
HOUSE BILL 1746

State of Washington

56th Legislature

1999 Regular Session

By Representatives Lambert and Romero

Read first time 02/04/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to the election of municipal judges; and amending
2 RCW 3.50.040, 35.18.060, and 35A.13.080.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 3.50.040 and 1984 c 258 s 106 are each amended to read
5 as follows:

6 Within thirty days after the effective date of the ordinance
7 creating the municipal court, the mayor of each city or town shall
8 appoint a municipal judge or judges of the municipal court for a term
9 of four years. The terms of judges serving on July 1, 1984, and
10 municipal judges who are appointed to terms commencing before January
11 1, 1986, shall expire January 1, 1986. The terms of their successors
12 shall commence on January 1, 1986, and on January 1 of each fourth year
13 thereafter, pursuant to appointment or election as provided in this
14 chapter. Appointments shall be made on or before December 1 of the
15 year next preceding the year in which the terms commence.

16 Municipal judges or judges of the municipal court appointed after
17 the effective date of this act shall act as municipal judges until the
18 next general election. Upon election, a municipal judge shall serve a
19 term of four years. An appointed municipal judge may be removed only

1 on conviction of malfeasance or misconduct in office, or because of
2 physical or mental disability rendering him incapable of performing the
3 duties of his office.

4 The legislative authority of a city or town that has the general
5 power of confirmation over mayoral appointments shall have the power to
6 confirm the appointment of a municipal judge.

7 A person appointed as a full-time or part-time municipal judge
8 shall be a citizen of the United States of America and of the state of
9 Washington; and an attorney admitted to practice law before the courts
10 of record of the state of Washington: PROVIDED, That in a municipality
11 having a population less than five thousand persons, a person other
12 than an attorney may be the judge. Any city or town shall have
13 authority to appoint a district judge as its municipal judge when the
14 municipal judge is not required to serve full time. In the event of
15 the appointment of a district judge, the city or town shall pay a pro
16 rata share of the salary.

17 **Sec. 2.** RCW 35.18.060 and 1987 c 3 s 5 are each amended to read as
18 follows:

19 The powers and duties of the city manager shall be:

20 (1) To have general supervision over the administrative affairs of
21 the municipality;

22 (2) To appoint and remove at any time all department heads,
23 officers, and employees of the city or town, except members of the
24 council, and subject to the provisions of any applicable law, rule, or
25 regulation relating to civil service: PROVIDED, That the council may
26 provide for the appointment by the mayor, subject to confirmation by
27 the council, of the city planning commission, and other advisory
28 citizens' committees, commissions and boards advisory to the city
29 council: PROVIDED FURTHER, That the city manager shall appoint ((the))
30 a qualified person to act as municipal judge ((to a term of four
31 years)) until the next general election, subject to confirmation by the
32 council. ((The)) Upon election, a municipal judge shall serve a term
33 of four years. An appointed municipal judge may be removed only on
34 conviction of malfeasance or misconduct in office, or because of
35 physical or mental disability rendering him incapable of performing the
36 duties of his office. The council may cause an audit to be made of any
37 department or office of the city or town government and may select the
38 persons to make it, without the advice or consent of the city manager;

1 (3) To attend all meetings of the council at which his attendance
2 may be required by that body;

3 (4) To see that all laws and ordinances are faithfully executed,
4 subject to the authority which the council may grant the mayor to
5 maintain law and order in times of emergency;

6 (5) To recommend for adoption by the council such measures as he
7 may deem necessary or expedient;

8 (6) To prepare and submit to the council such reports as may be
9 required by that body or as he may deem it advisable to submit;

10 (7) To keep the council fully advised of the financial condition of
11 the city or town and its future needs;

12 (8) To prepare and submit to the council a tentative budget for the
13 fiscal year;

14 (9) To perform such other duties as the council may determine by
15 ordinance or resolution.

16 **Sec. 3.** RCW 35A.13.080 and 1987 c 3 s 17 are each amended to read
17 as follows:

18 The powers and duties of the city manager shall be:

19 (1) To have general supervision over the administrative affairs of
20 the code city;

21 (2) To appoint and remove at any time all department heads,
22 officers, and employees of the code city, except members of the
23 council, and subject to the provisions of any applicable law, rule, or
24 regulation relating to civil service: PROVIDED, That the council may
25 provide for the appointment by the mayor, subject to confirmation by
26 the council, of a city planning commission, and other advisory
27 citizens' committees, commissions, and boards advisory to the city
28 council: PROVIDED FURTHER, That if the municipal judge of the code
29 city is appointed, such appointment shall be made by the city manager
30 subject to confirmation by the council, (~~for a four year term~~) until
31 the next general election. Upon election, a municipal judge shall
32 serve a term of four years. An appointed municipal judge may be
33 removed only on conviction of malfeasance or misconduct in office, or
34 because of physical or mental disability rendering him incapable of
35 performing the duties of his office. The council may cause an audit to
36 be made of any department or office of the code city government and may
37 select the persons to make it, without the advice or consent of the
38 city manager;

- 1 (3) To attend all meetings of the council at which his attendance
2 may be required by that body;
- 3 (4) To see that all laws and ordinances are faithfully executed,
4 subject to the authority which the council may grant the mayor to
5 maintain law and order in times of emergency;
- 6 (5) To recommend for adoption by the council such measures as he
7 may deem necessary or expedient;
- 8 (6) To prepare and submit to the council such reports as may be
9 required by that body or as he may deem it advisable to submit;
- 10 (7) To keep the council fully advised of the financial condition of
11 the code city and its future needs;
- 12 (8) To prepare and submit to the council a proposed budget for the
13 fiscal year, as required by chapter 35A.33 RCW, and to be responsible
14 for its administration upon adoption;
- 15 (9) To perform such other duties as the council may determine by
16 ordinance or resolution.

--- END ---