06:** Establishing the Annual Salary of the Presiding Municipal Judge of the Town of Severance Municipal Court | Nicholas Wharton, Town Manager | Nicholas J. Wharton, MPA |

## ACTION REQUESTED

Town Management requests that the Town Council review Ordinance 2025-06 and take action.

- Actions that may be taken:
  1. Move to approve Ordinance 2025-06
  2. Take no action

**Ordinance**
**Action Requested**
**Attorney Approved**

## BRIEF SUMMARY

As the Town Council Judge Appointment Committee decided on February 13th and 14th, Ordinance 2025-06 will set the annual salary for the presiding Municipal Judge for the Town of Severance Municipal Court.

## PUBLIC SUPPORT/CONCERN

None at this time.

## ANALYSIS AND RECOMMENDATION

Town Management requests that the Town Council take action and move to approve Ordinance 2025-06.

## MATERIALS SUBMITTED

The following materials were submitted and included in this packet:
1. Ord 2025-06 Compensation - Presiding Municipal Judge

**TOWN OF SEVERANCE**
**ORDINANCE NO. 2025-06**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, ESTABLISHING THE ANNUAL SALARY OF THE PRESIDING MUNICIPAL JUDGE OF THE TOWN OF SEVERANCE MUNICIPAL COURT**

**WHEREAS,** by Resolution No. 2025-06R, the Town Council of the Town of Severance appointed Adam Stephens to serve as the Presiding Municipal Judge of the Town of Severance Municipal Court, commencing on March 1, 2025; and

**WHEREAS,** pursuant to Sections 4.04 and 7.01(4) of the Town of Severance Home Rule Charter and Section 2-4-30 of the Severance Municipal Code, the Town Council shall set the compensation of the Presiding Municipal Judge by ordinance; and

**WHEREAS,** the Town Council desires to set the annual salary for Adam Stephens as Presiding Municipal Judge, as set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:**

Section 1. Pursuant to Sections 4.04 and 7.01(4) of the Town of Severance Home Rule Charter and Section 2-4-30 of the Severance Municipal Code, the fixed annual salary for Adam Stephens as Presiding Municipal Judge shall be $9,600.00, payable monthly in the amount of $800.00, subject to execution of the attached "AGREEMENT – PRESIDING MUNICIPAL JUDGE," which is attached hereto.

Section 2. The above rate of compensation will be effective March 1, 2025, which is the effective date of Adam Stephens' appointment.

Section 3. The Mayor is authorized to execute the attached agreement on behalf of the Town.

Section 4. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. This ordinance is deemed necessary for the immediate protection of the health, welfare, and safety of the community.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 25th day of February, 2025.

TOWN OF SEVERANCE, COLORADO

_____
Matthew Fries, Mayor

ATTEST:

_____
Sarah Jacobsen, Town Clerk

APPROVED AS TO FORM:

_____
Hayashi & Macsalka, LLC, Town Attorney

# AGENDA ITEM SUMMARY

| AGENDA ITEM | SUBMITTED BY | PRESENTED BY |
|---|---|---|
| **Pg. 12 - Resolution 2025-07R:** Appointing Holly Coulehan and Thomas Joaquin as Alternate Municipal Judges for the Town of Severance Municipal Court | Nicholas Wharton, Town Manager | Nicholas J. Wharton, MPA |

## ACTION REQUESTED

Town Management requests that the Town Council review Resolution 2025-07R and take action.

- Actions that may be taken:
  - Move to approve Resolution 2025-07R
  - Take no action

**Resolution**
**Action Requested**
**Attorney Approved**

## BRIEF SUMMARY

As the Town Council Judge Appointment Committee decided on February 13th and 14th, Resolution 2025-07R will appoint Holly Coulehan and Thomas Joaquin as the alternate Municipal Judges for the Town of Severance Municipal Court.

## PUBLIC SUPPORT/CONCERN

None at this time.

## ANALYSIS AND RECOMMENDATION

Town Management requests that the Town Council take action and move to approve Resolution 2025-07R.

