

**Agenda Item:** V. H.  
**Meeting Date:** July 13, 2020

**Subject:** Consideration of Ordinance 891, amending Chapter 2, Article 7 of the Dacono Municipal Code regarding appointment of Deputy Municipal Court Judges, as an Emergency.

**Presenter:** A.J. Euckert, City Manager

**Background:** Our Code does not contain a provision for Council to appoint a Deputy Municipal Court Judge. This Ordinance amends Section 2-137, to allow a Deputy Municipal Court Judge. Our current Municipal Court Judge, Will Hardesty, is unable to preside over the July 16 Court Session, and we have a rather large docket.

Judge Louis Gresh is able to preside over the July 16 Court Session, and if Council approves this Ordinance, the Resolution appointing Judge Gresh as the Deputy Municipal Judge can be considered next.

**Recommended Action:** Consideration and approval of Ordinance 891, amending Chapter 2, Article 7 of the Dacono Municipal Code regarding appointment of Deputy Municipal Court Judges, as an Emergency.

**ORDINANCE NO. 891**

**AN EMERGENCY ORDINANCE AMENDING CHAPTER 2, ARTICLE 7  
OF THE DACONO MUNICIPAL CODE REGARDING APPOINTMENT  
OF DEPUTY MUNICIPAL COURT JUDGES**

**WHEREAS**, Section 6-2 of the City of Dacono Home Rule Charter establishes a municipal court of record vested with exclusive original jurisdiction over all matters arising under the Charter, ordinances, and other enactments of the City, and provides minimum qualifications and terms for the appointment of municipal judges; and

**WHEREAS**, pursuant to Charter Section 6-2 and Section 2-137 of the Dacono Municipal Code, the City Council has appointed a presiding municipal court judge; and

**WHEREAS**, the City Council finds it reasonable and necessary to amend the Dacono Municipal Code to expressly authorize appointment of one or more deputy municipal judges, in order to ensure consistent operation of the Dacono Municipal Court; and

**WHEREAS**, the City Council finds that an emergency exists because the preservation of public property, health, safety, and welfare requires the City to take immediate action to authorize sessions of the Dacono Municipal Court to be held by a deputy municipal judge.

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

**Section 1.** Section 2-137 of the Dacono Municipal Code is hereby amended to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

**Sec. 2-137 Municipal Judges.**

(a) Presiding Municipal Court Judge. The Court shall be presided over by a Municipal Judge appointed by the City Council.

(b) Deputy Municipal Court Judges. The City Council may appoint such deputy municipal judges as the Council deems necessary.

(~~c~~ b) Compensation of the presiding judge shall be an annual salary, payable in equal increments no less than monthly, in an amount set by the City Council by resolution. Compensation of deputy judges shall be set by the City Council by resolution.

(~~d~~ e) Before entering upon the duties of his or her office, each a Municipal Judge shall make an oath or affirmation that he or she will support the Constitution of the State and the ordinances and laws of the City, and will faithfully perform the duties of his or her office.

**Section 2.** If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 3.** The repeal or modification of any provision of the Dacono Municipal Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 4.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**Section 5.** The City Council herewith finds, determines and declares that this ordinance is genuinely and urgently necessary for the immediate preservation of the public health, safety, and welfare because the services of a deputy municipal court judge are necessary for continuation without interruption sessions of the Dacono Municipal Court.

**INTRODUCED, READ, ADOPTED BY AT LEAST FIVE AFFIRMATIVE VOTES, AND ORDERED PUBLISHED AND POSTED IN FULL THIS 13<sup>th</sup> day of July, 2020.**

CITY OF DACONO, COLORADO

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Joe Baker, Mayor

ATTEST:

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Valerie Taylor, City Clerk

Summary of Ordinance No. 891, **“AN EMERGENCY ORDINANCE AMENDING CHAPTER 2, ARTICLE 7 OF THE DAONO MUNICIPAL CODE REGARDING APPOINTMENT OF DEPUTY MUNICIPAL COURT JUDGES”** Authorizes appointment of one of more deputy municipal court judges.