



**OFFICE OF THE CITY CLERK
COUNCIL ACTION FORM**

SUBJECT: ORD 22-5822, Creating 2nd Municipal Court Judge

Council Meeting Date: 12/12/22

Vote: Approved 10-0, Tidswell absent

**Shaw, Gulick, Neese, Owen, Joy, Choriki, Tidswell,
Purinton, Boyett, Rupsis, Mayor Cole**

ORDINANCE 22-5822

AN ORDINANCE OF THE CITY OF BILLINGS, CREATING A SECOND OFFICE OF MUNICIPAL COURT JUDGE; AMENDING CHAPTER 10 OF BILLINGS, MONTANA CITY CODE (BMCC) SECTIONS 10-202(a)(b)(c) MUNICIPAL COURT JUDGES, SECTION 10-205(a)(b) ANNUAL SALARY AND EXPENSES; ESTABLISHING A STAGGERED ELECTION CYCLE FOR THE MUNICIPAL JUDGES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Sec. 10-101 of the Billings, Montana City Code (BMCC), there shall be a municipal court as prescribed by state law; and

WHEREAS, the City has previously created the office of a full time elected municipal court judge pursuant to Title 3, Chapter 6, MCA; and the provisions of BMCC Chapter 10; and

WHEREAS, §3-6-201, MCA and Sec. 10-202(b), BMCC provide for part-time assistant judges appointed by the elected municipal court judge and confirmed by the Billings City Council to serve with all the rights and responsibilities of a full-time judge; and

WHEREAS, the 2021 Montana Legislature amended §3-6-201, MCA, to remove the authorization for part-time assistant judges and effective April 10, 2022, Montana state law requires all municipal court judges to be elected; and

WHEREAS, it is in the interests of the City to establish a second full-time elected municipal court judge position to comply with State law, to manage the municipal court's caseload and to more efficiently administer justice in the City of Billings.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

Section 1. That Chapter 10 of the Billings, Montana City Code (BMCC) is amended as follows and any sections not amended herein shall remain in effect:

Sec. 10-202. - Municipal court judges.

(a) There shall be two (2) full-time elected municipal court judges. A judge's term commences on the first Monday in January following the election. The judge shall hold office for the term of four (4) years and until a successor is elected and qualified. The terms of the municipal court judges shall be staggered.

(b) The city council may change the number of full-time municipal judges by ordinance.

(c) The chief judge of the municipal court shall be determined in accordance with title 3, chapter 6, of the Montana Code Annotated (MCA 3-6-101 et seq.).

Sec. 10-205. - Annual salary; expenses.

(a) Pursuant to MCA 3-6-203, the salary of the city municipal court judges must be fixed by ordinance or resolution.

(b) In addition to the foregoing, a municipal court judge shall receive his or her actual and necessary traveling expenses and all other necessary expenses as budgeted in the city's annual budget.

Section 2. The City Council hereby authorizes the creation of a second full time office of a municipal court judge to commence on the first Monday in January of 2024. The Billings City Council hereby requests the Yellowstone County Clerk - Elections Administrator to immediately commence with an election for the second full time municipal court judge to occur on November 7, 2023.

Section 3. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 4. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 5. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 28th day of November, 2022.

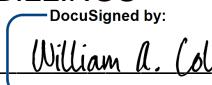
PASSED, ADOPTED and APPROVED on second reading this 12th day of December, 2022.



CITY OF BILLINGS

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BY: _____

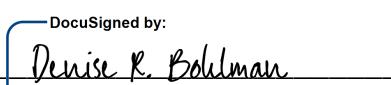


William A. Cole, Mayor

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Denise R. Bohlman, City Clerk

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City of Billings

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