

Memo

To: Mayor Bob Gordon and Members of Town Council

From: Melody Harrison

Date: April 10, 2014

Re: Appointment of Municipal Judge

Recommendation: As council is aware, the terms of current Municipal Judge Amanda Maurer and Assistant Municipal Judge Anna Itenberg expire on April 16, 2014.

Pursuant to the Town Charter section 8.3, the council is responsible for appointing the Municipal Judge. The Judge shall be appointed for a period of two (2) years, and any vacancy shall be filled by appointment of the council for the remainder of the unexpired term.

The town's procurement code permits the purchasing officer (the Town Administrator) to use open market pricing for the acquisition of professional services when the amount of the services does not exceed \$25,000. Town Code § 3.36.050(E). The amount budgeted for the municipal judge for the remainder of the year does not exceed this amount. Therefore, Town Staff solicited letters from potentially interested parties in order to fulfill the remainder of the year. The town received two (2) letters of interest in response to its solicitation.

Staff recommends that seated Municipal Judge Amanda Maurer be appointed to a second two-year term as Municipal Judge for the Town of New Castle. Staff also recommends that seated Assistant Municipal Judge Anna Itenberg be appointed to another two-year term as Assistant Municipal Judge.

At the April 15 meeting the council could choose to appoint by motion, a new municipal judge from the applications received. The council could also conduct interviews of any or all of the applicants, or direct some other form of process for soliciting and reviewing applicants.

If council chooses to direct staff to perform additional or other forms of solicitation, Staff would recommend that council direct that seated Municipal Judge Amanda Maurer act as the interim Municipal Judge until such time as the council makes a permanent appointment.

Policy Implications: The Staff recommendation is in keeping with the Town's Procurement Policy as well as the Home Rule Charter.

Budget Implications: The appointments of a municipal judge and assistant municipal judge have already been budgeted for 2014 and will not impact the 2014 budget further.

Department Head (signature)

Finance Director (signature)

Town Administrator (signature)

OLSZEWSKI, MASSIH & MAURER, P.C.
ATTORNEYS AT LAW

Edward B. Olszewski
Melody D. Massih
Amanda N. Maurer

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GLENWOOD SPRINGS, CO 81602

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*ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 916
GLENWOOD SPRINGS, CO 81602

April 7, 2014

Via U.S. Mail and Email: mharrison@newcastlecolorado.org

Melody Harrison, Town Clerk
Town of New Castle
P.O. Box 90
New Castle, CO 81647

RE: Town of New Castle Municipal Judgeship

Dear Melody:

I am interested in continuing my appointment by Town Council for an additional 2-year term as Municipal Judge for the Town of New Castle. A copy of my current resume is enclosed.

I served as Assistant Municipal Judge from April 2006 through April 2012, and have been serving as Municipal Judge in New Castle since April 2012. I also continue to serve as assistant municipal judge in Rifle and Glenwood Springs. In those municipalities, I generally cover dockets 5-6 weeks per year, including adult and juvenile criminal and traffic charges and trials, when applicable.

I am currently appointed at a compensation rate of \$150/hour as Municipal Judge. I propose to reinstate a flat per diem or flat per month pay rate. Judge Hugh Warder was receiving a per diem rate of \$800 prior to his retirement in 2012. Given the docket load, he had asked me as Assistant Judge to cover the traffic docket on a separate court day commencing in January 2009 and Judge Warder heard the criminal docket and any trials on his court day. When I applied and was appointed in 2012, I requested to continue the hourly rate that I received as Assistant Judge to allow more flexibility in determining whether to continue to hold court two days per month. Given the current docket load, town staff, the prosecutor and I determined in January 2014 to schedule all of the dockets (traffic/adult criminal/juvenile criminal/trials as applicable) on one day again, effective this month. In addition to the court time, I am available and on call to review and execute warrants and give advisements in person or via telephone to defendants that are in jail and unable to post bond so that they do not remain in jail without an advisement until the next court date. I also spend time out of court reading materials to keep apprised of municipal court issues in the State of Colorado and discussing Town of New Castle

OLSZEWSKI, MASSIH & MAURER, P.C.

Melody Harrison, Town Clerk
April 7, 2014
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municipal issues and potential statute revisions and administrative orders with town attorneys, the police chief and court staff. I attend the Colorado Municipal Judges' Association conferences bi-annually and incorporate the information gained through the conferences into our court practices when beneficial. In sum, I request to receive per diem or per month compensation comparable to Judge Warder's \$800 per diem rate that he received through 2012 and also have the ability to request reimbursement for Colorado Municipal Judges' Association conference registration fees and some travel expenses of up to \$1000 per year.

Please contact me with any questions. I plan to attend the April 15, 2014 Town Council meeting when Town Council will make the municipal judge appointment.

