



Legislation Text

File #: Ordinance 27-2018, **Version:** 2

Agenda Date: 08/07/2018

Subject:

An ordinance on second reading amending city charter section 58 regarding establishment, appointment, qualifications, term, etc., of judge

Presented By: Steve Kemp, City Attorney

REQUESTED COUNCIL ACTION:

Does city council support amending city charter section 58 regarding establishment, appointment, qualifications, term, etc., of judge?

BACKGROUND:

The Littleton City Charter was adopted in 1959. Amendments were made in 1969, 1975, 1987, 1991, 1997, 2004, 2013 and 2015. The Charter Review Committee of 2015 recommended ten amendments be placed on the ballot, seven of which were approved by the voters. There were an additional 20 amendments recommended to city council that were not placed on the ballot.

On May 22, 2018, city council held a study session to consider additional charter amendments, most of which are "housekeeping" in nature, designed to make the charter more usable and to reflect current practices.

PRIOR ACTIONS OR DISCUSSIONS:

Study session on May 22, 2018. Ordinance passed on first reading at the July 17, 2018 regular meeting of the city council.

STAFF ANALYSIS:

The city charter provisions concerning the municipal court refer to a judge of the court. This dates back to a time where a sole, part-time judge performed these duties. Currently, the court has a presiding municipal judge who oversees the court functions as a separate branch of government.

The charter states that council appoints associate municipal court judges. This implication is contrary to the constitutional provisions providing for separation of powers and the recognition of the court as a separate branch of city government. Further, the courts have recognized that implicit in separation of powers is the provision of a defined term for judicial officers.

The proposed charter amendment uses the correct term of presiding municipal judge to refer to the judge in charge of the court and its operations. Further, the proposed charter amendment provides for the presiding municipal judge to select associate municipal judges, subject to confirmation by city council, for two-year terms. These changes would bring the charter into conformance with the recognition of separation of powers and the operation of the judicial branch as a separate part of city government.

OPTIONS/ALTERNATIVES:

- A. Approve the proposed ordinance on second reading amending city charter section 58 regarding establishment, appointment, qualifications, term, etc., of judge and referring the matter to the voters at the November 6, 2018 election.
- B. Don't approve the proposed ordinance on second reading amending city charter section 58 regarding establishment, appointment, qualifications, term, etc., of judge.

FISCAL IMPACTS:

N/A

STAFF RECOMMENDATION:

While the merits of a charter change are a council policy decision, staff recommends changes that make the charter, which is the foundational document of city government, a more effective document.

PROPOSED MOTION:

I move to approve the ordinance on second reading amending city charter section 58 regarding establishment, appointment, qualifications, term, etc., of judge, and referring the amendment to the voters of the City of Littleton at the November 6, 2018 election.