

Subject: Resolution #667 – Confirming Mayor’s Judicial Appointment and Authorizing the Mayor’s Execution of the Appointment Letter

Proposed Council Action:

Consider the terms of appointment. If agreed, Pass Resolution #667.

Dept. Origin: Mayor’s Office

Prepared by: Jennifer Robertson
City Attorney’s Office

For Agenda of: November 21, 2017

Exhibits: Attached Resolution 667 and Draft Appointment Agreement

	Initial & Date
Concurred by Mayor:	_____
Approved/form by City Atty:	<u>JSR/11-16-17</u>
Approved by _____ Director:	_____
Approved by Department Head:	_____

INFORMATION / BACKGROUND

The City of Ruston has a Municipal Court which has historically operated approximately eighteen (18) court days per year. The number of necessary court days is on the rise and the current judge, The Honorable Sandra Allen, is recommending this be increased to twenty-four (24) days per year. Judge Allen has served as the Ruston Municipal Judge for many years and the Mayor seeks Council consultation as to the terms of his re-appointment of Ms. Allen for a new four-year term commencing on January 1, 2018 and expiring on December 31, 2021. Chapter 3.50 RCW and Chapter 1.03 RMC govern the operations of the Ruston Municipal Court.

Under both state and Ruston law, the Mayor has the authority to appoint the Municipal Court Judge and the City Council has the authority on whether or not to confirm the Mayor’s appointment. RMC 1.03.020; RCW 3.50.040. Such appointment is required to be made by December 1st of the year prior to the start of the new term. RCW 3.50.040. Ms. Allen has requested the terms outlined below in the “requested terms” column:

Issue	Prior Terms	Requested Terms	Difference
Court Days per year	18	24	6 days per year 25% increase
Monthly work load	12 hours	16 hours	4 hours per month 25% increase

Compensation	\$15,000 per year	\$27,000 per year	\$12,000/year increase (44% increase)
	\$1,250 per month	\$2,250 per month	\$1,000/mo increase
	\$104.17 per hour	\$140.62 per hour	\$36.46/hour increase

In accordance with past practice, the City and the Judge will entered into a simple agreement for these services. The current proposed appointment agreement tracks closely with the most recent agreement which was adopted in 2013, however, the financial terms are blank as the Mayor would like Council to discuss the request in light of the budget process that is currently underway.

The draft letter agreement is attached to Resolution #667 as Exhibit "1" with the financial terms left blank (highlighted in yellow).

FISCAL CONSIDERATION

The compensation for the Municipal Court Judge needs to be determined on an annual basis based on 16 hours per month. This position does not receive City benefits.

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION / MOTION

1. Consider the financial terms of the municipal judge position and confirm the appointment with established financial terms.
2. In the alternative, the Council can approve the Resolution subject to the Mayor's negotiation of terms with the appointed judge. The language for either alternative is below in shaded brackets.

MOTION: I move to approve Resolution No. 667 confirming the Mayor's appointment of Sandra Allen as the Ruston Municipal Court Judge and authorizing the Mayor to execute the appointment letter [with an annual salary of \$_____] [with an annual salary to be negotiated by the Mayor for an amount no more than \$27,000].

RESOLUTION NO. 667

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, CONFIRMING MAYOR'S APPOINTMENT OF MUNICIPAL COURT JUDGE AND AUTHORIZING APPOINTMENT AGREEMENT.

WHEREAS, in accordance with Chapter 3.50.040 RCW and RMC 1.03.020, the Mayor has the authority to appoint the City's Municipal Court Judge for a four year term; and

WHEREAS, this appointment authority is subject to the confirmation by the Ruston City Council; and

WHEREAS, the Ruston Mayor has appointed Sandra Allen as the Municipal Court Judge for a term commencing on January 1, 2018 and expiring on December 31, 2021; and

WHEREAS, the City Council desires to approve and confirm this appointment; and

WHEREAS, as part of the appointment, the Mayor proposes to appoint Judge Allen under the terms and conditions contained in the Appointment Letter which is attached hereto as Exhibit "1"; and

WHEREAS, the City Council finds it in the public interest to authorize the Mayor to execute the proposed Appointment Letter in substantially the form that is attached to this Resolution as Exhibit "1";

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RUSTON, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Appointment Confirmed. The appointment of Sandra Allen as the City of Ruston Municipal Court Judge by Mayor Hopkins is hereby confirmed by the City Council.

Section 2. Authorization of Agreement. The Mayor is hereby authorized to execute the Appointment Letter in substantially the form attached hereto as Exhibit "1".