Very truly yours,

OLSZEWSKI, MASSIH & MAURER, P.C.

By: *Amanda N. Maurer*
Amanda N. Maurer

Enclosure

AMANDA N. MAURER

P.O. Box 916
1204 Grand Avenue
Glenwood Springs, CO 81602
P: 970.928.9100
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amanda@ommpc.com

31 Redstone Drive
New Castle, CO 81647
C: 970.618.8919

EXPERIENCE

OLSZEWSKI, MASSIH & MAURER, P.C., Glenwood Springs, Colorado
(formerly AMANDA N. MAURER, P.C.)
Shareholder, January 2004 – Present

TOWN OF NEW CASTLE, New Castle, Colorado
Municipal Judge, April 2012 – Present
Assistant Municipal Judge, May 2006 – April 2012

CITY OF GLENWOOD SPRINGS, Glenwood Springs, Colorado
Substitute Municipal Judge, April 2007 – Present

CITY OF RIFLE, Rifle, Colorado
Assistant Municipal Judge, October 2008 - Present

BALCOMB & GREEN, P.C., Glenwood Springs, Colorado
Associate, September 2001 – June 2004

GROSSBERG, YOCHELSON, FOX & BEYDA, LLP, Washington, D.C.
Law Clerk, May 1999 – May 2001

EDUCATION

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL, Washington, D.C.
Juris Doctor, With Honors, May 2001

- *The George Washington International Law Review*, Notes Editor
- Alternative Dispute Resolution Board, Member and Regional Competitor for Client Counseling

GEORGETOWN UNIVERSITY, Washington, D.C.

Bachelor of Science in Business Administration, May 1998; Dean's List, 1996-1998

- Major: Management, with a concentration in New and Small Business;
Minors: Government and Philosophy
- Gannett Award for Academic Excellence in Negotiation, Arbitration and Labor Relations

PROFESSIONAL CREDENTIALS

- Admitted to Practice in the Courts of the State of Colorado by the Colorado Supreme Court on October 15, 2001. (Attorney Registration Number 33361)
- Admitted to Practice in front of the United States District Court, District of Colorado on September 22, 2003.

PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

- American Bar Association, Member
- Colorado Bar Association, Member
- Ninth Judicial District Bar Association, Member

Anna S. Itenberg
18 Beaver Court
Glenwood Springs, CO 81601

April 10, 2014

Melody L. Harrison, CMC
Town Clerk
Town of New Castle
P O Box 90
New Castle, CO 81647
Sent via email: mharrison@newcastlecolorado.org

Re: Letter of interest for Municipal Judge positions

Dear Melody,

I am writing to express my interest in the positions of Municipal Judge, Assistant Municipal Judge, and Substitute Municipal Judge. I have held the position of Assistant/ Substitute Municipal Judge since 2010. Although I have not yet had the opportunity to sit on the bench, I have observed New Castle's municipal court process and met with Amanda Maurer to discuss the court's policies and procedures.

Pursuant to the New Castle Municipal Code, the Municipal Judge is responsible for trying alleged violations of the Town Charter and Town ordinances. As former Assistant Town Attorney for the Town of New Castle, I drafted many of the Town's ordinances and regularly advised Town Council regarding various Town Code enforcement issues. I am familiar with the Town's laws and enforcement policies and believe I am an excellent candidate for any of the judicial positions.

I have practiced law in Colorado for fourteen years, and I have worked in Garfield County for thirteen of those years. In addition to representing the Town, I have represented several other municipalities on Code enforcement, policy and labor issues, including the City of Rifle, the City of Salida, and the Town of Collbran. I am a trial attorney and have litigated cases in county, state and federal courts. I am therefore very familiar with courtroom procedures, demeanor, and Colorado Rules of Evidence. I also have an extensive appellate practice and have argued cases before the Colorado Court of Appeals and the United States Tenth Circuit Court of Appeals.

I have always admired and wanted to be a part of the judicial process. During law school I interned with Robert Fullerton, a former judge on the Denver District Court. After graduating from law school, I completed a one year clerkship with Judge James S. Casebolt on the Colorado Court of Appeals. Through these experiences I learned the analytical process behind weighing different legal arguments, applying the law to the facts to decide which party should prevail, and then providing the factual background and legal authority necessary to issue a well-founded decision. I understand the importance of being impartial, open-minded, and

treating all people fairly and with respect when performing judicial duties. I believe I have those qualities.

I welcome the opportunity to work with the Town again and hope to finally have an opportunity to preside over a municipal court matter. I appreciate your consideration and welcome any questions you have for me.

Very truly yours,

A handwritten signature in cursive script that reads "Anna Itenberg". The signature is written in black ink and is positioned above the printed name.

Anna S. Itenberg