

PART II. MUNICIPAL COURT

Section 58 - Establishment; Appointment, Qualifications, Term, etc., of Judge

DRAFT PROPOSALS FOR CHARTER AMENDMENTS

Sec. 58. Establishment; Appointment, Qualifications, Term, Etc., Of Judge.

A. There shall be a municipal court vested with exclusive original jurisdiction of all violations of the Charter and the ordinances of the City. ~~The judge of the court~~ **Presiding Municipal Judge** shall be a person admitted to practice law in Colorado. The **Presiding Municipal** judge shall be appointed by the Council for a term of two years from the date of appointment, and may be removed at any time by unanimous vote of the entire Council. The **Presiding Municipal** judge shall receive such compensation as shall be fixed by the Council. Such compensation shall in no manner be contingent upon the amount of fees charged or collected. ~~If, in the discretion of the Council, more than one judge is necessary, one or more additional judges may be appointed.~~

B. **The Presiding Municipal Judge may appoint one or more Associate Municipal Judges subject to confirmation by the Council. Such Associate Municipal Judges shall be appointed for a term of two years.**

Reason for recommendation

The Court is headed by a Presiding Judge, the current language envisions a court with no other judges, which is not the case. The appointment method is an issue of Separation of Powers, as the Court is a separate branch of government, it is a violation of separation of powers for the Council to make the appointment, the Presiding Judge should appoint and the council should confirm the appointment. The difference with the Presiding Judge is that the council's ability to remove is limited by the Unanimous vote requirement, thereby assuring judicial independence. Colorado Court decisions provide for a minimum 2 year term to ensure judicial independence.