RESOLVED this 21st day of November, 2017.

APPROVED:

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams, City Clerk

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

RESOLUTION NO.: 667

EXHIBIT “1”

Judicial Appointment Letter
for
Re-Appointing Sandra Allen as the
Ruston Municipal Court Judge



Office of the Mayor

November 22, 2017

The Honorable Sandra Allen
1911 SW Campus Dr # 349
Federal Way, WA 98023-6473

Re: Re-Appointment as City of Ruston Municipal Court Judge

Dear Judge Allen:

Pursuant to Chapter 3.50 RCW and RMC 1.03.020, I hereby re-appoint you as the City of Ruston Municipal Court Judge for the term beginning on January 1, 2018 and ending on December 31, 2021. This appointment is conditional upon your acceptance of the following terms and conditions.

- 1. Days of Operation.** It is the City's expectation that the Ruston Municipal Court will operate approximately twenty-four (24) days of the year, including the second Thursday of every month and additional court dates as needed for traffic court or hearing other matters. It is recognized that the caseload can be managed in such a way as to allow an occasional open date when court is not held. In no month will regular court sessions be held less than one day. Open dates will be set by mutual agreement among the Judge, Municipal Prosecutor and Court Clerk.
- 2. Part Time Position.** The position of Ruston Municipal Court Judge is a part-time position with an estimated work load of sixteen (16) hours per month which is compensated as stated in Section 3 below.
- 3. Compensation.** The Municipal Judge's compensation is set by the City Council on an annual basis. The annual compensation for 2018 is expected to be \$_____ (\$_____ per month). This salary is based on the expected average of sixteen (16) hours of work each month which is compensated at an hourly rate of \$_____ per hour. The Municipal Judge will provide the City with her hours worked by the end of each month. The actual monthly pay will be compensated at the hourly rate based upon actual hours worked. The hourly rate may be increased from time to time by the City Council as part of its budgeting process. In such case, the new (higher) hourly rate shall apply.

- 4. No Benefits Provided.** The position of part-time Municipal Judge is a hourly position and does not include benefits of any kind. The position does not include PERS or any other retirement benefits. The City does not anticipate that this position will require five or months of service a year for which regular compensation for at least seventy hours is earned by the Municipal Judge. The City does not provide medical or dental insurance and there will be no accrual of sick leave or vacation leave.
- 5. Training Expenses.** Upon approval by the City Council, the City will reimburse training and conference expenses incurred by the Judge for judicial education.
- 6. Judge Pro Tempore.** The City will appoint and pay for a Judge Pro-Tempore for confirmed conflicts of interest or accepted affidavits of prejudice or as necessary to cover absences necessitated by judicial conferences, illness, or vacation.
- 7. Indemnification.** The City has in effect an ordinance codified as Ruston Municipal Code Chapter 1.19 indemnifying the officers, employees and officials of the City. For purposes of the ordinance, the Municipal Judge shall be considered an officer of the City for acts arising out of her services as the Ruston Municipal Judge and is subject to the terms and protections of said ordinance as it currently exists or as it may be amended in the future.
- 8. Termination.** The City may terminate the Municipal Judge's employment for the reasons set forth under RCW 3.50.095, or as otherwise allowable under the law. If the City converts from a Ruston Municipal Court to a contract for Court Services by another jurisdiction during the term, then the parties agree to negotiate in good faith for termination provisions and the procedure for transitioning to use of another Court system. The Municipal Judge may terminate her employment by giving the City sixty (60) days written notice of intent to terminate. If employment is terminated during a month, the Municipal Judge shall be paid based on the number of hours actually worked before the effective date of the termination.
- 9. Representations.** The Municipal Judge represents and affirms that she meets the requirements of State law under Chapter 3.50 RCW for holding this position and is: (1) a citizen of the United States of America; (2) a citizen of the State of Washington; and (3) an attorney admitted to practice law before the courts of record of the State of Washington.
- 10. Oath.** In accordance with the requirements of RCW 3.50.090, the Municipal Judge shall take and subscribe the oath of office. Such oath shall be filed with the Pierce County Auditor's Office.
- 11. Bond.** In accordance with the requirements of RMC 1.03.020, the Municipal Judge will furnish the City with a fidelity bond in the sum of \$1,000.00.

Thank you, for your continued interest in serving the citizens of Ruston. If you accept this appointment, please so indicate by signing this document and returning it to me.

Sincerely,

Bruce Hopkins, Mayor

Acceptance of Appointment as Ruston Municipal Court Judge:

Sandra Allen

Attest:

Judy Grams, City Clerk

DRAFT