

ORDINANCE No. 113786

COUNCIL BILL No. 106491

AN ORDINANCE relating to the Seattle Municipal Court; adding a new chapter to Title 3 of the Seattle Municipal Code; providing for the basic judicial structure of the Seattle Municipal Court; and ratifying acts of the Seattle City Council pursuant to Ordinances 101811, 108666 and 110900.

12/2/87

COMPTROLLER FILE No. _____

Introduced:	NOV 16 1987	By:	City Attorney
Referred:	NOV 16 1987	To:	Public Safety
Referred:		To:	
Referred:		To:	
Reported:	DEC 14 1987	Second Reading:	DEC 14 1987
Third Reading:	DEC 14 1987	Signed:	DEC 14 1987
Presented to Mayor:	DEC 15 1987	Approved:	DEC 23 1987
Returned to City Clerk:	DEC 23 1987	Published:	
Vetoed by Mayor:		Veto Published:	
Passed over Veto:		Veto Sustained:	

Law Department

The City of Seattle--Legislative

REPORT OF COMMITTEE

Honorable President:

Your Committee on

Public Safety

to which was referred the within Council Bill No. 106491
report that we have considered the same and respectfully recommend

2-0

Do Pass

REC'D OMB DEC 15 1987

[Signature]
Committee Chair

Law Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on

Public Safety

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report that we have considered the same and respectfully recommend that the same:

2-0

Do Pass

REC'D OMB DEC 15 1987

987

Norman B. Rice

Committee Chair

#6
C.B.106491

IRS:bjw
10/22/87
ORD3.1

ORDINANCE 113786

AN ORDINANCE relating to the Seattle Municipal Court; adding a new chapter to Title 3 of the Seattle Municipal Code; providing for the basic judicial structure of the Seattle Municipal Court; and ratifying acts of the Seattle City Council pursuant to Ordinances 101811, 108666 and 110900.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is added to Seattle Municipal Code a new Chapter 3.33, as follows:

Section 3.33.010 Purpose. This chapter sets forth the structure and authority of Seattle Municipal Court and consolidates authorization previously given in Ordinances 101811, 108666 and 110900, which authority is hereby further ratified and confirmed. Consistent with RCW Chapter 35.20 and other applicable law, the purpose of the Court is to try violations of City ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances and perform such other duties as may be authorized by law.

Section 3.33.020. Jurisdiction; Authority. The Municipal Court has exclusive original jurisdiction to try violations of all City ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith: Provided, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than is

1 authorized by state law. All civil and criminal proceedings
2 in municipal court, and judgments rendered therein, shall be
3 subject to review in the superior court by writ of review or
4 on appeal. Costs in civil and criminal cases may be taxed as
5 provided by law.

6 Section 3.33.030. Trial by jury--Jurors' fees. In all
7 civil cases and criminal cases where jurisdiction is
8 concurrent with district courts as provided in RCW 35.20.250,
9 within the jurisdiction of the Municipal Court, the plaintiff
10 or defendant may demand a jury, which shall consist of six
11 citizens of the state who shall be impaneled and sworn as in
12 cases before district courts, or the trial may be by a judge
13 of the Municipal Court: Provided, That no jury trial may be
14 held on a proceeding involving a traffic infraction or
15 violation. A defendant in a civil case requesting a jury
16 shall pay to the court a fee which shall be the same as that
17 for a jury in justice court. Where there is more than one
18 defendant in an action and one or more of them requests a
19 jury, only one jury fee shall be collected by the Court. Each
20 juror may receive up to twenty-five dollars but in no case
21 less than ten dollars for each day in attendance upon the
22 Municipal Court and, in addition thereto, shall receive
23 mileage at the rate determined under RCW 43.03.060: Provided,
24 That the compensation paid jurors shall be determined by the
25 City's legislative authority and shall be uniformly applied.