## MATERIALS SUBMITTED

The following materials were submitted and included in this packet:

1. Reso 2025-07R Appointment of Alternate Municipal Judges
2. Town of Severance Alternate Judge Contract (Coulehan)
3. Town of Severance Alternate Judge Contract (Joaquin)

**TOWN OF SEVERANCE**
**RESOLUTION NO. 2025-07R**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, APPOINTING HOLLY COULEHAN AND THOMAS JOAQUIN AS ALTERNATE MUNICIPAL JUDGES OF THE TOWN OF SEVERANCE MUNICIPAL COURT**

**WHEREAS,** pursuant to Sections 4.04 and 7.01(4) of the Town of Severance Home Rule Charter and Section 2-4-30 of the Severance Municipal Code, the Town Council of the Town of Severance may appoint, from time to time as necessary, substitute judges to serve in case of temporary absence, sickness, disqualification, or other inability of the Presiding Municipal Judge to act; and

**WHEREAS,** in accordance with Section 2-4-40 of the Severance Municipal Code and C.R.S. § 13-10-107, the Town shall compensate an appointed substitute judge based upon the number of court sessions served by such judge, and such compensation shall be established by ordinance; and

**WHEREAS,** the Town conducted a search and on February 13th and 14th, 2025, the Town Council Judge Committee interviewed applicants for Presiding and Alternate Municipal Judges, and now desires to appoint Holly Coulehan and Thomas Joaquin as Alternate Municipal Judges of the Town of Severance Municipal Court to serve in accordance with the Town's Charter and Code, having found that they are each duly qualified to serve in such positions; and

**WHEREAS,** the Town Council desires to memorialize the terms of the Alternate Municipal Judges' appointments and compensation, as set forth in the agreements attached hereto, and to compensate the Alternate Municipal Judges as set forth in Ordinance No. 2025-07.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:**

Section 1. Holly Coulehan and Thomas Joaquin are hereby appointed as the Alternate Municipal Judges of the Town of Severance Municipal Court, effective March 1, 2025.

Section 2. Holly Coulehan and Thomas Joaquin shall each serve as provided in the Town's Charter and the Severance Municipal Code, and in accordance with the terms and conditions set forth in the above recitals, which are incorporated herein by this reference, and in each respective "AGREEMENT – ALTERNATE MUNICIPAL JUDGE," which are attached hereto.

Section 3. The Mayor is authorized to execute the attached agreements on behalf of the Town.

**RESOLVED AND APPROVED** this 25th day of February, 2025.

TOWN OF SEVERANCE, COLORADO

_____
Matthew Fries, Mayor

ATTEST:

_____
Sarah Jacobsen, Town Clerk

APPROVED AS TO FORM:

_____
Hayashi & Macsalka, LLC, Town Attorney

**TOWN OF SEVERANCE**
**AGREEMENT – ALTERNATE MUNICIPAL JUDGE**

THIS AGREEMENT is made and entered into on February 18, 2025, and effective as of March 1, 2025, by and between the Town of Severance, a Colorado home rule municipality, by and through the Town Council (the "Town"), and Holly Coulehan ("Judge Coulehan").

## RECITALS

A. Pursuant to Sections 4.04 and 7.01(4) of the Town of Severance Home Rule Charter ("Charter") and Section 2-4-30 of the Severance Municipal Code ("Code" or "SMC"), the Town Council of the Town of Severance ("Town Council") may appoint, from time to time as necessary, substitute judges to serve in case of temporary absence, sickness, disqualification, or other inability of the Presiding Municipal Judge to act.

B. In accordance with Section 2-4-40 and C.R.S. § 13-10-107, the Town shall compensate an appointed substitute judge based upon the number of court sessions served by such judge, and such compensation shall be established by ordinance.

C. On February 25, 2025, the Town Council adopted Resolution No. 2025-07R appointing Judge Coulehan as an Alternate Municipal Judge of the Town of Severance, such appointment to be effective on March 1, 2025; and

D. On February 25, 2025, the Town Council adopted Ordinance No. 2025-07 establishing the compensation of Judge Coulehan in accordance with C.R.S. § 13-10-107; and

E. The Town Council and Judge Coulehan desire to memorialize the terms of Judge Coulehan's appointment and compensation as Alternate Municipal Judge pursuant to the Charter and Code.

NOW, THEREFORE, for and in consideration of the promises and covenants herein, the parties agree as follows:

## I. TERM

A. Judge Coulehan is hereby appointed as an Alternate Municipal Judge of the Severance Municipal Court, for an initial term commencing March 1, 2025, through and including February 28, 2027. [SMC § 2-4-30]

B. During such term, Judge Coulehan will be called upon to serve from time to time as necessary in case of the temporary absence, sickness, disqualification, or other inability of the Presiding Municipal Judge to act. [SMC § 2-4-30]

## II. COMPENSATION

Pursuant to Section 4.04 of the Charter and 2-4-40 of the Code, and in accordance with Town of Severance Ordinance No. 2025-07 adopted by the Town Council on February 25, 2025 the compensation for Judge Coulehan as Alternate Municipal Court Judge shall be $800.00 per court session served in Severance Municipal Court, payable by the Town within 30 days after the date of each court session served.

