

# Ordinance No. 00574

[COUNCIL MINUTES DECEMBER 2, 2013](#)

## ORDINANCE NO. 574

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Section 02.16.090 of the Lakewood Municipal Code related to judicial salaries and costs and repealing section 02.16.135 of the Lakewood Municipal Code related to determination of a full-time equivalent judicial position.

WHEREAS, in 1995, the City Council of the City of Lakewood has previously created a municipal court in the City of Lakewood that is authorized to exercise all authority conferred upon courts of limited jurisdiction in the State of Washington; and

WHEREAS, the City Council has authority to confirm any appointment Lakewood Municipal Court judicial appointment of the City Manager as well as the means of compensation of that judicial officer; and

WHEREAS, the process of compensating a judicial officer(s) has changed since creation of the municipal court in 1995;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 02.16.090, entitled, "Salaries-Costs" shall be amended to read as follows:

Compensation of the Lakewood Municipal Judge shall be established by contract.

The cumulative salary of the Municipal Judge(s) shall be as follows:

Except as provided hereinbelow, where there is more than one Municipal Judge, the Municipal Judge's salary shall be reviewed for possible adjustment quarterly based on the average total number of cases filed in the Municipal Court during each month of the preceding quarter, as follows: Points shall be totaled on the average number of monthly cases filed, with Infraction cases being computed at one tenth (.1) points times the monthly average of the number of Infraction case filed during the prior quarter, and Criminal cases being computed at one half (.5) points times the monthly average of the number of Criminal case filed during the prior quarter. If the total number of points so computed was less than 150, the Municipal Judge salary shall be \$2,000 per month through the end of the next quarter. If the total number of points so computed was between 150 to 199, the Municipal Judge's salary shall be \$3,000 per month through the end of the next quarter. If the total number of points so computed was between 200 to 249, the Municipal Judge's salary shall be \$4,000 per month through the end of the next quarter. If the total number of points so computed was between 250 to 299, the Municipal Judge's salary shall be \$5,000 per month through the end of the next quarter. If the total number of points so computed was between 300 to 349, the Municipal Judge's salary shall be \$6,000 per month through the end of the next quarter. If the total number of points so computed was between 350 to 399, the Municipal Judge's salary shall be \$7,000 per month through the end of the next quarter. If the total number of points so computed was 400 or more, the Municipal Judge's salary shall be \$8,000 per month through the end of the next quarter. It is provided, however, that the compensation amounts and caseload/point criteria set forth hereinabove may be reviewed by the City on an annual basis.

On those occasions when two court calendars are going to be held simultaneously or held at a time when the two calendars would overlap, with one calendar being presided over by the Municipal Judge and the other calendar being presided over by a court commissioner or a judge pro tem, the Municipal Judge shall be entitled to select which calendar shall be handled by the Municipal Judge and which calendar shall be handled by the court commissioner or judge pro tem.

If more than one Municipal Judge is appointed, whether or not the Municipal Judge position constitutes a full-time equivalent judicial position pursuant to RCW 3.50.055, the two or more Municipal Judges shall alternate quarterly in the role of "Presiding" Municipal Judge. The Presiding Municipal Judge shall be responsible for coordinating with the City Manager, or his/her designee, and Court Administrator to schedule court calendars and handle judicial-administrative duties. The Presiding Municipal Judge shall also be responsible for executing any Local Court Rules, after consultation with the other Municipal Judge or Judges and with concurrence by the other Municipal Judge or Judges, or a majority thereof. In any case where the Municipal Judges are unable to reach a majority in making an administrative decision, the Court Administrator shall be afforded a vote to break the tie and make the decision. Additionally, in the case where there is more than one Municipal Judge, they shall be paid a share of the compensation provided hereinabove corresponding to the proportion of time that each Municipal Judge is on the bench during the month.

All costs of operation of the Municipal Court, including but not limited to salaries of judges and court employees, dockets, books of records, forms, furnishings and supplies shall be paid wholly out of the funds of the City. Jurors shall be paid a fee of ten dollars (\$10.00) per day and mileage allowance pursuant to RCW 43.03.060. The City shall provide a suitable place for holding court and pay all expenses of maintaining it.

(Ord. 269 § 1, 2001; Ord. 252 § 1(part), 2000; Ord. 104 § 1, 1996; Ord. 98 § 1 (part), 1996; Ord. 15 § 9, 1995.)

Section 2. Section 02.16.135 entitled "Determination of Full-Time Equivalent Judicial Position" is repealed.

~~In the event that the case-load points, as provided for in Section 2.16.090 hereof, average 300 or more per month for twelve consecutive months, the Municipal Judge position shall be determined to be a full time equivalent judicial position, regardless of how many judges, judge pro tem and/or court commissioner are used to serve in the judicial capacity for the court. Upon such determination, at the expiration of the then current term of office of the position of Municipal Judge, the position or positions shall be filled by election as provided in RCW 3.50.055, and the provisions of this Chapter. (Ord. 252 § 1(part), 2000; Ord. 98 § 1(part), 1996.)~~

Section 3. 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 of any other section, sentence, clause, or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take place thirty (30) days after its publication or publication of a summary of its intent and contents.

ADOPTED by the City Council this 2nd day of December, 2013.

CITY OF LAKEWOOD

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Don Anderson, Mayor

Attest:

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Alice M. Bush, MMC, City Clerk

Approved as to Form:

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Heidi A. Wachter City Attorney