

**ORDINANCE NO. 1265**

**AN ORDINANCE AMENDING CHAPTER 28, SECTIONS 28-22 (Office created) AND 28-27(b) (COMPENSATION) OF THE CODE OF ORDINANCES OF THE TOWN OF SILVER CITY**

**WHEREAS**, Chapter 28, Section 28-22 (Office created) states that the position of Municipal Judge shall be considered to be a full time position; and

**WHEREAS**, Section 28-27(a) and (b) of the Code refers to a salary to be paid to the Town's Municipal Judge and to the requirement that said salary shall be adopted by ordinance prior to the date of the beginning of the term for which such Municipal Judge is elected to serve; and

**WHEREAS**, the Town Council finds that a modification of the mentioned sections of the Code of Ordinances is necessary for clarity and to eliminate any ambiguities regarding the employment status, compensation and benefits to be afforded to the Municipal Judge;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Town of Silver City, Grant County, New Mexico, that:

**Chapter 28, Section 28-22** of the Code of Ordinances of the Town of Silver City is hereby deleted in its entirety and replaced as follows:

**Sec. 28-22. Office created.**

There is hereby created a Municipal Court in and for the Town, which shall be presided over by a Municipal Judge.

**Chapter 28, Section 28-27 (b)** of the Code of Ordinances of the Town of Silver City is hereby deleted in its entirety and replaced as follows:

**Sec. 28-27**

(b) The Municipal Judge's annual salary for the term commencing in March of 2018 shall be \$36,000.00 dollars, and the benefits afforded to the Municipal Judge shall be the same as those offered to full time employees of the Town, except that the Municipal Judge shall not be entitled to, and shall neither earn nor accrue personal leave, vacation, and sick leave, nor shall be entitled to overtime compensation. Said Municipal Judge shall not be considered an employee of the Town for any other purpose.

The Municipal Judge shall, in exchange for such compensation and benefits, be obligated to fulfill the duties mentioned in Section 28-30 and elsewhere in this Chapter, and be available to the Court during all hours the Court is open for the conduct of business, at the minimum of 32 hours per week.

**PASSED AND APPROVED this 9th day of January, 2018.**

(Seal)

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Ken Ladner, Mayor

Attest:

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Ann L. Mackie, Town Clerk