

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2016-O-17

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTENNIAL,
COLORADO, REPEALING AND READOPTING SECTIONS 2-3-30 AND 2-3-
50(A) OF THE CENTENNIAL MUNICIPAL CODE CONCERNING
APPOINTMENT AND COMPENSATION OF MUNICIPAL JUDGES**

WHEREAS, the City of Centennial (the “City”) is a Colorado home rule municipality organized pursuant to Article 20 of the Colorado Constitution; and

WHEREAS, Section 13-10-105, C.R.S., provides that, unless otherwise provided in the charter of a home rule city, the municipal court shall be presided over by a municipal judge who shall be appointed by the governing body for a specified term of not less than two years and who may be reappointed for a subsequent term; and

WHEREAS, the state statute does not define a minimum period for any subsequent term of appointment of a municipal judge; and

WHEREAS, the City’s home rule charter is silent on the length of any term of appointment of a municipal judge; and

WHEREAS, Section 2-3-30 of the Centennial Municipal Code provides that the City Council shall appoint the Presiding Municipal Judge for a term of not less than two (2) years but is silent on the length of any subsequent term; and

WHEREAS, the City Council desires to amend Section 2-3-30 to clarify that the term of any subsequent appointment following an initial two year appointment term is discretionary with the City Council; and

WHEREAS, Section 2-3-50(a) of the Centennial Municipal Code, governing the compensation of the presiding municipal judge, provides that the compensation of the presiding municipal judge shall be a fixed annual salary payable in conformity with the City’s payroll practices; and

WHEREAS, the City Council desires to amend Section 2-3-50(a) to allow for flexibility in the methodology used to compensate the presiding municipal judge in recognition that the relationship between the City and such person can be, and currently is, an independent contractor, and not an employment, relationship.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTENNIAL, COLORADO:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. Repeal and Replacement of Section 2-3-30. Section 2-3-30 of the Centennial Municipal Code is hereby repealed and replaced to read as follows in its entirety:

Sec. 2-3-30. - Appointment of Municipal Judges.

The City Council, by resolution, shall appoint the Presiding Municipal Judge to preside over the Municipal Court for an initial term of not less than two (2) years and, in its discretion, for subsequent term(s), the length of which shall be determined by the City Council. One or more Assistant Municipal Judge(s) may be appointed by the City Council for a term as necessary to transact the business of the Court. Upon a vacancy in the position of the Presiding Municipal Judge, the City Council can appoint a new Presiding Municipal Judge for the remainder of the unexpired term.

Section 3. Repeal and Replacement of Section 2-3-50(a). Section 2-3-50(a) of the Centennial Municipal Code is hereby repealed and replaced to read as follows in its entirety (Section 2-3-50(b) not being affected by this repeal and replacement):

Sec. 2-3-50. - Compensation of Judges.

- (a) The compensation of the Presiding Municipal Judge shall be in such amount and on such other terms as set by agreement entered into between the City and the Presiding Municipal Judge or by resolution of the City Council, as amended from time to time.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 6. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 14th DAY OF NOVEMBER, 2016.

CITY OF CENTENNIAL

By: _____
Cathy A. Noon, Mayor

Approved as to Form:

For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of November 14, 2016 and ordered published one time by title only in *The Villager* newspaper on _____, 2016, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

SEAL

By: _____
City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE VILLAGER* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 21st DAY OF NOVEMBER, 2016, BY A VOTE OF ____ IN FAVOR AND ____ AGAINST.

CITY OF CENTENNIAL

By: _____
Cathy A. Noon, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of November 21, 2016, and ordered published by title only, one time by *The Villager* newspaper on _____, 2016 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By: _____
City Clerk or Deputy City Clerk