

CITY OF LYNNWOOD

ORDINANCE NO. 2328

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AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON RELATING TO THE ESTABLISHMENT OF A CONFIRMATION PROCESS FOR MUNICIPAL COURT JUDGE; AMENDING SECTIONS 2.06.010, 2.19.030, 2.19.070 AND 2.19.150 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION.

WHEREAS, RCW 35A.12.090 authorizes the City Council to establish by ordinance a confirmation process for appointed city officers and employees, and RCW 35A.12.093 provides specifically that an appointment by the mayor of the municipal court judge shall be subject to the confirmation by the legislative authority of the city if the legislative authority has the general power of confirmation over mayoral appointments; and

WHEREAS, Chapter 2.19 of the Lynnwood Municipal Code authorizes the appointment of and contracting with the municipal court judge as a city official; and

WHEREAS, the City Council desires the mayoral appointment of municipal court judge be subject to confirmation by the city council;

WHEREAS, the City of Lynnwood desires to maintain a quality municipal court that respects and complies with the requirements of due process for all persons appearing in its municipal court; and

WHEREAS, annual reporting by the municipal court judge shall assist the City Council in maintaining an awareness of the quality of the Lynnwood Municipal Court and the quality of justice administered by the Court to all persons coming before the Court;

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

**Section 1.** Section 2.06.010 of the Lynnwood Municipal Code and Ordinance 2311, section 2 (2000) are hereby amended to read as follows:

**2.06.010 SCOPE**

1 This chapter shall apply to the appointment and confirmation process of the following  
2 appointive city officials and employees: City Attorney under LMC 2.16.020, Municipal  
3 Court Judge under LMC 2.19.030 and Hearing Examiner under LMC 2.22.030.  
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6 **Section 2.** Section 2.19.030 of the Lynnwood Municipal Code is hereby amended to read  
7 as follows:  
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9 **2.19.030 JUDGES – APPOINTMENT – QUALIFICATIONS**

10 A. The municipal judge shall be appointed by the Mayor within 30 days after the  
11 effective date of Section 2.19.010 (Court Establishment). The judge shall be appointed for a  
12 term of four (4) years, PROVIDED the term of the any judge appointed prior to January 1, 1990  
13 shall expire on January 1, 1990. The term thereafter shall commence on January 1, 1990 and on  
14 January 1<sup>st</sup> of each fourth year thereafter. Appointments for each term thereafter shall be made  
15 on or before December 1 of the year next preceding the year in which the term commences.

16 B. A person appointed as municipal judge shall be a citizen of the United States of  
17 America and of the State of Washington; and an attorney in good standing admitted to practice  
18 law before the courts of record of the State of Washington.

19 C. The Mayor's appointment of the municipal court judge shall be subject to  
20 confirmation by the City Council in accordance with the procedures set forth in Chapter 2.06 of  
21 the Lynnwood Municipal Code.  
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24 **Section 3.** Section 2.19.046 of the Lynnwood Municipal Code is hereby enacted as  
25 follows:  
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27 **2.19.046 ANNUAL REPORT**

28 Each year on or about the 15<sup>th</sup> day of March, the Judge shall provide to the Mayor and  
29 City Council a written report that addresses the Court's operations and compliance with the  
30 Court's responsibilities under state statutes, case law, court rules and local ordinances to  
31 administer justice and to protect the constitutional safeguards of defendants. Any written  
32 complaint or expression of concern by citizens, regulatory agencies or organizations shall be  
33 documented in the report as well as the Court's response.  
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36 **Section 4.** Section 2.19.070 of the Lynnwood Municipal Code is hereby amended to read  
37 as follows:  
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39 **2.19.070 JUDICIAL VACANCY**

40 Any vacancy in the municipal court due to a death, disability or resignation of a  
41 municipal court judge shall be filled by appointment by the Mayor for the remainder of the  
42 unexpired term. The appointed judge shall be qualified to hold the position of judge of the  
43 municipal court as provided in this chapter. The Mayor's appointment of the municipal court  
44 judge shall be subject to confirmation by the City Council in accordance with the procedures set  
45 forth in Chapter 2.06 of the Lynnwood Municipal Code.  
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2 **Section 5.** Section 2.19.150 of the Lynnwood Municipal Code is hereby amended to read  
3 as follows:  
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5 **2.19.150 REMOVAL OF JUDGE**