26 Section 3.33.040. Structure. The Municipal Court shall
27 consist of six (6) judicial departments, as follows:
28

Departments 1-3 established pursuant to RCW 35.20.100;
and

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1 Departments 4-6 heretofore established pursuant to RCW
2 35.20.100 by Ordinances 101811, 108666 and 110900.

3 The departments shall be established in such places as may be
4 provided from time to time by the City's legislative authority
5 and each department shall be presided over by a municipal
6 judge. The judges shall select, by majority vote, one of
7 their number to act as presiding judge of the Municipal Court
8 for a term of one year, and he or she shall be responsible for
9 administration of the Court and assignment of calendars to all
10 departments. A change of venue from one department of the
11 Municipal Court to another department shall be allowed in
12 accordance with the provisions of RCW 3.66.090 in all civil
13 and criminal proceedings. Municipal judges shall be elected
14 as provided by law.

15 Section 3.33.050. Sessions. The Municipal Court shall be
16 always open except on non-judicial days. It shall hold regu-
17 lar and special sessions at such times as may be prescribed by
18 the judges thereof.

19 Section 3.33.060. Court Administrator. There shall be a
20 court administrator of the Municipal Court appointed by the
21 judges of the Municipal Court, subject to confirmation by a
22 majority of the City Council, and removable by the judges of
23 the Municipal Court subject to like confirmation. Before
24 entering upon the duties of his or her office, the court
25 administrator shall take and subscribe an oath the same as
26 required for other officers of the City, and shall execute a
27 penal bond in such sum and with such sureties as the City
28 Council may direct and subject to their approval, conditioned
for the faithful performance of his or her duties, and that he

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1 or she will pay over to the City Treasurer all moneys
2 belonging to the City which shall come into his or her hands
3 as such court administrator. The court administrator shall be
4 paid such compensation as the City Council may provide from
5 time to time. The court administrator shall act under the
6 supervision and control of the presiding judge of the
7 Municipal Court and shall supervise the functions of the chief
8 clerk and director of the traffic violations bureau, or
9 successor agency, and perform such other duties as may be
10 assigned to him or her by the presiding judge of the Municipal
11 Court.

12 Section 3.33.070. Seal of Court. The Municipal Court
13 shall have a seal which shall be the vignette of George
14 Washington, with the words "Seal of The Municipal Court of The
15 City of Seattle, State of Washington," surrounding the
16 vignette.

17 Section 3.33.080. Process. All process from the
18 Municipal Court shall issue under the seal thereof and shall
19 run throughout the state.

20 Section 3.33.090. Director of Traffic Violations/Director
21 of Information and Revenue. There shall be a director of the
22 traffic violations bureau/director of information and revenue.
23 The director shall be appointed by the judges of the Municipal
24 Court subject to civil service laws and rules. The director
25 shall act under the supervision of the court administrator of
26 the Municipal Court and shall be responsible for the
27 supervision of the traffic violations bureau. Before entering
28 upon the duties of his or her office, the director shall take
and subscribe an oath the same as required for other officers
of the City and shall execute a penal bond in such sum and

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1 with such sureties as City's legislative authority may direct
2 and, subject to their approval, conditioned for the faithful
3 performance of his or her duties, and that he or she will
4 faithfully account to and pay over to the City Treasurer all
5 moneys belonging to the City which shall come into his or her
6 hands as such director. The director shall be paid such
7 compensation as may be provided in the salary schedule.

8 Section 3.33.100. Judges' meetings; rules of court. It
9 shall be the duty of the judges of Municipal Court to meet
10 together at least once each month, except during the months of
11 July and August, at such hour and place as they may designate,
12 and at such other times as they may desire, for the
13 consideration of such matters pertaining to the administration
14 of justice in said Court as may be brought before them. At
15 these meetings they shall receive and investigate, or cause to
16 be investigated, all complaints presented to them pertaining
17 to the Court and the employees thereof, and shall take such
18 action as they may deem necessary or proper with respect
19 thereto. They shall have power and it shall be their duty to
20 adopt, or cause to be adopted, rules and regulations for the
21 proper administration of justice in the Municipal Court.