## III. OTHER COVENANTS

A. Before assuming the duties of the office of Alternate Municipal Judge, Judge Coulehan shall make an oath of affirmation before the Town Clerk and shall file with the Town Council an oath of affirmation to support and uphold the Constitution of the United States, the Constitution and laws of the State of Colorado, and the laws, Charter, ordinances, and codes of the Town, and that he will faithfully perform the duties of the office. [SMC §§ 2-4-30, 2-4-50]

B. Judge Coulehan's job performance, compensation, and other contractual matters, if any, may be reviewed by the Town Council prior to the date of any re-appointment for a new term.

C. Judge Coulehan shall serve at the will of the Town Council and shall be accountable to the Council and shall perform such duties as provided by Town of Severance ordinance or resolution. [Charter § 4.04; *People by People of Thornton v. Horan*, 556 P.2d 1217, 1218 (Colo. 1976)]

## IV. COMPLIANCE WITH LAW

Nothing herein shall be deemed to create any additional terms, conditions, or obligations of employment in addition to those provided for in the Charter or Code, nor is anything herein intended to change the nature of the Alternate Municipal Judge position as an appointed position under the Charter and Code; rather, this Agreement is simply intended to memorialize the term and compensation of the Alternate Municipal Judge as required by applicable law.

## V. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The parties agree that signatures transmitted by facsimile or electronically shall be binding as if they were original signatures.

[*Signatures begin on following page.*]

IN WITNESS WHEREOF, the parties have executed this Agreement.

**TOWN OF SEVERANCE, COLORADO**

By:_____
Matthew Fries, Mayor

ATTEST:

_____
Sarah Jacobsen, Town Clerk

APPROVAL AS TO FORM:

_____
Hayashi & Macsalka, LLC, Town Attorney

**HOLLY COULEHAN**

By:_____
Holly Coulehan

**TOWN OF SEVERANCE**
**AGREEMENT – ALTERNATE MUNICIPAL JUDGE**

THIS AGREEMENT is made and entered into on February 18, 2025, and effective as of March 1, 2025, by and between the Town of Severance, a Colorado home rule municipality, by and through the Town Council (the "Town"), and Thomas Joaquin ("Judge Joaquin").

## RECITALS

A. Pursuant to Sections 4.04 and 7.01(4) of the Town of Severance Home Rule Charter ("Charter") and Section 2-4-30 of the Severance Municipal Code ("Code" or "SMC"), the Town Council of the Town of Severance ("Town Council") may appoint, from time to time as necessary, substitute judges to serve in case of temporary absence, sickness, disqualification, or other inability of the Presiding Municipal Judge to act.

B. In accordance with Section 2-4-40 and C.R.S. § 13-10-107, the Town shall compensate an appointed substitute judge based upon the number of court sessions served by such judge, and such compensation shall be established by ordinance.

C. On February 25, 2025, the Town Council adopted Resolution No. 2025-07R appointing Judge Joaquin as an Alternate Municipal Judge of the Town of Severance, such appointment to be effective on March 1, 2025; and

D. On February 25, 2025, the Town Council adopted Ordinance No. 2025-07 establishing the compensation of Judge Joaquin in accordance with C.R.S. § 13-10-107; and

E. The Town Council and Judge Joaquin desire to memorialize the terms of Judge Joaquin's appointment and compensation as Alternate Municipal Judge pursuant to the Charter and Code.

NOW, THEREFORE, for and in consideration of the promises and covenants herein, the parties agree as follows:

## I. TERM

A. Judge Joaquin is hereby appointed as an Alternate Municipal Judge of the Severance Municipal Court, for an initial term commencing March 1, 2025, through and including February 28, 2027. [SMC § 2-4-30]

B. During such term, Judge Joaquin will be called upon to serve from time to time as necessary in case of the temporary absence, sickness, disqualification, or other inability of the Presiding Municipal Judge to act. [SMC § 2-4-30]

## II. COMPENSATION

Pursuant to Section 4.04 of the Charter and 2-4-40 of the Code, and in accordance with Town of Severance Ordinance No. 2025-07 adopted by the Town Council on February 25, 2025 the compensation for Judge Joaquin as Alternate Municipal Court Judge shall be $800.00 per court session served in Severance Municipal Court, payable by the Town within 30 days after the date of each court session served.

