

Subject: Ordinance #1514 – Amending Chapter 1.03 RMC – Municipal Court

Dept. Origin: Mayor’s Office
Prepared by: Jennifer Robertson, City Attorney’s Office
For Agenda of: November 6, 2018
Exhibits: Ordinance #1514

Proposed Council Action:

No Action Requested. First Reading. Review and discuss draft Ordinance. Unless directed otherwise, this will return To Council for Second Reading and Adoption on November 20, 2018.

Initial & Date

Concurred by Mayor: _____
Approved by City Planner: _____
Approved as to form by City Atty: JSR/10-30-18
Approved by Finance Director: _____
Approved by Department Head: _____

INFORMATION / BACKGROUND

The City of Ruston recently entered into an Interlocal Agreement with the City of Fircrest for the provision of municipal court services. The services under the Fircrest Interlocal will commence on January 1, 2019. The basis for the agreement with Fircrest was the safety concerns that arose due to increased court services in Ruston and the inability of the Ruston facilities to handle either the flow or the security issues that resulted at City Hall.

As part of the transition to having Fircrest provide municipal court services to Ruston, a review of the City’s code on its municipal court was undertaken. In order to provide consistency with the Fircrest code, to reference the Interlocal Agreement, make housekeeping changes and to update the code to reflect current law, revisions to Chapter 1.03 RMC were recommended.

The following changes are recommended:

New Sections:

RMC 1.03.015 – this section addresses the use of an Interlocal agreement to provide municipal court services.

RMC 1.03.018 – This section addresses the disposition of revenue, incorporates State law and references the use of an Interlocal agreement.

Amended Sections:

RMC 1.03.020 – This section addresses the municipal judge. The changes reference the Interlocal Agreement and state law, including appointment, judicial qualifications, removal, oath and compensation. The requirement to post a bond has been deleted.

RMC 1.03.040 – This section addresses pro tem judges, makes the code consistent with State law (the municipal judge appoints pro tem judges, not the City) and mirrors Fircrest's code on this topic.

RMC 1.03.050 – This section addresses the time and place of court sessions. It makes the housekeeping change from "Town Hall" to "City Hall" and references the Interlocal agreement as an alternative for the Court location.

RMC 1.03.060 – This section addresses public defense counsel and is amended to remove the compensation rate and to reference the ability to provide these services via Interlocal agreement.

RMC 1.03.070 – This section addresses the custody of prisoners and required all prisoners to be placed in Pierce County Jail. The amendment provides that other jails may also be used.

Repealed Section:

RMC 1.03.080 – This section addressed the recording of proceedings. This is not necessary in the Code and since Ruston is contracting with Fircrest, having this provision may complicate the court services as provided by Fircrest if they use a different method for recording the proceedings.

FISCAL CONSIDERATION

No fiscal impact.

RECOMMENDATION / MOTION

No Action Requested. First Reading. Review and discuss draft Ordinance. Unless directed otherwise, this will return to Council for Second Reading and Adoption on November 20, 2018.

ORDINANCE NO. 1514

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, REGARDING THE RUSTON MUNICIPAL COURT. AMENDING CHAPTER 1.03 OF THE RUSTON MUNICIPAL CODE FOR THE PURPOSES OF UPDATING THE CODE AND AMENDING THE CODE TO REFLECT THE CITY'S RECENT CONTRACT FOR MUNICIPAL COURT SERVICES UNDER THE INTERLOCAL COOPERATION ACT, ADDING NEW SECTIONS 1.03.015 (REGARDING USE OF AN INTERLOCAL AGREEMENT TO PROVIDE MUNICIPAL COURT SERVICES) AND 1.03.018 (REGARDING DISPOSITION OF REVENUE), AMENDING SECTION 1.03.020 REGARDING THE MUNICIPAL JUDGE, AMENDING SECTION 1.03.040 REGARDING PRO TEM JUDGES, AMENDING SECTION 1.03.050 REGARDING TIME AND PLACE OF COURT SESSIONS, AMENDING SECTION 1.03.060 REGARDING PUBLIC DEFENSE COUNSEL, AMENDING SECTION 1.03.070 REGARDING CUSTODY OF PRISONERS, REPEALING SECTION 1.03.080, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Ruston recently entered into an Interlocal Agreement with the City of Fircrest for the provision of municipal court services; and

WHEREAS, the services under the Fircrest Interlocal will commence on January 1, 2019; and

WHEREAS, the basis for the agreement with Fircrest was the safety concerns that arose due to increased court services in Ruston and the inability of the Ruston facilities to handle either the flow or the security issues that resulted at City Hall; and

WHEREAS, as part of the transition to having Fircrest provide municipal court services to Ruston, a review of the City's code on its municipal court was undertaken; and

WHEREAS, in order to provide consistency with the Fircrest code, to reference the Interlocal Agreement, make housekeeping changes and to update the code to reflect current law, revisions to Chapter 1.03 RMC were recommended; and

WHEREAS, on November 6, 2018, the City Council held the first reading on this Ordinance; and

WHEREAS, on November 20, 2018, the City Council adopted this Ordinance during its regular meeting at second reading after holding the public hearing; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF RUSTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. A new section 1.03.015 is hereby added to the Ruston Municipal Code to read as follows:

1.03.015 - Municipal Court Interlocal Agreement.