22 Section 3.33.110. Qualifications of judges. No person
23 shall be eligible for the office of judge of the Municipal
24 Court unless he or she shall have been admitted to practice
25 law before the courts of record of the state and is a
26 qualified elector of the City. No judge of said Court during
27 his or her term of office shall engage either directly or
28 indirectly in the practice of law.

Section 3.33.120. Judges' oaths; bonds. Every judge of
the Municipal Court, before he or she enters upon the duties
of his or her office, shall take and subscribe the following

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1 oath or affirmation: "I do solemnly swear (or affirm) that I
2 will support the Constitution of the United States and the
3 Constitution of the State of Washington, and that I will
4 faithfully discharge the duties of the office of judge of the
5 Municipal Court of The City of Seattle according to the best
6 of my ability; and I do further certify that I do not
7 advocate, nor am I a member of an organization that advocates,
8 the overthrow of the government of the United States by force
9 or violence." The oath shall be filed in the office of the
10 county auditor. He or she shall also give such bonds to the
11 state and City for the faithful performance of his or her
12 duties as may be by law or ordinance directed.

13 Section 3.33.130. Additional judges. Whenever the number
14 of departments of the Municipal Court is increased by City
15 ordinance, the Mayor shall appoint a qualified person as
16 provided in RCW 35.20.170 and SMC 3.33.110 to act as municipal
17 judge until the next general election. He or she shall be
18 paid salaries in accordance with the provisions of RCW Chapter
19 35.20 and applicable City ordinances and provided with the
20 necessary court, office space and personnel as authorized.

21 Section 3.33.140. Judges pro tempore. The Mayor shall,
22 from attorneys residing in the City and qualified to hold the
23 position of judge of the Municipal Court as provided in RCW
24 35.20.170 and SMC 3.33.110, appoint judges pro tempore who
25 shall act in the absence of the regular judges of the court or
26 in addition to the regular judges when the administration of
27 justice and the accomplishment of the work of the court make
28 it necessary. The judges of the Municipal Court shall
promulgate rules establishing general standards for the use of
judges pro tempore. A copy of the rules shall be filed with

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1 the legislative authority of the City at the time of budget
2 consideration. Such appointments shall be made from a list of
3 attorneys furnished by the judges of the Municipal Court,
4 which list shall contain not less than five (5) names in
5 addition to the number of judges pro tempore requested.
6 Appointment of judges pro tempore shall be for the term of
7 office of the regular judges unless sooner removed in the same
8 manner as they were appointed. While acting as judge of the
9 Court, judges pro tempore shall have all of the powers of the
10 regular judges. Before entering upon his or her duties, each
11 judge pro tempore shall take, subscribe and file an oath as is
12 taken by a municipal judge. Judges pro tempore shall not
13 practice before the Municipal Court during their term of
14 office as judges pro tempore. Municipal judges pro tempore
15 shall receive such compensation as shall be fixed by ordinance
16 of the City.

17 Section 3.33.150. Judicial officers. The judges of the
18 Municipal Court may employ judicial officers to assist in the
19 administration of justice and the accomplishment of the work
20 of the court as said work may be assigned to it by statute or
21 ordinance. The duties and responsibilities of such officers
22 shall be judicial in nature and shall be fixed by court rule
23 as adopted by the Municipal Court judges or fixed by
24 ordinance. The judicial officers may be authorized to hear
25 and determine cases involving the commission of traffic
26 infractions and violations as provided in RCW Chapter 46.63
27 and SMC Chapter 11. The Mayor may appoint the judicial
28 officers as judges pro tempore pursuant to RCW 35.20.200 and
SMC 3.133.130: Provided, That the judicial officer need not
be a resident of the City.

