Staff Report

TO: Honorable Mayor Noon and Members of City Council

THROUGH: Elisha Thomas, Deputy City Manager

FROM: Maureen Juran, Deputy City Attorney

DATE OF MEETING: November 21, 2016

DATE OF SUBMITTAL: November 1, 2016

SUBJECT: Second Reading: Ordinance 2016-O-17 – Repealing and Readopting Sections 2-3-30 and 2-3-50(a) of the Centennial Municipal Code Concerning Appointment and Compensation of the Presiding Municipal Judge

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1. Executive Summary:

Proposed Ordinance 2016-O-17 is before City Council for second reading, public hearing and final action. The proposed ordinance repeals and readopts two provisions of the Municipal Code governing the appointment and the compensation of the presiding municipal judge.

2. Discussion:

(a) The current Code requires that the presiding judge be appointed for a term of not less than two years, but is vague about what the period must be for a reappointment term. State statute also contemplates that a municipal judge shall be appointed for a "specified term of not less than two years and … may be reappointed for a subsequent term" but is unclear whether the subsequent reappointment term must also be a minimum of two years or a different period. The proposed ordinance clarifies that any subsequent reappointment term can be for such length as Council determines to be appropriate. As a matter of local concern, the City, as a home rule city, has the authority to adopt such a clarifying provision.

(b) The current Code provides that the compensation of the presiding municipal judge shall be a fixed annual *salary* payable on a periodic basis in conformity with the City's regular *payroll* practices. The relationship of the current presiding municipal judge is that of an independent contractor, not an employee. The current compensation language in the Code is indicative of a compensation methodology used for employees. The City may someday choose to make the municipal judge an employee or it may continue the independent contractor relationship. Regardless of how the City approaches this issue in the future, as a housekeeping measure, the proposed ordinance changes the Code provisions so as to not indicate an employment relationship.

3. Recommendations:

Staff recommends Council approval of Ordinance 2016-O-17 on second reading following public hearing.

4. Alternatives:

Council may choose to amend or deny Ordinance 2016-O-17 following second reading and public hearing.

5. Fiscal Impact:

There is no anticipated fiscal impact to City funds.

6. Next Steps:

If Ordinance 2016-O-17 is approved, the City Clerk will work with the codifiers of the City Code to update these Code provisions.

7. Previous Actions:

Ordinance 2016-O-17 was approved on first reading on November 14, 2016, as part of the consent agenda.

8. Suggested Motions:

APPROVAL:
I move to APPROVE Ordinance 2016-O-17, Repealing and Readopting Sections 2-3-30 and 2-3-50(a) of the Centennial Municipal Code Concerning Appointment and Compensation of the Presiding Municipal Judge [with the following amendments….].

or

DENIAL:
I move to DENY Ordinance 2016-O-17, Repealing and Readopting Sections 2-3-30 and 2-3-50(a) of the Centennial Municipal Code Concerning Appointment and Compensation of the Presiding Municipal Judge.