The City may contract for municipal court services in accordance with RCW 3.50.815 and RCW 39.34.180. These services may include, but is not limited to, providing the appointment by Ruston of the judge used by the other municipality as well as provision by the other municipality of prosecution and defense services, court personnel, establishment of applicable service charges, and use of court facilities.

Section 2. A new section 1.03.018 is hereby added to the Ruston Municipal Code to read as follows:

1.03.018 Disposition of revenue.

Costs in civil and criminal actions may be imposed as provided in district court pursuant to RCW 3.62.060 and 10.01.160 or other applicable law. All fees, costs, fines, forfeitures and other money imposed by the municipal court for the violation of any city ordinances shall be collected by the court clerk and shall be deposited with the city finance officer in conformance with procedures adopted by the mayor or state law, or shall be remitted to the city of Ruston pursuant to such Interlocal agreement as may be in effect according to its terms. These funds shall be retained or disbursed pursuant to city ordinances, policies, rules and state law, such as RCW 3.50.100.

Section 3. Section 1.03.020 of the Ruston Municipal Code is hereby amended to read as follows:

1.03.020 - ~~Appointment and bonding of~~ Municipal Judge.

~~The Mayor shall, with the approval of the Town Council, appoint the Judge of said court for a term of four years, commencing on January 15, 1962. Succeeding appointments will be made in like manner by the fifteenth day of December preceding the end of every four year term. The Municipal Judge shall furnish the Town a fidelity bond in the sum of \$1,000.~~

(a) Appointment. Consistent with RCW 3.50.040, every four years the mayor shall appoint a municipal judge who shall work less than a full-time equivalent as defined in RCW 3.50.055. Pursuant to RCW 35A.13.080, this appointment is subject to confirmation by the city council. If an Interlocal agreement is in effect, such appointment shall be in accordance with the terms of the Interlocal agreement.

(b) Judicial Qualifications. The person appointed as judge shall be qualified for the position of municipal judge under all applicable state statutes, including without limitation, RCW 3.50.040 and 3.50.057.

(c) Removal. A municipal 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 shall be filled by the city manager for the remainder of the unexpired term. The appointment shall be subject to confirmation by a majority of the city council. The appointed judge shall be qualified to hold the position of judge of the municipal court as provided in this chapter and Chapter 3.50 RCW.

(d) Oath. Every judge of the municipal court, before entering upon the duties of the office, shall take and subscribe to the following oath or affirmation: I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington and that I will faithfully discharge the duties of the office of judge of the Municipal Court of the City of Ruston, according to the best of my ability.

The oath shall be filed in the office of the Pierce County department of records and elections and with the Ruston city clerk.

(e) Compensation. Pursuant to RCW 3.50.080, the judge's compensation shall be set by the city council by ordinance, or in accordance with any Interlocal agreement in effect. Other terms of employment shall be set by a professional services agreement which will be entered into between the city and the appointed judge, or in accordance with any Interlocal agreement in effect.

Section 4. Section 1.03.040 of the Ruston Municipal Code is hereby amended to read as follows:

1.03.040 - Judges pro tem.

~~The Mayor may, with the approval of the Town Council, appoint one or more judges pro tem who shall act upon request of the Mayor in the absence or disability of the regular judge. Qualifications of judges pro tem shall be the same as provided by law for the Municipal Judge. The salary of the judge pro tem of the Municipal Court shall be \$450.00 per month, payable monthly.~~

The position of such municipal judge is on a part-time basis. Additional part-time judges may be appointed by the municipal judge and shall have the same qualifications as provided in RMC 1.03.020(b), whenever the public interest and the administration of justice requires the appointment of an additional judge or judges. Each such judge pro tem shall take, subscribe and file an oath as is taken by the municipal judge.

Section 5. Section 1.03.050 of the Ruston Municipal Code is hereby amended to read as follows:

1.03.050 - Time and place of court sessions.

The Municipal Court shall hold sessions at the ~~Town~~City Hall at dates and hours determined by the Municipal Judge, or in the location and manner established in accordance with any Interlocal agreement in effect.

Section 6. Section 1.03.060 of the Ruston Municipal Code is hereby amended to read as follows:

1.03.060 - Public defender.

Unless such services are provided in accordance with an Interlocal agreement in effect, ~~t~~The Mayor may, with the consent of the ~~Town~~City Council, appoint a qualified attorney to serve as public defender of indigent persons charged in the Municipal Court, which public defender shall serve at the pleasure of the Mayor ~~and shall be compensated at the rate of \$75.00 for each court session at which he appears.~~

Section 7. Section 1.03.070 of the Ruston Municipal Code is hereby amended to read as follows:

1.03.070 - Custody of prisoners.

Any person sentenced to imprisonment for the violation of any municipal ordinance may be imprisoned in the County Jail of Pierce County or in any other jail for which the City has a contract for services.

Section 8. Section 1.03.080 of the Ruston Municipal Code is hereby repealed.

Section 9. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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 10. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 11. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 20th day of November, 2018.

APPROVED by the Mayor this 20th day of November, 2018.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams
City Clerk

APPROVED AS TO FORM:

Jennifer S. Robertson
City Attorney's Office

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: 1514