6 A municipal judge shall be removed only upon conviction of misconduct or malfeasance  
7 in office, or because of physical or mental disability rendering the judge incapable of performing  
8 the duties of the office. Any vacancy in the municipal court due to death, disability or  
9 resignation of the municipal court judge shall be filled by the Mayor, for the remainder of the  
10 unexpired term. The appointed judge shall be qualified to hold the position of judge of the  
11 municipal court as provided in this ordinance and RCW 3.50. The Mayor's appointment of the  
12 municipal court judge shall be subject to confirmation by the City Council in accordance with  
13 the procedures set forth in Chapter 2.06 of the Lynnwood Municipal Code.  
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16 **Section 6. Severability.** If any section, sentence, clause or phrase of this ordinance  
17 should be held to be invalid or unconstitutional by a court of competent jurisdiction, such  
18 invalidity or unconstitutionality shall not affect the validity or constitutionality of any other  
19 section, sentence, clause or phrase or word of this ordinance.  
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22 **Section 7. Effective Date.** This Ordinance shall take effect and be in full force five (5)  
23 days after its passage, approval and publication. Publication shall be by a summary publication  
24 consisting of the ordinance title.  
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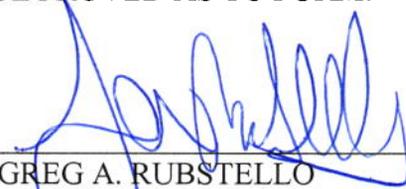
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27 PASSED this 9th day of October, 2000 and signed in authentication of its  
28 passage this 29th day of January, 2000.  
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33 TINA ROBERTS, MAYOR

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37 ATTEST:

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42 MICHAEL BAILEY  
43 Director of Administrative Services  
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APPROVED AS TO FORM:

  
GREG A. RUBSTELLO  
Lynnwood City Attorney

**SUMMARY OF ORDINANCE NO. 2328**

of the City of Lynnwood, Washington

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On the 9TH day of October, 2000, the City Council of the City of Lynnwood, passed Ordinance No. 2328. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON RELATING TO THE ESTABLISHMENT OF A CONFIRMATION PROCESS FOR MUNICIPAL COURT JUDGE; AMENDING SECTIONS 2.06.0101, 2.19.030, 2.19.070 AND 2.19.150 OR THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION.

The full text of this Ordinance will be mailed upon request.

DATED this 7th day of February, 2001.

  
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MICHAEL E. BAILEY, FINANCE DIRECTOR

# Affidavit of Publication

STATE OF WASHINGTON,  
COUNTY OF SNOHOMISH.

ss.

**SUMMARY ORDINANCE NO. 2328**  
of the City of Lynnwood, Washington  
On the 9TH day of October, 2000, the City Council of the City of Lynnwood, passed Ordinance No. 2328. A summary of the content of said ordinance, consisting of the title, provides as follows:  
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON RELATING TO THE ESTABLISHMENT OF A CONFIRMATION PROCESS FOR MUNICIPAL COURT JUDGE; AMENDING SECTIONS 2.06.0101, 2.19.030, 2.19.070 AND 2.19.150 OR THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION.  
The full text of this Ordinance will be mailed upon request.  
DATED this 7th day of February, 2001.  
MICHAEL E. BAILEY, FINANCE DIRECTOR  
Published: February 12, 2001.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice.....

Summary Ordinance #2328

City of Lynnwood

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

February 12, 2001

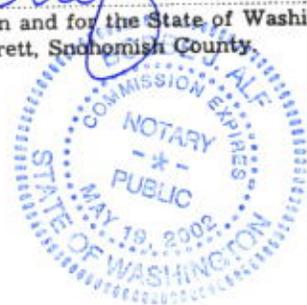
and that said newspaper was regularly distributed to its subscribers during all of said period.

Principal Clerk

Subscribed and sworn to before me this..... 12th

day of February, 2001

Notary Public in and for the State of Washington,  
residing at Everett, Snohomish County



RECEIVED  
FEB 15 2001  
CITY OF LYNNWOOD  
FINANCE DIRECTOR

## CERTIFICATE

I, the undersigned, MICHAEL E. BAILEY, the duly appointed Finance Director of the City of Lynnwood, Washington, hereby certify that the Ordinance here to attached is a full, true and correct copy of Ordinance No. 2328 of the City of Lynnwood, Washington, entitled as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD,  
WASHINGTON RELATING TO THE ESTABLISHMENT OF  
A CONFIRMATION PROCESS FOR MUNICIPAL COURT  
JUDGE; AMENDING SECTION 2.06.010, 2.19.030,  
2.19.070 AND 2.19.150 OF THE LYNNWOOD MUNICIPAL  
CODE; PROVIDING FOR SEVERABILITY; AND  
PROVIDING FOR AN EFFECTIVE DATE AND FOR  
SUMMARY PUBLICATION.

That said ordinance was passed by the Council of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on 2/12/01.

DATE: 2/21/01

  
\_\_\_\_\_  
Finance Director of the  
City of Lynnwood, Washington