## III. OTHER COVENANTS

A. Before assuming the duties of the office of Alternate Municipal Judge, Judge Joaquin shall make an oath of affirmation before the Town Clerk and shall file with the Town Council an oath of affirmation to support and uphold the Constitution of the United States, the Constitution and laws of the State of Colorado, and the laws, Charter, ordinances, and codes of the Town, and that he will faithfully perform the duties of the office. [SMC §§ 2-4-30, 2-4-50]

B. Judge Joaquin's job performance, compensation, and other contractual matters, if any, may be reviewed by the Town Council prior to the date of any re-appointment for a new term.

C. Judge Joaquin shall serve at the will of the Town Council and shall be accountable to the Council and shall perform such duties as provided by Town of Severance ordinance or resolution. [Charter § 4.04; *People by People of Thornton v. Horan*, 556 P.2d 1217, 1218 (Colo. 1976)]

## IV. COMPLIANCE WITH LAW

Nothing herein shall be deemed to create any additional terms, conditions, or obligations of employment in addition to those provided for in the Charter or Code, nor is anything herein intended to change the nature of the Alternate Municipal Judge position as an appointed position under the Charter and Code; rather, this Agreement is simply intended to memorialize the term and compensation of the Alternate Municipal Judge as required by applicable law.

## V. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The parties agree that signatures transmitted by facsimile or electronically shall be binding as if they were original signatures.

[*Signatures begin on following page.*]

IN WITNESS WHEREOF, the parties have executed this Agreement.

**TOWN OF SEVERANCE, COLORADO**

By:_____
Matthew Fries, Mayor

ATTEST:

_____
Sarah Jacobsen, Town Clerk

APPROVAL AS TO FORM:

_____
Hayashi & Macsalka, LLC, Town Attorney

**THOMAS JOAQUIN**

By:_____
Thomas Joaquin

# AGENDA ITEM SUMMARY

| AGENDA ITEM | SUBMITTED BY | PRESENTED BY |
|---|---|---|
| **Pg. 21 - Ordinance 2025-07:** Establishing the Compensation of the Alternate Municipal Judges of the Town of Severance Municipal Court | Nicholas Wharton, Town Manager | Nicholas J. Wharton, MPA |

## ACTION REQUESTED

Town Management requests that the Town Council review Ordinance 2025-07 and take action.

- Actions that may be taken:
  - Move to approve Ordinance 2025-07
  - Take no action

**Ordinance**
**Action Requested**
**Attorney Approved**

## BRIEF SUMMARY

As the Town Council Judge Appointment Committee decided on February 13th and 14th, Ordinance 2025-07 will set the per municipal court compensation rate for the Alternate Municipal Judges for the Town of Severance Municipal Court.

## PUBLIC SUPPORT/CONCERN

None at this time.

## ANALYSIS AND RECOMMENDATION

Town Management requests that the Town Council take action and move to approve Ordinance 2025-07.

## MATERIALS SUBMITTED

The following materials were submitted and included in this packet:
1. Ord 2025-07 Compensation - Alternate Municipal Judges

**TOWN OF SEVERANCE**
**ORDINANCE NO. 2025-07**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, ESTABLISHING THE COMPENSATION OF THE ALTERNATE MUNICIPAL JUDGES OF THE TOWN OF SEVERANCE MUNICIPAL COURT**

**WHEREAS,** by Resolution No. 2025-07R, the Town Council of the Town of Severance appointed Holly Coulehan and Thomas Joaquin to serve as the Alternate Municipal Judge of the Town of Severance Municipal Court, commencing on March 1, 2025; and

**WHEREAS,** in accordance with Section 2-4-40 of the Severance Municipal Code and C.R.S. § 13-10-107, the Town shall compensate an appointed substitute judge based upon the number of court sessions served by such judge, and such compensation shall be established by ordinance; and

**WHEREAS,** the Town Council desires to set the compensation for Holly Coulehan and Thomas Joaquin as Alternate Municipal Judges, as set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:**

Section 1. Pursuant to Section 2-4-40 of the Severance Municipal Code and C.R.S. § 13-10-107, the compensation for each Alternate Municipal Judge shall be $800.00 per court session served, subject to execution of each respective "AGREEMENT – ALTERNATE MUNICIPAL JUDGE," which are attached hereto.

Section 2. The above rate of compensation will be effective Marah 1, 2025, which is the effective date of the Alternate Municipal Judges' appointments.

Section 3. The Mayor is authorized to execute the attached agreements on behalf of the Town.

Section 4. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. This ordinance is deemed necessary for the immediate protection of the health, welfare, and safety of the community.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 25th day of February, 2025.

TOWN OF SEVERANCE, COLORADO

_____
Matthew Fries, Mayor

ATTEST:

_____
Sarah Jacobsen, Town Clerk

APPROVED AS TO FORM:

_____
Hayashi & Macsalka, LLC, Town Attorney