

# **BYLAWS OF THE AURORA PUBLIC DEFENDER COMMISSION**

## **ARTICLE I. NAME**

This Commission shall be known as the Aurora Public Defender Commission, as currently established by Aurora Municipal Ordinance 50-166, et seq.

## **ARTICLE II. FUNCTIONS AND POWERS**

### **Section 1.**

The functions and duties of the Commission shall be as follows:

- (A) To appoint and discharge, at its discretion, the Aurora Public Defender and his/her assistants;
- (B) To ensure that indigent clients are represented in a manner which is independent of any political consideration or private interest;
- (C) To ensure legal services are provided by the Aurora Public Defender's Office commensurate with those available to non-indigent persons accused of violation of municipal ordinances;
- (D) To recommend the standard application requirements and evaluation criteria for defendants requesting legal representation from the Aurora Public Defender's Office;
- (E) To oversee the Aurora Public Defender's Office in accordance with the Colorado Code of Professional Standards for the administration of criminal justice, especially as such standards relate to the criminal defense function;
- (F) To prepare the annual budget proposal for the Aurora Public Defender's office, and oversee the disbursement of funds budgeted for its yearly operations;
- (G) To submit such reports as many be necessary, to the City Council, and as the

Commission deems necessary, to the citizens of Aurora;

(H) To adopt bylaws concerning the operation of the Commission which are consistent with the powers and duties authorized by ordinance for the Commission.

## **Section 2.**

The Public Defender Commission shall have the power to:

(A) Appoint and discharge, at its discretion, the Aurora Public Defender and his/her assistants;

(B) Fix the compensation for the Aurora Public Defender and his/her assistants, subject to applicable city policies and approval by City Council under the annual budget;

(C) Provide the City Council with such publications and reports of investigations and research as are appropriate and consistent with the duties and responsibilities of the Commission;

(D) Cooperate with other boards, commissions, departments, and authorities of the city in matters concerning the Aurora Public Defender's office.

## **ARTICLE III. MEMBERS**

### **Section 1.**

The Public Defender Commission (The "Commission") is a seven member body, appointed by the City Council. Four of the members shall be licensed attorneys admitted to the practice of law in Colorado. The remaining three members shall be non-attorneys who are residents of the City of Aurora. Members shall serve for a term of three years, without compensation. Each year, the members of the Commission shall designate a member to serve as Chairperson of the Commission.

## **Section 2.**

The City of Aurora shall indemnify any present or former member or officer of the Commission, in the manner and to the maximum extent permitted by the City's Code of Laws, as amended from time to time.

## **Section 3.**

Replacement appointments may be made as necessary, to fill unexpired terms. Candidates are requested to submit their applications to the City Manager's office. The applications will be forwarded to the City Council for final approval and appointment.

## **Section 4.**

Any member of the Commission may resign at any time by giving written notice of his/her resignation to the Mayor with a copy to be sent to the Chairperson. Any such resignation shall take effect at the time specified therein, or if the time when it shall become effective shall not be specified therein, immediately upon its receipt; and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

## **Section 5.**

The Commission may recommend the removal of a commission member to the Aurora City Council upon an affirmative vote of a majority of the Aurora Public Defender Commission members.

## **Section 6.**

The Chairperson or his/her designee shall be responsible for presenting reports to the City Council on behalf of, and upon the approval of the Commission. The Chairperson shall perform duties incident to the office and such other duties as assigned by the Commission. All actions of the Chairperson are subject to Commission approval.

### **Section 7.**

The Commission members shall have the responsibility for preparing an annual advisory evaluation of the performance of the Chief Public Defender. The evaluation shall be shared with the Aurora Department of Personnel and shall be based upon an objective assessment of the tasks performed, including those specifically designated by the Commission.

## **ARTICLE IV. MEETINGS**

### **Section 1.**

The Commission's regular meetings shall be held on the second Friday of each month, unless otherwise ordered by the Chairperson or by consensus of the Commission members.

### **Section 2.**

The regular meeting on the second Friday in December shall be known as the annual meeting and shall be held for the purpose of designating a Chairperson, receiving reports, and for any other business that may arise.

### **Section 3.**

Special meetings may be called by the Chairperson or by a consensus of the members of the Commission. Notification shall be given each member of the Commission not less than five (5) days before the date of said meeting, the notice to state the place, date, and hour the meeting is to be held and the purpose for which it is called.

### **Section 4.**

At all meetings, the presence of three (3) members of the Commission shall constitute a quorum. In the absence of a quorum, the meeting may be a work session for those members present.

### **Section 5.**

At all meetings each member of the Commission present may cast one vote.

## **ARTICLE V. COMMITTEES**

### **Section 1.**

The Commission may designate Ad Hoc and Special Committees of a temporary nature. The Chairperson of each Committee shall be appointed by the Chairperson of the Commission. He/she shall have the responsibility for committing their procedures to paper and for reporting all plans, programs, and goals back to the Commission before taking any action. Notice of Committee meetings must be given to all members of the Committee. The Commission shall have power at any time to fill vacancies, to change the membership of, or to dissolve any such committee.

### **Section 2.**

Special Committees shall be formed for an undetermined period of time as the need arises to handle special projects.

## **ARTICLE VI. BUDGET**

All expenditures from the Public Defender's Office operating funds shall be approved by the Chairperson and administered by the Chief Public Defender.

## **ARTICLE VII. PARLIAMENTARY AUTHORITY**


The rules contained in the current edition of Robert's Rules of Order, Newly Revised, shall be utilized by the Commission in all applicable situations in which they are not inconsistent with these bylaws or with any special rules of order the Commission may properly adopt.

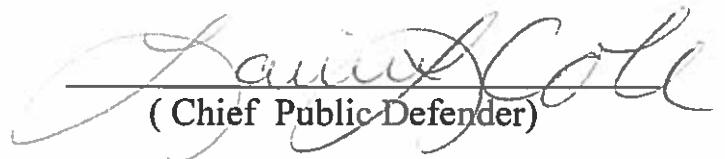
## ARTICLE VIII. AMENDMENTS OF BYLAWS

These Bylaws can be amended at any regular meeting of the Commission by an affirmation of five commission members, provided that the amendment was submitted in writing for consideration at the previous regular meeting.

ADOPTED THIS 7 DAY OF Sept, 2004

Signed,

  
\_\_\_\_\_  
(Commission Chairperson)

  
\_\_\_\_\_  
(Chief Public Defender)