

Ordinance No. 00165

[\(Council Minutes 98/05/04\)](#)

ORDINANCE NO. 165

AN ORDINANCE of the City of Lakewood, Washington, amending Section 2.16.120 of the Lakewood Municipal Code, relating to the Municipal Court for the City of Lakewood

WHEREAS, pursuant to Title 3.50 of the Revised Code of Washington, the City Council adopted Ordinances establishing the Lakewood Municipal Court; and,

WHEREAS, since the official date of the incorporation of the City of Lakewood, the City has been operating its Municipal Court, and in the operation of the Court, the need for modification and refinement of some of the provisions of the of the Ordinance establishing the Municipal Court have been identified so as to facilitate greater efficiency and clarity in delegation of related responsibilities, particularly with respect to salary of the Judges pro tem; and,

WHEREAS, it is appropriate to provide for the codification of the Ordinance provisions relating to the Municipal Court.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN, as follows:

Section 1. That Section 2.16.120 of the Lakewood Municipal Code is hereby amended as follows:

2.16.120 Judges Pro Tem - Court Commissioners.

A. The City Manager shall, in writing, appoint judges pro tem who shall act in the absence or disability of the regular judge of the Municipal Court or in the case of overlapping schedules or subsequent to the filing of an affidavit of prejudice. The judge pro tem shall be qualified to hold the position of judge of the Municipal Court as provided herein. The judge pro tem shall receive compensation computed on an hourly basis at the rate of \$50.00 per hour, or as otherwise fixed by resolution or ordinance. The term of the appointment shall be specified in writing but in any event shall not extend beyond the term of the appointing City Manager.

B. The Municipal Judge may appoint one or more municipal court commissioners, who shall hold office during the pleasure of the Municipal Judge. Each municipal court commissioner shall have such power, authority and jurisdiction in civil and criminal matters as the Municipal Judge shall prescribe by court order. The court commissioners shall receive compensation computed on an hourly basis at the rate of \$40.00 per hour, or as otherwise fixed by resolution or ordinance.

C. The compensation of judges pro tem and court commissioners shall be paid out of the amount from which the Municipal Judge is paid as provided for in Section 2.16.090 hereof.

D. The scheduling of court commissioners and judges pro tem shall be on a "one half day" calendar basis. In the case of an overlapping or simultaneous calendar, if the Municipal Judge completes the calendar over which the Municipal Judge was presiding, and the other calendar which would have been presided over by the court commissioner or judge pro tem has not yet started, the Municipal Judge shall have the right to preside over such calendar. The Municipal Judge shall have the right to preside over any calendars not yet started that the Municipal Judge is in a position to preside over. In the case where a court

commissioner or judge pro tem has been called and scheduled to preside over an overlapping or simultaneous calendar, but where the Municipal Judge is available to preside over the calendar, thereby making the services of the court commissioner or judge pro tem no longer needed, such court commissioner or judge pro tem shall be compensated for at least ~~one~~ two hours at the appropriate hourly rate, assuming that the court commissioner or judge pro tem was present, ready and able to preside over the scheduled calendar. (Ord. 98 '1 (part) 1996; Ord. 71 ' 2, 1996; Ord. 15 ' 12, 1995.)

Section 2. Severability.

If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date.

This Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 4th day of May, 1998

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Daniel B. Heid, City Attorney

.....