



ORDINANCE NO. 3439

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CITY'S MUNICIPAL COURT, AND SPECIFICALLY REPEALING LYNNWOOD MUNICIPAL CODE SECTIONS 2.19.030, 2.19.042, 2.19.044, 2.19.150, 2.19.160, 2.19.180(B), and 2.19.180(C); AMENDING LYNNWOOD MUNICIPAL CODE SECTION 2.19.040 RELATING TO JUDICIAL SALARIES AND COSTS; AMENDING LMC SECTION 2.19.060 RELATING TO JUDGES PRO TEM; ADOPTING A NEW LYNNWOOD MUNICIPAL CODE SECTION 2.19.190 RELATING TO AN ELECTED MUNICIPAL COURT JUDICIAL POSITION; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, chapter 2.19 of the Lynnwood Municipal Code ("LMC") governs the City of Lynnwood's ("City") municipal court; and

WHEREAS, the City desires to repeal the following sections of the LMC: LMC 2.19.030, which provides for the appointment of municipal court judges by the mayor; LMC 2.19.042, which provides for an employment contract between the municipal court judge and the City; LMC 2.19.044, which provides for an hourly compensation for municipal court judges and judges pro tem; LMC 2.19.150, which provides for the removal of municipal court judges; LMC 2.19.160, which provides for civil jury trials in the City's municipal court; and LMC 2.19.180(B) and 2.19.180(C) concerning revenue; and

WHEREAS, the City desires to amend LMC 2.19.040 to provide for a salary of a municipal court judge that is set, and adjusted, by the Washington Citizens' Commission on Salaries for Elected Officials; and

WHEREAS, the City desires to amend LMC 2.19.060 to grant the municipal court judge the authority to appoint judges pro tem, and to describe the qualifications and powers of a judge pro tem; and

WHEREAS, the City desires to add a new section to chapter 2.19 LMC (LMC 2.19.190) that provides for one elected municipal court judge position, and describes the duties and responsibilities of the elected municipal court judge;

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

Section 1. Purpose. The purpose of this ordinance is to convert the part-time contract municipal court judge position to an elected full-time position. Other sections of the LMC must be either repealed or amended in order to best harmonize those sections with the goal of creating an elected municipal court judge position. The first elected municipal court judge will be elected on the general election ballot in November 2023 for an initial two-year term beginning on January 1, 2024 and ending on December 31, 2025; thereafter the position will be for four-year terms beginning on January 1, 2026.

Section 2. Repealers. The following sections of the Lynnwood Municipal Code are hereby repealed in their entirety: LMC 2.19.030 (Judges – Appointment – Qualifications); LMC 2.19.042 (Terms of employment – Judge); LMC 2.19.044 (Municipal judge and judges pro tem compensation); LMC 2.19.150 (Removal of judge); LMC 2.19.160 (Civil jury trials), LMC 2.19.180(B), and LMC 2.19.180(C).

Section 3. LMC Section 2.19.040, Amended. Lynnwood Municipal Code Section 2.19.040 (Salaries and costs) is hereby amended to read as follows:

2.19.040 Salaries and costs.

~~The salary of the municipal court judge shall be fixed by ordinance.~~ The city shall automatically adjust the salary paid to a municipal court judge, who meets the requirements of RCW 2.56.030(22), to an amount equal to the salary of district court judges as set by the Washington Citizens' Commission on Salaries for Elected Officials. The effective date of the municipal court judge salary increase shall be the same as that set for district court judges by the Washington Citizens' Commission on Salaries for Elected Officials. All costs of operating the municipal court, including but not limited to salaries of judges and court employees, dockets, books of record, forms, furnishings, and supplies, shall be paid wholly out of the funds of the city. The city shall provide a suitable place for holding court and pay all expenses of maintaining it.

Section 4. LMC Section 2.19.060, Amended. Lynnwood Municipal Code Section 2.19.060 is hereby amended to read as follows:

2.19.060 Judges pro tem.

~~The mayor-municipal court judge~~ shall, in writing, appoint judges pro tem-tempore who shall act in the absence or disability of the regular judge of the municipal court ~~or~~, subsequent to the filing of an affidavit of prejudice, or when the administration of justice and accomplishment of the work of the court make it necessary. The

judge pro tem shall be qualified to hold the position of judge of the municipal court as provided herein, except that a judge pro tem need not be a resident of Snohomish County. The judge pro tem shall receive such compensation as shall be fixed by ordinance. The term of the appointment shall be specified in writing, but in any event shall not extend beyond the term of the appointing mayor-municipal court judge. Judges pro tem shall have all the powers of the duly appointed judge when serving as judges pro tem of the court. Before entering on their duties, each judge pro tem shall take, subscribe, and file an oath as is taken by the duly appointed judge.

Section 5. New LMC Section 2.19.190, Adopted. A new Lynnwood Municipal Code Section 2.19.190 is hereby adopted to read as follows:

2.19.190 Judges – Election – Appointment – Duties.

A. There shall be one full-time judicial position with regular terms filled by election of city of Lynnwood voters. Elections shall be made in the same manner as other elected city positions with terms of four (4) years commencing on January 1, 2026,* and every four (4) years thereafter. Any judge filling such position shall be a resident and lawfully registered voter in Snohomish County, Washington, and an attorney admitted to practice law before the courts of record of the state of Washington.

B. Within thirty (30) days of the creation or vacancy of a judicial position that is subject to election pursuant to RCW 3.50.055, the mayor shall appoint a judge to fill such position with an interim term commencing upon appointment and terminating upon certification of the next regularly scheduled judicial election. Upon certification of such election results, the position shall be filled by the candidate elected to fill the position in the next full four-year term. The mayor's appointment is subject to confirmation by the city council.

C. The full-time judge shall devote all of the judge's professional time to the elected or appointed office and shall not engage in the practice of law. Before entering upon the duties of office, the judge shall take and subscribe to the oath or affirmations required by RCW 3.50.097. The judge shall have the authority and duty to perform the responsibilities conferred upon the position in accordance with the jurisdiction granted to the municipal court and all applicable statutes, ordinances, court rules, and other

standards regulating such judicial position. The judge may, by court rule or other lawful procedure, establish fines and penalties for civil infractions or other offenses, so long as such fines and penalties are within the range allowed for such fines and penalties by ordinance, rule, or other law.

*The first municipal court judge election will occur in November, 2023 and the first municipal court judge's term ("short term") will begin on January 1, 2024 and end on December 31, 2025. Thereafter, beginning on January 1, 2026, the elected judge will serve four-year terms.

Section 6. Severability. If any section, sentence, clause, phrase, or word 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, phrase, or word of this ordinance.

Section 7. Effective Date. This ordinance, or an approved summary thereof consisting of its title, shall be published in the City's official newspaper of record and shall take effect, and be in full force, five (5) days following its publication.

PASSED BY THE CITY COUNCIL this 27th day of March, 2023.

APPROVED:

DocuSigned by:

Christine Frizzell 4/3/2023

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Christine Frizzell, Mayor

ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:

DocuSigned by:

Luke Lonie

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Luke Lonie, City Clerk

DocuSigned by:

Lisa Marshall

0C9DE54C77524E7...
Lisa M. Marshall, City Attorney