

ORDINANCE 3252

AN ORDINANCE AMENDING TITLE 2, CHAPTER 3, SECTION 030, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO MUNICIPAL COURT JUDGES.

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WHEREAS, the City Commission established Title 2, Chapter 3, of the OCCGF outlining provisions pertaining to the administration of the Great Falls Municipal Court; and

WHEREAS, the City Commission established provisions providing for one elected Municipal Court Judge; and

WHEREAS, the City Commission adopted Ordinance 3245 on July 19, 2022, referring a Charter Amendment to the voters of the City of Great Falls allowing for one or more elected Municipal Court Judges on the November 8, 2022 election ballot; and

WHEREAS, the voters of the City of Great Falls adopted said Charter Amendment at the November 8, 2022 election; and

WHEREAS, the City Commission wishes to establish a two court structure to accommodate the current criminal justice workload of the Municipal Court; and

WHEREAS, the City Commission now wishes to revise the OCCGF to both 1) recognize the new Charter Amendment that allows for one or more Municipal Court Judges, and 2) establish a dual-court structure that clarifies the appointment/election cycle for a second Municipal Court Judge.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. OCCGF Title 2, Chapter 3, Section 030 shall be amended as depicted in Exhibit "A" attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 2. This Ordinance shall be effective thirty (30) days after second reading and final adoption by the City Commission as provided by law.

APPROVED by the City Commission of the City of Great Falls, Montana on first reading November 15, 2022.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading December 6, 2022.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

David G. Dennis, Interim City Attorney

Exhibit "A"

Title 2 - ADMINISTRATION AND PERSONNEL

Chapter 3 - MUNICIPAL COURT

2.3.030 Municipal Court Judges.

- A. There shall be ~~one (1)~~ **two (2)** Municipal Court Judges elected to a four (4) year terms pursuant to Mont. Code Ann. Title 3, Chapter 6. **The existing Municipal Court Judge position created by Ordinance 2725 shall be designated Municipal Court Department A and shall be subject to its already existing general election cycle. The new Municipal Court Judge position created by Ordinance 3252 shall be designated Municipal Court Department B and the vacant position shall be filled through appointment by the City Commission pending an election for an initial two-year term in November of 2023, and then subsequently for four-year terms commencing in November of 2025.** The qualifications of the elected Municipal Court Judges shall be as required by Montana law to include:
1. The same qualifications as a Montana Judicial District Court Judge as set forth in Article VII, Section 9, of the Montana Constitution, except that the Municipal Court Judges need only be admitted to the practice of law in Montana for at least three (3) years prior to the date of the election;
 2. The Municipal Court Judges shall be a resident and qualified elector in the City of Great Falls at the time of his or her **appointment or** election; and
 3. The Municipal Court Judges shall be certified as provided in Mont. Code Ann. §§ 3-1-1502-1503, prior to assuming office.
- B. The salary of the Municipal Court Judges shall be set by Commission resolution.
- ~~C. The elected Municipal Court Judge may appoint a part-time Assistant Municipal Court Judge to serve at the will of the elected Municipal Court Judge. The Assistant Municipal Court Judge shall:~~
- ~~1. Meet the qualifications as set forth in Article VII, Section 9, of the Montana Constitution, except that the Assistant Judge need only be admitted to the practice of law in Montana for at least three (3) years prior to the date of appointment;~~
 - ~~2. Be certified as provided in Mont. Code Ann. §§ 3-1-1502-1503, prior to appointment; and~~
 - ~~3. The salary for the Assistant Municipal Court Judge shall be set by Commission resolution.~~
- (Ord. 3252, 2022; Ord. 3208, 2019; Ord. 3169, 2017).**