

ORDINANCE NO. 2001-04-032

AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE CHAPTER 2.16, DEPARTMENT OF MUNICIPAL COURT, SECTIONS 2.16.030-2.16.050, AND ADDING SECTION 2.16.070 TO COMPLY WITH RCW 3.50 AND TO PROVIDE FOR THE ELECTION OF A FULL TIME MUNICIPAL COURT JUDGE, THE APPOINTMENT OF JUDGES PRO TEM, SET SALARIES AND RESIDENCY REQUIREMENTS.

WHEREAS, the City of Bellingham Municipal Court is established pursuant to RCW 3.50; and

WHEREAS, the Bellingham Municipal Court assumed the prosecution of all misdemeanors and gross misdemeanors committed in the City of Bellingham in January 1998; and

WHEREAS, since that time there has been an increase in caseload which has resulted in an increase of the compensated time for judicial positions; and

WHEREAS, pursuant to RCW 3.50.055 the increase in compensated time for judicial positions requires that the judicial position be filled by election;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Bellingham Municipal Code 2.16.030 is hereby amended to read as follows:

2.16.030 Municipal Judge and Court Personnel

A. The position of Municipal Judge shall be filled by election. The term shall be four years, with the initial term commencing January 1, 2002, and every four years thereafter. The election shall be held the November preceding the year in which the term commences.

B. A person elected as a full time Municipal Judge shall be a citizen of the United States, a resident of Whatcom County, Washington; and an attorney admitted to practice law before the courts of record of the State of Washington.

C. All employees of the Municipal Court shall be employees of the City. They shall be appointed and serve at the pleasure of the Court.

Section 2. Bellingham Municipal Code 2.16.040 is hereby amended to read as follows:

2.16.040 Judges Pro Tem

The presiding Municipal Court Judge may appoint judges pro tem 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. The judges pro tem shall be qualified to hold the position of Judge of the Municipal Court except that a judge pro tem need not be a resident of the city or county in which the Municipal Court is located. The Municipal Court judges pro tem shall receive such compensation as shall be fixed by the ordinance. The term of the appointment shall be specified in writing but in any event shall not extend beyond the term of the appointing judge.

Section 3. Bellingham Municipal Code 2.16.050 is hereby amended to read as follows:

2.16.050 Judicial Salaries

A. The salary for the Municipal Court Judge, effective January 1, 2002, shall be \$94,548 per year plus any increase, annually or otherwise, in accordance with the E Plan salary schedule.

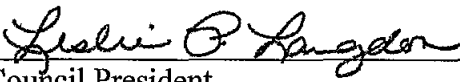
B. The salary for judges pro tem shall be \$50 per hour; provided, for conducting jury trials, judges pro tem shall be paid at the rate of \$60 per hour. Such salary shall be adjusted, annually or otherwise, pro rata to any increase in the elected judge position salary.

Section 4. The following is hereby added to the Bellingham Municipal Code:

2.16.070 Judges – Residency Requirement

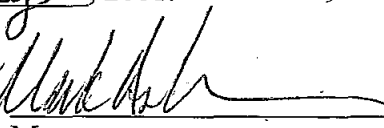
A judge of the Municipal Court need not be a resident of the City of Bellingham, but must be a resident of Whatcom County, Washington.

PASSED by Council this 30TH day of APRIL, 2001.



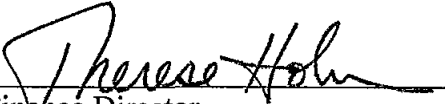
Council President

APPROVED by me this 5th day of May, 2001.



Mayor

Attest:



Finance Director

Approved as to form:



Office of the City Attorney

Published:

