



Commerce City

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Council Communication

File Number: Ord 2399

Agenda Date: 6/20/2022

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number:

FIRST READING OF AN ORDINANCE AMENDING THE 2022 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE COLORADO DEPARTMENT OF LOCAL AFFAIRS GRANT IN THE AMOUNT OF \$13,000 FOR DEFENSE COUNSEL FIRST APPEARANCE AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF

Summary & Background

At the time of first appearance on a municipal charge, if the defendant is in custody and the charged offense includes a possible sentence of incarceration, the court shall appoint counsel to represent the defendant for purposes of the initial appearance unless, after a full advisement pursuant to C.M.C.R. 210 and C.R.S. § 16-7-207, the defendant makes a knowing, intelligent, and voluntary waiver of his or her right to counsel.

If the defendant remains in custody, the appointment of counsel continues until the defendant is released from custody. If the defendant is released from custody, he or she may apply for court-appointed counsel, and the court shall appoint counsel if the court determines that the defendant is indigent and the charged offense includes a possible sentence of incarceration.

It is important that each application provide the total hours of provision of service along with the spreadsheet of actual appearances as the state is prepared to reimburse each hour for the provision of service related to first appearances at \$100 per hour.

This grant will create an amendment to the 2022 Budget of the City of Commerce City, Colorado for the recognition of the funds from the Defense Counsel First Appearance Grant in the amount of \$13,000 in Fund 180. It is intended to reimburse local governments for costs associated with the provision of defense counsel to certain defendants at their first appearances in municipal courts and such expenditure thereof is hereby authorized.

Staff Responsible (Department Head): Sheryl Carstens, Director of Finance

Staff Presenting: Sheryl Carstens will answer questions, as needed

Financial Impact: \$13,000.00

Funding Source: Colorado Department of Local Affairs

Staff Recommendation: Approve Ord 2399

Suggested Motion: Motion to approve Ord 2399 as submitted