

## ORDINANCE NO. 1072

### AN ORDINANCE ADOPTING SEC. 18A-24, USEFUL PUBLIC SERVICE PROGRAM, *CODE OF THE CITY OF FORT MORGAN (1994)*

**WHEREAS**, certain misdemeanants are sentenced by the Fort Morgan Municipal Court to complete community service hours; and,

**WHEREAS**, in the past this program has been overseen by the 13<sup>th</sup> Judicial District Probation Department; and,

**WHEREAS**, the cost of completing this program is \$80.00, of which all monies are paid to the County of Morgan, with no revenue being retained by the City; and,

**WHEREAS**, the Fort Morgan Municipal Court Judge does not have the authority to direct Defendants to complete any specific type of public service in the County program; and,

**WHEREAS**, Staff has recommended that rather than outsourcing this program to the County, this program should be administered by the Probation Department located in the Fort Morgan Municipal Court; and,

**WHEREAS**, the in-house administration will allow for the reduction the cost of completing this program to misdemeanants; and,

**WHEREAS**, the City authorized UPS program will provide additional flexibility in sentencing options for the Municipal Court Judge.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN, COLORADO** that the Useful Public Service Program is adopted in entirety as follows:

#### **18A-24      USEFUL PUBLIC SERVICE PROGRAM**

**A. Purpose.** The purpose of this chapter is to authorize the Municipal Court Judge and staff of implement a Useful Public Service program for Municipal Defendants. The Useful Public Service Program (UPS) assigns and monitors sentenced offenders to complete public service work pursuant to this code, court policies, and state and national practices. The program must maintain self-sufficiency through client paid fees and other program charges, while providing a wide range of services to the community. The program shall be administered by the Court through the Judge and Court Administrator.

The philosophy of the program is that through Restorative Justice Principles and Practices, court ordered community service work can and should be beneficial for all involved parties: the community's charitable organizations; the courts; the program; and the Defendant.

**B. Procedure.** Any Defendant ordered by the Court to serve UPS as part of its sentence shall report to the Probation Department. All UPS shall be monitored by Court, as directed by the Municipal Court Judge through the Court Administrator. UPS shall only be performed for a I.R.S. Code §501(c)(3) organization approved by the Probation Department. The Court will prepare all forms necessary to effectively administer the program.

**C. Prohibitions.** The Court shall not be authorized under this Chapter to allow for any “buy out” program in the administration of the UPS program. “Buy out” means allowing a Defendant to pay the Court or any organization an established amount of money in lieu of serving its UPS sentence.

**D. Fees.** The Court administrator, with approval of the Municipal Court Judge shall have authority to assess or modify an appropriate fee to pay for the administration of the UPS program. Such fees shall also be subject to final approval of Council during the budget process or during the mid-term budget amendment process.

**E. Falsification of Information.** The falsification of UPS forms, including but not limited to forged signatures, claimed time and work information, shall constitute a violation of the Fort Morgan Municipal Court, and shall be punishable by a fine of not more than one thousand (\$1,000.00) and/or up to one (1) year jail.

INTRODUCED, READ AND PASSED UPON FIRST READING this 5<sup>th</sup> day of August, 2008, for publication once in a newspaper of the City of Fort Morgan, Colorado, at least ten days before its final passage.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[ SEAL ]

BY: */s/ Jack L. Darnell*  
Mayor

ATTEST:

*/s/ Andrea J. Strand*  
City Clerk

FINALLY PASSED, ADOPTED AND APPROVED this 19<sup>th</sup> day of August, 2008, for publication once in the newspaper of the City of Fort Morgan, Colorado, within five days of the final passage, to take effect five days after final publication.

THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

[SEAL]

BY: */s/ Jack L. Darnell*  
Mayor

ATTEST:

*/s/ Andrea J. Strand*  
City Clerk

STATE OF COLORADO     )  
COUNTY OF MORGAN     )  
CITY OF FORT MORGAN    )

**CERTIFICATE**

I, Andrea Strand, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Ordinance No. 1072** was, as a proposed **Ordinance**, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a Regular Meeting on the 5th day of August, 2008. Said **Ordinance**, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 8<sup>th</sup> day of August, 2008, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed **Ordinance** was again taken up and read a second time, duly and legally passed, approved and adopted at a Regular Meeting of the City Council held on the 19<sup>th</sup> day of August, 2008. Within five (5) days after its final passage, said **Ordinance** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

*/s/ Andrea Strand*  
City Clerk