

ORDINANCE 2016-08

**AN ORDINANCE AMENDING CHAPTER 2.28 OF THE FRUITA MUNICIPAL CODE
CONCERNING MUNICIPAL COURT**

WHEREAS, there are outdated provisions in the Fruita Municipal Code relating to the administration of personnel of the Fruita Municipal Court which need to be updated to reflect current employment practices of the City of Fruita, and

WHEREAS, it is the intent of this ordinance to update personnel provisions related to Municipal Court.

**BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA,
COLORADO:**

Section 1: Section 2.28.080 of the Fruita Municipal Code and Ordinance 2000-08, S1 (part) is hereby amended as follows:

2.28.080 MUNICIPAL JUDGES-COMPENSATION. The City Council shall provide ~~by ordinance~~ for the salary of the Municipal Judge. Such salary shall be a fixed annual compensation and payable on a monthly or other periodic basis. Payment of any fees or other compensation based directly on the number of individual cases handled or heard by the Municipal Judge is prohibited. If an assistant or associate municipal judge acts in the absence of the Municipal Judge, ~~his~~ **THE** salary may be adjusted so as to compensate the assistant or associate municipal judge.

Section 2: Section 2.28.110 of the Fruita Municipal Code and Ordinance 2000-08, S1 (part) is hereby amended as follows:

2.28.110 COURT CLERK-POSITION ESTABLISHED. There is hereby established the position of ~~Clerk of the~~ Municipal Court **CLERK**. ~~Provided however, The presiding Municipal Judge may serve as ex-officio clerk if the business of the Court is insufficient to warrant a separate full-time or part-time clerk.~~

Section 3: Section 2.28.120 of the Fruita Municipal Code and Ordinance 2000-08, S1 (part) is hereby amended as follows:

2.28.120 COURT CLERK-APPOINTMENT. The MUNICIPAL COURT Clerk ~~of the Municipal Court~~ shall be appointed AND SUPERVISED by the ~~Municipal Judge~~ CITY MANAGER OR HIS DESIGNEE. ~~In addition, the Municipal Judge shall exercise supervisory powers concerning the job performance of the Clerk, and shall have the power to discipline or terminate the Clerk in accordance with the City of Fruita's personnel policies and procedures.~~ INPUT FROM THE MUNICIPAL JUDGE WILL BE CONSIDERED IN THE APPOINTMENT, SUPERVISION AND EVALUATION OF THE MUNICIPAL COURT CLERK.

Section 4: Section 2.28.130 of the Fruita Municipal Code and Ordinance 2000-08, S1 (part) is hereby amended as follows:

2.28.130 COURT CLERK-DUTIES. The ~~Clerk of the~~ Municipal Court CLERK shall have such duties as are delegated to ~~him~~ THE COURT CLERK by ordinance, court rule, THE CITY MANAGER OR HIS DESIGNEE. ~~or by the Municipal Judge.~~ The Municipal Court Clerk shall file monthly reports with the City Clerk of all fines and costs collected or received by the Municipal Court, and shall SUBMIT ALL SUCH FINES AND COSTS pay to the ~~City Treasurer~~ FINANCE DIRECTOR ~~said fines and costs which shall~~ TO be deposited in the general fund of the City.

Section 5: Section 2.28.140 of the Fruita Municipal Code and Ordinance 2000-08, S1 (part) is hereby amended as follows:

2.28.140 COURT CLERK-COMPENSATION. The City Council shall provide ~~by ordinance~~ for the salary of the ~~Clerk of~~ Municipal Court CLERK, ~~except that if the Municipal Judge serves as ex officio clerk, he shall not receive any additional compensation.~~

Section 6: Section 2.28.150 of the Fruita Municipal Code and Ordinance 2000-08, S1 (part) is hereby amended as follows:

2.28.150 COURT CLERK-BOND. The ~~Clerk of the~~ Municipal Court CLERK shall give a performance bond in the sum of not less than \$2,000.00 to the City. The performance bond shall ~~be approved by the City Council and~~ be conditioned upon the faithful performance of ~~his~~ THE duties OF THE COURT CLERK, and for the faithful accounting for, and payment of, all funds deposited with or received by the Court. ~~When the Municipal Judge serves as ex officio Clerk of the Municipal Court, he shall execute the performance bond required by this Section.~~

Section 7: Section 2.28.160 of the Fruita Municipal Code and Ordinance 2000-08, S1 (part) is hereby amended as follows:

2.28.160 COURT FACILITIES AND SUPPLIES; APPROPRIATIONS. The City Council shall furnish the Municipal Court with suitable courtroom facilities and sufficient funds for the acquisition of all necessary books, supplies, and furniture for the proper conduct of the business of the Court. The City Council shall, on an annual basis, budget and appropriate funds to pay the annual salary of the Municipal Court Judge and any ~~assistant~~ ASSOCIATE judges, the salary of the Municipal Court Clerk, together with the other expenses as may be necessary for the proper operation of the Municipal Court.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL
THIS ____ DAY OF _____, 2016**

ATTEST:

City of Fruita

Margaret Sell, City Clerk

Lori Buck, Mayor