

ORDINANCE NO. 1482

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, amending DMMC 2.28.030, creating a full-time elected position for Des Moines Municipal Court Judge, setting terms, establishing appointment guidelines for vacancies and removals, providing for severability, and establishing an effective date.

WHEREAS, the City Council intends to retain the Municipal Court of the City of Des Moines to provide greater flexibility, consistency, and accountability in adjudicating enforcement of the Des Moines Municipal Code, and

WHEREAS, the position of Municipal Judge for the Municipal Court of the City of Des Moines is currently an appointed position pursuant to authorizations of RCW 3.50.040, and

WHEREAS, the City Council, pursuant to authorizations and provisions of RCW 3.50.050, may by ordinance choose to make the position of Municipal Judge for the Municipal Court of the City of Des Moines an elected position, and

WHEREAS, the City Council received recommendations from the City Manager and the Court Administrator of the City of Des Moines that both the court and the City will benefit from having an elected full-time judge to ensure efficiency, fairness, and to handle increased caseloads, and

WHEREAS, the state contributes funds pursuant to RCW 2.56.030 towards salaries of qualifying elected Municipal Court Judges, and an elected Municipal Court Judge for the Municipal Court of the City of Des Moines may, in the future, qualify for such contributions; now, therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 2.28.030, formerly DMMC 2.52.030, and section 4 of Ordinance No. 610 as amended by section 2(7)(part) of Ordinance No. 1135 as amended by section 1 of Ordinance No. 1349 are each amended to read as follows:

Municipal Court Judge.

(1) The Municipal Court Judge holding office on January 1, 1985, shall continue to hold office until January 1, 1986. On or before December 1, 1985, the City Manager shall appoint a successor Municipal Court Judge, subject to confirmation by the City Council, to take office on January 1, 1986. Subsequent appointments shall be made every fourth year in accordance with this section. The Municipal Court Judge shall discharge the office in accordance with the laws of the state.

(2) Effective January 1, 2010 the Municipal Court Judge shall be a full-time

position as defined by RCW 3.50.055. The position of Municipal Judge shall be filled by election for the term commencing on January 1, 2014, and every four years thereafter. The Municipal Judge shall be elected in the same manner as other elective City officials are elected to the office. The elected Judge shall be qualified to hold the position of Judge of the Municipal Court as provided in RCW 3.50.040, as presently constituted or as may be subsequently amended. The term of the Municipal Judge shall be for four (4) years. The City Manager shall not appoint a Municipal Judge pursuant to paragraph (1) of this section for a term beyond December 31, 2013. Nothing in this section shall limit the City Manager's authority to fill the position of Municipal Judge pursuant to paragraph (3) or (4) of this section.

(3) Any vacancy in the Municipal Court due to a death, disability, or resignation of a Municipal Court Judge shall be filled by the City Manager for the remainder of the unexpired term. The appointment shall be subject to confirmation of the City Council. The appointed Judge shall be qualified to hold the position of Judge of the Municipal Court as provided in RCW 3.50.040, as presently constituted or as may be subsequently amended.

(4) A Municipal Court Judge shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering the judge incapable of performing the duties of the office. Any vacancy in the Municipal Court due to removal of the Municipal Court Judge shall be filled by the City Manager, for the remainder of the unexpired term. The appointment shall be subject to confirmation by the City Council. The appointed Judge shall be qualified to hold the position of Judge of the Municipal Court as provided in RCW 3.50.040, as presently constituted or as may be subsequently amended.

Sec. 2. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.


//
//
//
//

Sec. 3. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this 25th day of March, 2010 and signed in authentication thereof this 25th day of March, 2010.


M A Y O R

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Published: March 30, 2010

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1482, Adopted March 25, 2010.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance amends DMMC 2.28.030, creates a full-time elected position for Des Moines Municipal Court Judge, sets terms, establishes appointment guidelines for vacancies and removals, provides for severability, and establishes an effective date.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC
City Clerk

Published: March 30, 2010