

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 6/27/16

AGENDA ITEM: Municipal Court Salary Ordinance	
PREPARED BY: Gloria Hirashima, Chief Administrative Officer	DIRECTOR APPROVAL:
DEPARTMENT: Executive	
ATTACHMENTS: 1. Staff Memo 2. Salary Ordinance	
BUDGET CODE:	AMOUNT:
SUMMARY:	

The attached ordinance will set the Marysville Municipal Court Judge's salary at 100% of District Court salary.

RECOMMENDED ACTION: Approve Salary Ordinance.



MEMORANDUM

To: Marysville City Council

From: Gloria Hirashima, Chief Administrative Officer

Date: June 13, 2016

RE: Proposed Budget Amendment relating to Municipal Court

The Executive Department is recommending an amendment to the City's salary ordinance for our Municipal Court judges. The amendment will provide that our municipal court judges receive 100% of the salary established for District Court judges. Currently, their salary is set at 95% of the salary of District Court judges.

The judges have begun processing search warrants for the City of Marysville and Snohomish County. Earlier this year, Snohomish County District Court Judges notified the Municipal Courts that the County judges, as of April 1, 2016, would be declining to issue search warrants within city limits with municipal court operations. They indicated that unless the municipal court judges agreed to assist with Countywide search warrant issuance (involving evening and weekend rosters), they would not be issuing search warrants within their city limits. This would place the full responsibility on the municipal court system. This had the potential to greatly impact our police operations. In 2015, the City served approximately 276 search warrants. Countywide, there were 1765 search warrants issued in Snohomish County. Marysville PD's search warrant service is prolific relative to other municipalities. Marysville is issuing more search warrants than any other municipal department. We were very concerned about impacting this critical department operation. The Municipal Court judges agreed to join the County roster for evening and weekend duties associated with Countywide search warrant issuance throughout the year. They are also issuing search warrants at our court on a daily basis as needed. Frequently, Marysville PD will file the warrant requests directly with the municipal court as it is more convenient. As of the first two months of tracking warrant issuance under the new system, the judges have issued 53 search warrants. The majority of these were for Marysville PD.

In recognition of the additional workload and responsibility that the judges have been assigned with the City's growth and also the changes enacted by the County court system, the Executive Department is recommending that their salary be set at 100% of the District Court judges.

The cost impact of this ordinance is approximately \$15,800 per year. The judges' salary is currently set at \$147,094 (95% of \$154,836 until 9/1/16). This proposal would bring the salary to \$154,836. From 9/1/16 it would be set at \$157,933, as established by the state legislature for district court.

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, AMENDING SECTION 2.24.030(5) OF THE MUNICIPAL
CODE, ESTABLISHING SALARY FOR MUNICIPAL COURT JUDGES,
PROVIDING FOR SEVERABILITY, AND EFFECTIVE DATE.**

WHEREAS, RCW 3.50.080 requires that the salary for municipal court judges be set by ordinance; and

WHEREAS, the city is eligible to receive partial funding for municipal court judge salaries if it complies with the requirements in RCW 2.56.030, which includes the requirement to set the municipal court judge's salary at a rate equivalent to at least ninety-five percent, but not more than one hundred percent, of a district court judge's salary; and

WHEREAS, the salary of district court judges is set by the Washington Citizens' Commission on Salaries for Elected Officials; and

WHEREAS, the City has historically compensated the municipal court judge at 95% of a district court judge's salary; and

WHEREAS, historically the Snohomish County District Court judges reviewed and issued search warrants for the Marysville Police Department and this duty requires being available at night on and weekends; and

WHEREAS, the district court changed this long-time practice effective April 1, 2016, resulting in each city being responsible for the search warrants of its own police department; and

WHEREAS, search warrants are an integral component of the Marysville Police Department's efforts to control criminal activity in the City and the City's department seeks more search warrants than other municipalities in the county; and

WHEREAS, this resulted in a significant increase in the municipal court judge's volume of workload and time they must be available for their duties; and

WHEREAS, ensuring that the Marysville Police Department is able to obtain search warrants at any time is critical to the City's goal of enhancing public safety.

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

SECTION 1. **Amendment of the Municipal Code.** The Marysville Municipal Code is amended as set forth in Exhibit "A".

SECTION 2. **Severability.** If any section, subsection, 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 thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 3. **Effective Date.** This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2016.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
APRIL O'BRIEN, DEPUTY CITY CLERK

Approved as to from:

By _____
JON WALKER, CITY ATTORNEY

Date of publication: _____

Effective Date (5 days after publication): _____

Exhibit A

2.24.030 Municipal judge – Qualifications – Appointment.

(1) The term of office of the first municipal judge shall expire on January 1, 1986. The term of office thereafter shall be four years, commencing on January 1st of each fourth year after 1986. Appointments shall be made on or before December 1st of the year next preceding the year in which the term commences.

(2) The position of a full-time municipal judge shall be filled by election for the term commencing on January 1, 2010, and every four years thereafter. The municipal judge shall be elected in the same manner as other elective city officials are elected to office. The term of the municipal judge shall be for four years. Nothing in this section shall limit the mayor's authority to fill the position of municipal judge pursuant to MMC 2.24.060.

(3) Additional Judges. Additional full- or part-time municipal judge positions may be filled when the public interest and the administration of justice make such additional judge or judges necessary, and so long as that procedure is in compliance with state statutes, such as RCW 3.50.055.

(4) On or before April 1, 2010, the mayor may appoint an additional part- or full-time judge for the term commencing January 1, 2010, and expiring December 31, 2013. Said additional judicial position shall be an elected position and shall be filled by election for any subsequent term.

(5) Commencing September 1, ~~2015~~2016, and thereafter on the first day of September of each successive year, the salary paid the Marysville municipal court judge shall automatically be adjusted to a rate equivalent to ~~95~~100 percent of a district court judge salary as set by the Washington Citizens' Commission on Salaries for Elected Officials for the succeeding year.

(6) A person elected or appointed as municipal judge shall be a citizen of the United States of America and of the state of Washington and a resident of Snohomish County, and an attorney admitted to practice law before the courts of record of the state of Washington.