

BY AUTHORITY

ORDINANCE NO. **4269**

COUNCILLOR'S BILL NO. **35**

SERIES OF 2024

INTRODUCED BY COUNCILLORS

A BILL FOR AN ORDINANCE REPEALING SECTION 1-7-2 AND AMENDING SUBSECTIONS 1-22-2(A) and 1-22-2(E) OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE SALARY AND BONDS OF THE PRESIDING MUNICIPAL JUDGE

WHEREAS, the annual salary of the Presiding Municipal Judge is currently reflected in Westminster Municipal Code (W.M.C.) Section 1-7-2; and

WHEREAS, the annual salary of the Presiding Municipal Judge is required by section 16.2 of the City of Westminster Home Rule Charter to be set by Ordinance, but it is not required to be codified by text in the W.M.C.; and

WHEREAS, the Presiding Municipal Judge is the only City employee whose annual salary is set forth in the W.M.C.; and

WHEREAS, the City Council has determined that continuing to set the salary of the Presiding Municipal Judge by ordinance, while removing the need to amend the W.M.C. each time the salary is altered, will eliminate needless inefficiency and confusion in the Code and will avoid the expense of codifying such amendments; and

WHEREAS, the salary of the Presiding Municipal Judge will continue to be transparent and established by ordinance of the City Council after publication, public hearing, and the opportunity for public comment; and

WHEREAS, subsection E of Section 1-22-2, W.M.C., requires the Presiding Municipal Judge, associate judges, court clerk and assistant clerks to provide a bond to the City “conditioned on the faithful performance of the duties of the office”; and

WHEREAS, Section 1-13-6, W.M.C., contains a similar bond requirement for the administrative officers of the City, but section 1-13-6 expressly allows the City’s insurance program or blanket surety bonds to satisfy the bond requirements; and

WHEREAS, the City Council has determined that the Presiding Municipal Judge, associate judges, court clerk and assistant clerks should benefit from the same allowances regarding bonds as the City’s administrative officers; and

WHEREAS, additional minor amendments to subsections 1-22-2(A), (B) and (C), W.M.C., should be made in the interest of consistency within the W.M.C.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The salary of the Presiding Municipal Judge shall be \$218,427 base pay per annum, effective January 1, 2025, payable biweekly.

Section 2. Section 1-7-2, W.M.C., is hereby DELETED AND REPEALED IN ITS ENTIRETY.

Section 3. Subsections 1-22-2(A), (B) and (C), W.M.C., are hereby amended to read as follows with new text shown underlined and deleted text shown in *italics*:

(A) *Appointment, Salary and Removal:* The City Council shall appoint a presiding municipal judge, who shall serve for a term to be at the pleasure of the City Council. The presiding municipal judge shall receive an annual salary set by ordinance of the City Council, to be payable biweekly. The *presiding municipal judge* may be removed by the City Council at the sole discretion of the City Council.

(B) *Vacancies:* Any vacancy in the office of presiding municipal judge shall be filled by appointment by the City Council.

(C) *Associate Judges:* The City Council may appoint one or more associate municipal judges who shall serve in accordance with the provisions covering the presiding municipal judge, and who shall perform such duties as directed by the presiding municipal judge. The presiding municipal judge will recommend appointment of associate municipal judges to City Council.

Section 4. Subsection 1-22-2(E), W.M.C., is hereby amended to read as follows with new text shown underlined and deleted text shown in *italics*:

(E) *Oath and Bond:* Before entering office, the presiding municipal judge and associate judges shall each take and subscribe, before a judge of a court of record, and file with the City Council, an oath of affirmation that he will support the Constitution of the United States, and the State of Colorado and the Charter and the laws of the City, and will faithfully perform the duties of his office. The presiding municipal judge, associate judges, the Court Clerk and assistant clerks shall give a bond to the City, which bond shall be approved by the City Council of the City, and be conditioned on the faithful performance of the duties of the office and for the faithful accounting for and payment of all monies coming into the hands of the judges and clerks by virtue of their offices. The requirements of this subsection may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of, City employees and officers, or by comparable coverage under the City insurance program.

Section 5. The Sections 1-22-3 and 1-22-22 of the Westminster Municipal Code are hereby amended to add “presiding”, shown underlined:

1-22-3. - Procedure of the Court.

All proceedings of the municipal court shall be governed by the rules for municipal courts as issued by the Colorado Supreme Court and any rules of procedure issued by the presiding municipal judge. Copies of any local rules of procedure shall be available for inspection at the office of the Court Clerk.

1-22-22. - Administrative Search Warrant.

The Presiding Municipal Judge or an associate judge shall have the power to issue a search warrant upon the request of a Code Enforcement Officer pursuant to Section 3-1-12 of the Code.

This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14 day of October, 2024.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 28 day of October, 2024.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office