

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 23
SERIES OF 2017**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING
SECTION 2-4-40 REGARDING THE TERM OF APPOINTMENT OF
MUNICIPAL COURT JUDGES.

WHEREAS, the City of Rifle ("Rifle" or the "City") is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, Section 8.4 of the Rifle Home Rule Charter authorizes the creation of the Rifle Municipal Court and sets forth its jurisdiction, and Section 8.5 of the Charter sets forth the qualifications of the Municipal Judge; and

WHEREAS, Section 2-4-40 of the Rifle Municipal Code provides for the appointment of the Municipal Judge, including the term of such appointment beginning in September of each odd-numbered year; and

WHEREAS, the terms of office for members of the Rifle City Council also begin in September of each odd-numbered year, making it difficult for new City Council members to become educated and be prepared to appoint or re-appoint the Municipal Judge; and

WHEREAS, the Rifle City Council, therefore, desires to alter the term of appointment of the Municipal Judge to stagger said term with the terms of office of the City Council.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. Incorporation. The Rifle City Council adopts the foregoing recitals and conclusions as facts and determinations and incorporates them by reference as if set forth in full herein.

2. Term of Office. Section 2-4-40 of the Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike-through language deleted~~:

Sec. 2-4-40. - Appointment of Municipal Judge.

(a) The City Council shall appoint a Municipal Judge, who shall meet the qualifications of the Charter, this Code and laws of the State. Preference shall be given by the City Council, when possible, to the appointment of a Municipal Judge who is licensed to practice law in Colorado or who is trained in the law. The Municipal Judge need not be a resident of the City and, subject to state law, may hold other judicial offices and may practice law.

(b) The City Council may appoint such additional Municipal Judges or Assistant Municipal Judges as may be necessary to act in case of the temporary absence,

sickness, disqualification or other inability of the presiding Municipal Judge to act. The qualifications required for an Assistant Municipal Judge shall be the same as those specified in subsection (a) above. In the event that more than one (1) Municipal Judge is appointed, the City Council shall designate a presiding Municipal Judge, who shall serve in this capacity during the term for which he or she was appointed.

(c) In the event of the temporary absence, sickness, disqualification or other inability of all Municipal Judges appointed by the City Council to act, the presiding Municipal Judge shall designate one (1) or more substitute judges to serve on a temporary basis only.

(d) The term of office of all Municipal Judges appointed shall be for a period of two (2) years, and shall begin on the ~~third Tuesday~~ first day of September of each ~~odd~~ even-numbered year. A Municipal Judge may be reappointed for a subsequent term, and any vacancy in the office of Municipal Judge shall be filled by appointment for the remainder of the unexpired term.

3. Interim Appointment. To effectuate this Code Amendment, the City Council appointed a Municipal Judge for a single-year term expiring in August 31, 2018, which occurred at the City Council's Organizational Meeting on September 18, 2017, which interim appointment is hereby ratified and affirmed..

INTRODUCED on October 4, 2017, read by title, passed on first reading with amendment, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on October 18, 2017, passed without amendment, approved and ordered published in full as required by Charter.

Dated this 18 day of October, 2017.


CITY OF RIFLE, COLORADO

By:



Barbara Clifton, Mayor

ATTEST:



City Clerk

