

**ORDINANCE**

**AN ORDINANCE REPEALING AND RE-ENACTING SECTIONS 1.32.030 THROUGH 1.32.100, INCLUSIVE, OF THE MANITOU SPRINGS MUNICIPAL CODE, REGARDING JURY POOL SELECTION PROCEDURES**

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**WHEREAS**, the City Council desires to update its jury selection procedures for the City's Municipal Court to make the process more efficient for the residents of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:**

**Section 1:** Section 1.32.030 of the Manitou Springs Municipal Code is hereby amended to read as follows:

**1.32.030 - Juror qualifications.**

A. Qualifications and exemptions of jurors shall be the same as provided in Colorado Revised Statutes sections 13-71-101 to - 145, Uniform Jury Selection and Service Act; provided that all jurors must be residents of the City of Manitou Springs.

B. The Municipal Judge shall have the authority, upon good cause being shown, to exempt or excuse any prospective juror from service.

**Section 2:** Section 1.32.040 of the Manitou Springs Municipal Code is hereby amended to read as follows:

**1.32.040 - Jury Commissioner—Bailiff.**

The Jury Commissioner of the municipal court shall be the municipal court clerk, or his or her designee, who shall serve without additional compensation. The bailiff of the municipal court shall be a Code Enforcement Officer who shall serve without additional compensation.

**Section 3:** Section 1.32.050 of the Manitou Springs Municipal Code is hereby amended to read as follows:

**1.32.050 - Jury service—List of qualified persons.**

At times as directed by the Municipal Judge, the Jury Commissioner shall prepare a list of persons in the city who are qualified to serve as jurors and who are not exempt from jury service. The list shall be composed of a reasonable number of persons, in the discretion of the Municipal Judge, from sources so as to allow random selection. The names on the list shall be recorded alphabetically after elimination of duplicates and ineligible names. The list of names without addresses shall be open for public inspection in the Municipal Court Administrator's Office.

**Section 4:** Section 1.32.060 of the Manitou Springs Municipal Code is hereby amended to read as follows:

**1.32.060 – Ballots; Drawing**

A. Drawing of Names: All jurors for service in the Municipal Court of the City shall be selected from the list, as follows:

1. The Municipal Judge shall signify to the Jury Commissioner the number of jurors required to be summoned.
2. The Jury Commissioner shall select the required number of names by random selection by placing the names of the prospective jurors on ballots, with one (1) name on each ballot, and placing such ballots in a box to be kept for that purpose. The Jury Commissioner shall draw by chance from the box in which the names had been placed, a sufficient number of jurors. Alternatively, the Jury Commissioner may select the required number of names through use of an electronic automated system.

**Section 5:** Section 1.32.070 of the Manitou Springs Municipal Code is hereby amended to read as follows:

**1.32.070 – Summoning Jurors**

Jurors selected according to the above provisions shall be summoned to attend Municipal Court by a writ of venire facias, directed to the Jury Commissioner of the City, upon any day of the year as the Municipal Judge shall direct.

**Section 6:** Section 1.32.080 of the Manitou Springs Municipal Code is hereby amended to read as follows:

**1.32.080 – Service of Venire Facias**

A venire facias shall be served by the Jury Commissioner directing the same by regular mail or, at the discretion of the Municipal Judge, by registered mail, addressed to the usual place of abode of the juror. Where registered mail is utilized, a return receipt of the post office, showing personal delivery to the juror, shall be prima facie evidence of the service. The venire facias shall be served at least five (5) days before the day on which the jurors are required to appear. The Municipal Judge may, in the Judge's discretion, order the Jury Commissioner to certify a list to the Chief of Police for personal service to be made by a police officer of the City.

**Section 7:** Section 1.32.080 of the Manitou Springs Municipal Code is hereby amended to read as follows:

**1.32.080 - Prospective Jurors-Questionnaire-Penalties-Excusal.**

A. The Jury Commissioner shall provide to all persons who are issued a summons to appear as a prospective juror, a juror questionnaire containing a list of pertinent and necessary questions to be answered in writing, including the name, age, occupation and residence and such other facts as may show whether a person is qualified to serve as a juror. Each person receiving such questionnaire shall answer truthfully the questions therein contained, in writing, and shall return the questionnaire to the Jury Commissioner. Every person receiving such questionnaire and failing to return the same as provided for in this section or who answers any of the questions on the questionnaire falsely is guilty of a violation of

this section and upon conviction thereof shall be punishable as provided for in Section 1.01.100, as amended.

B. Upon receipt of the completed questionnaires, the Jury Commissioner shall be authorized to excuse from service those individuals who are disqualified or exempt as provided by Section 1.32.030.

C. The Jury Commissioner shall certify to the Municipal Judge the names of those persons who have been issued a summons to appear as a prospective juror and who have not been excused from service by the Jury Commissioner.

**Section 8:** Section 1.32.090 of the Manitou Springs Municipal Code is hereby amended to read as follows:

**1.32.090 – Emergency summonses.**

In order to meet emergency needs of the Municipal Court, the Jury Commissioner, by any means of notice including notice by telephone, may summon additional trial jurors to appear for juror service at a time certain and shall inform the juror of the location at which to appear.

**Section 9:** Section 1.32.100 of the Manitou Springs Municipal Code is hereby amended to read as follows:

**1.32.100 (reserved).**

**Section 10:** This ordinance shall take effect five (5) days after publication following final passage.

Passed on First Reading and Ordered Published this 19th day of June, 2012.

/s/ Donna Kast  
City Clerk

A Public Hearing on this ordinance will be held at the July 3, 2012 City Council meeting. The Council Meeting will be held at 7:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: June 21, 2012 (in full)  
*City's Official Website and at City Hall*

Passed on Second Reading and Ordered Published this 3rd day of July 2012.

Approved: /s/ Marc A. Snyder  
Mayor and City Council

Attest: /s/ Donna Kast  
City Clerk

Approved for Council Action: /s/ Jack Benson  
City Administrator

Approved as to form: /s/ Jeff Parker  
City Attorney

Published: July 5, 2012 (in full)  
*City's Official Website and at City Hall*