1 Section 3.33.160. Clerks of the court. There shall be a
2 chief clerk of the Municipal Court appointed by the judges of
3 the Municipal Court subject to such civil service laws and
4 rules. Before he or she enters upon the duties of his or her
5 office the chief clerk shall take and subscribe an oath the
6 same as required for other officers of the City, and shall
7 execute a penal bond in such sum and with such sureties as
8 legislative authority of the City may direct and, subject to
9 their approval, conditioned that he will faithfully account to
10 and pay over to the City Treasurer all moneys coming into his
11 or her hands as the clerk, and that he or she will faithfully
12 perform the duties of the office to the best of his or her
13 knowledge and ability. Upon the recommendation of the judges
14 of the Municipal Court, the legislative authority of the City
15 may provide for the appointment of such assistant clerks of
16 the Municipal Court as the legislative authority deems
17 necessary, with such compensation as the legislative authority
18 may provide by ordinance and the assistant clerks shall be
19 subject to civil service laws and rules; Provided, That the
20 judges of the Municipal Court shall appoint such clerks as the
21 board of county commissioners may determine to handle cases
22 involving violations of state law, wherein the court has
23 concurrent jurisdiction with justices of the peace and the
24 superior court. All clerks of the court shall have power to
25 administer oaths, swear and acknowledge signatures of those
26 persons filing complaints with the court, take testimony in
27 any action, suit or proceeding in the court relating to the
28 City or county for which they are appointed, and may certify
any records and documents of the court pertaining thereto.

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1 They shall give bond for the faithful performance of their
2 duties as required by law.

3 Section 3.33.170. Powers and duties of chief clerk. The
4 chief clerk, under the supervision and direction of the court
5 administrator of the Municipal Court, shall have the custody
6 and care of the books, papers and records of said court; he or
7 she shall be present or ensure that a deputy is present during
8 the session of the Court, and shall have the power to swear
9 all witnesses and jurors, and administer oaths and affidavits,
10 and take acknowledgements. He or she shall keep the records
11 of the Court, and shall issue all process under his or her
12 hand and the seal of said Court, and shall do and perform all
13 things and have the same powers pertaining to his or her
14 office as the clerks of the superior courts have in their
15 office. He or she shall receive all fines, penalties and fees
16 of every kind, and keep a full, accurate and detailed account
17 of the same; and shall on each day pay into the City Treasury
18 all moneys received for the City during the day previous, with
19 a detailed account of the same, and taking the City Treasurer's
20 receipt therefor.

21 Section 3.33.180. Director of probation services;
22 probation officers; bailiffs. The judges of the Municipal
23 Court shall appoint a director of probation services who shall
24 under the supervision of the presiding judge of the Municipal
25 Court supervise the probation officers of the Municipal Court.
26 The judges of the Municipal Court shall also appoint a bailiff
27 for the court, together with such number of probation officers
28 and additional bailiffs as may be authorized by ordinance.
The director of probation services, probation officers, and
bailiff or bailiffs shall be paid as provided by ordinance.

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1 Section 3.33.190. Warrant servers; service of process.

2 (1) The position of warrant server is hereby established
3 in Municipal Court. The number and qualifications of warrant
4 servers shall be fixed by ordinance, and their compensation
5 shall be paid as provided by ordinance.

6 (2) Warrant servers shall be vested only with the
7 special authority to make arrests authorized by the warrants
8 which they have been directed to serve by Municipal Court.

9 (3) All criminal and civil process issuing out of
10 Municipal Court shall be directed to the Chief of Police, to
11 the sheriff of King County and/or the warrant servers of the
12 Court and be by them executed according to law in any county
13 of this state.

14 (4) No process of Municipal Court shall be executed
15 outside the corporate limits of the City served by the court
16 unless the person authorized by said process shall first
17 contact the applicable law enforcement agency in the
18 jurisdiction of which the process is to be served.

19 (5) Upon a defendant being arrested in another city or
20 county the cost of arresting or serving process thereon shall
21 be borne by Municipal Court, including the cost of returning
22 the defendant from any county of the state to the City.

