

**ORDINANCE OF THE  
CITY OF LONE TREE**

Series of 2022

Ordinance No. 22-04

**AN ORDINANCE REPEALING AND REENACTING SECTION 2-2-30 OF THE CITY  
OF LONE TREE MUNICIPAL CODE RELATING TO MUNICIPAL JUDGE  
COMPENSATION**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONE TREE,  
COLORADO:**

**ARTICLE 1 – AUTHORITY**

The City of Lone Tree (the "City") is a home rule municipality operating under the Lone Tree Home Rule Charter (the "Charter") adopted on May 5, 1998, and a Municipal Code (the "Code"), codified and adopted on December 7, 2004. Pursuant to its constitutional home rule authority, the City may adopt and amend ordinances.

**ARTICLE 2 – DECLARATIONS OF POLICY AND FINDINGS**

- A. Section 6 of Article XX of the Colorado Constitution grants home rule municipalities the power to legislate upon, provide, regulate, conduct and control, among other powers, the creation of municipal courts, the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of the officers thereof.
- B. Pursuant to Section 2 of Article VIII of the Charter, the City Council has established a municipal court vested with original jurisdiction of all causes arising under the Charter and the ordinances of the City.
- C. Section 2 of Article VIII of the Charter provides for the compensation of the municipal judge:

The judge shall be appointed by the Council for a term of two (2) years, may be removed by the Council for cause, *and shall receive such compensation as shall be fixed by the Council.* The Council may also appoint any additional personnel required for the municipal court. *Such compensation shall in no manner be contingent upon the amount of fees charged or collected. [Emphasis added.]*

- D. Section 2-2-30 of the Code further provides: "Pursuant to Section 13-10-107, C.R.S., the annual salary of the Municipal Judge shall be set by City Council."
- E. In accordance with Section 6 of Article XX of the Colorado Constitution, the City Council finds that setting the compensation for the municipal judge is a matter of local and municipal concern.

- F. The City Council further finds that it is in the best interest of the City to amend Section 2-2-30 of the Code to remove the reference to Section 31-10-107, C.R.S., consistent with Section 2 of Article VIII of the Charter.

### **ARTICLE 3 – SAFETY CLAUSE**

The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare.

### **ARTICLE 4- AMENDMENT OF SECTION 2-2-30**

Section 2-2-30 of the Lone Tree Municipal Code titled “Compensation of Judge” is hereby repealed in its entirety and reenacted as follows:

#### **Sec. 2-2-30. Compensation of Judge.**

The City Council shall set compensation of the Municipal Judge by resolution.

### **ARTICLE 5 – SEVERABILITY**

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance which can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

### **ARTICLE 6 – CAUSES OF ACTION RETAINED**

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

### **ARTICLE 7 - EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days following publication after the first reading if no changes are made on second reading, or twenty (20) days after publication following second reading if changes are made upon second reading.

*[Remainder of page left intentionally blank.]*

**INTRODUCED, READ AND ORDERED PUBLISHED ON MAY 17, 2022.**

**PUBLISHED IN THE DOUGLAS COUNTY NEWS PRESS ON JUNE 2, 2022;  
LEGAL NOTICE NO. 942185**

**APPROVED AND ADOPTED WITH NO CHANGES ON SECOND READING THIS  
7TH DAY OF JUNE, 2022 TO BECOME EFFECTIVE ON JULY 2, 2022.**

**CITY OF LONE TREE:**

  
Jacqueline A. Millet, Mayor

**ATTEST:**

(SEAL)





Rick Parsons, Acting City Clerk