23 (6) Warrant servers shall not be entitled to death,
24 disability or retirement benefits pursuant to RCW Chapter
25 41.26 on the basis of service as a warrant server as described
26 in this section.
27
28

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(To be used for all Ordinances except Emergency.)

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Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 14th day of December, 1982
and signed by me in open session in authentication of its passage this 14th day of December, 1982

President of the City Council.

Approved by me this 23rd day of December, 1982
Charles P. Ryan
Mayor.

Filed by me this 23rd day of December, 1982

Attest: Norward J. Brooks
City Comptroller and City Clerk.

(SEAL)

Published

By Theresa Dunbar
Deputy Clerk.



Seattle City Council
Memorandum

#6

Date: December 9, 1987

To: Full Council

From: Norm Rice, Chair
Public Safety Committee

Norm Rice

Subject: C.B. 106491

This ordinance officially institutionalizes that there are six departments within Seattle Municipal Court. The creation of this ordinance was prompted by three court cases filed against the City of Seattle charging that departments 4, 5, and 6 do not officially exist.

Departments 1, 2, and 3 are officially created by State law, but each municipality must create additional departments as each sees fit. The City has argued in the cases filed that departments 4, 5, and 6 were officially created by budget appropriation. Superior Court agreed, but two of the three cases have been appealed to the State Supreme Court.

Although the courts have ratified that departments 4, 5, and 6 exist, C.B. 106491 would moot one of the arguments in the cases presently before the State Supreme Court. This ordinance would also preclude any new cases from being filed arguing the existence of these three departments.

The Public Safety Committee unanimously passed this proposed ordinance 2-0.

NR:sj

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THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING, SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 684-8200

DOUGLAS N. JEWETT, CITY ATTORNEY

November 10, 1987

The Honorable Sam Smith
President, Seattle City Council

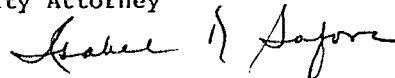
Dear Mr. Smith:

Enclosed for your consideration is a proposal for legislation incorporating the basic judicial structure of the Seattle Municipal Court as a new chapter of the Seattle Municipal Code.

In addition, approval of the legislation would ratify the Council's previous acts "creating" Seattle Municipal Court Departments 4, 5 and 6 via appropriation in the respective budget ordinance. We expect approval of this legislation will resolve the ongoing legal challenge to the current method of creating departments.

Sincerely,

DOUGLAS N. JEWETT
City Attorney



By ISABEL R. SAFORA
Assistant City Attorney

IRS:bjw
encl.

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City of Seattle

ORDINANCE 11810

AN ORDINANCE relating to the Seattle Municipal Court, adding a new chapter to Title 3 of the Seattle Municipal Code, providing for the basic judicial structure of the Seattle Municipal Court, and ratifying acts of the Seattle City Council pursuant to Ordinances 101811, 108666 and 110900.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. There is added to Seattle Municipal Code a new Chapter 3.33, as follows:

Section 3.33.010 PURPOSE. This chapter sets forth the structure and authority of Seattle Municipal Court and consolidates authorization previously given in Ordinances 101811, 108666 and 10900, which authority is hereby further ratified and confirmed. Consistent with RCW Chapter 35.20 and other applicable law, the purpose of this Court is to try violations of City ordinances and all other actions brought to enforce or recover license penalties as are declared or given by any such ordinances and perform such other duties as may be authorized by law.

Section 3.33.020 JURISDICTION. AUTHORITY. The Municipal Court has exclusive original jurisdiction to try violations of all City ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith. Provided, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than is authorized by state law. All civil and criminal proceedings in municipal court, and judgments rendered therein, shall be subject to review in the superior court by writ of review or on appeal. Costs in civil and criminal cases may be taxed as provided by law.

Section 3.33.020 TRIAL BY JURY - JURORS' FEES. In all civil cases and criminal cases where jurisdiction is concurrent with district courts as provided in RCW 35.20.250, within the jurisdiction of the Municipal Court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn in as cases before district courts, or the trial may be by a judge of the Municipal Court. Provided, That no jury trial may be held on a proceeding involving a traffic infraction or violation. A defendant in a civil case requesting a jury shall pay to the court a fee which shall be the same as that for a jury in justice court. Where there is more than one defendant in an action and one or more of them request a jury, only one jury fee shall be collected by the Court. Each juror may receive up to twenty-five dollars but in no case less than ten dollars for each day in attendance upon the Municipal Court and, in addition thereto, shall receive mileage at the rate determined under RCW 43.03.050. Provided, That the compensation paid jurors shall be determined by the City's legislative authority and shall be uniformly applied.

Section 3.33.040 STRUCTURE. The Municipal Court shall consist of six (6) judicial departments, as follows:

Departments 1-3 established pursuant to RCW 35.20.100 and
Departments 4-6 heretofore established pursuant to RCW 35.20.100 by Ordinances 101811, 108666 and 110900.

The departments shall be established in such places as may be provided from time to time by the City's legislative authority and each department shall be presided over by a municipal judge. The judges shall select, by majority vote, one of their number to act as presiding judge of the Municipal Court for a term of one year and he or she shall be responsible for administration of the Court and assignment of calendars to all departments. A change of venue from one department of the Municipal Court to another department shall be allowed in accordance with the provisions of RCW 3.66.090 in all civil and criminal proceedings. Municipal judges shall be elected as provided by law.

Section 3.33.050 SESSIONS. The Municipal Court shall be always open except on non-judicial days. It shall hold regular and special sessions at such times as may be prescribed by the judges thereof.

Section 3.33.060 COURT ADMINISTRATOR. There shall be a court administrator of the Municipal Court appointed by the judges of the Municipal Court, subject to confirmation by a majority of the City Council, and removable by the judges of the Municipal Court subject to like confirmation. Before entering upon the duties of his or her office, the court administrator shall take and subscribe an oath the same as required for other officers of the City, and shall execute a penal bond in such sum and with such sureties as the City Council may direct and subscribe to the faithful performance of his or her duties, and that he or she will pay over to the City Treasurer all moneys belonging to the City which shall come into his or her hands as such court administrator. The court administrator shall be paid such compensation as the City Council may provide from time to time. The court administrator shall have the supervision and control of the presiding judge of the Municipal Court and shall supervise the operations of the chief clerk and director of the traffic violations bureau, or successor agency, and perform such other duties as may be assigned to him or her by the presiding judge of the Municipal Court.

Section 3.33.070 SEAL OF COURT. The Municipal Court shall have a seal which shall be the vignette of George Washington, with the words "Seal of the Municipal Court of The City of Seattle State of Washington" surrounding the vignette.

Section 3.33.080 PROCESS. All process from the Municipal Court shall issue under the seal thereof and shall run throughout the state.

Section 3.33.090 DIRECTOR OF TRAFFIC VIOLATIONS/DIRECTOR OF INFORMATION AND REVENUE. There shall be a director of the traffic violations bureau/director of information and revenue. The director shall be appointed by the judges of the Municipal Court subject to civil service laws and rules. The director shall act under the direction of the court administrator of the Municipal Court and shall be responsible for the supervision of the traffic violations bureau. Before entering upon the duties of his or her office, the director shall take and subscribe an oath the same as required for other officers of the City and shall execute a penal bond in such sum and with such sureties as the City's legislative authority may direct and subscribe to the faithful performance of his or her duties, and that he or she will faithfully account to and pay over to the City Treasurer all moneys belonging to the City which shall come into his or her hands as such director. The director shall be paid such compensation as may be provided in the salary schedule.

Section 3.33.100 JUDGES' MEETINGS. RULES OF COURT. It shall be the duty of the judges of Municipal Court to meet together at least once each month, except during the months of June and August, at such hour and place as they may designate, and at such other times as they may desire, for the consideration of such matters pertaining to the administration of justice in said Court as may be brought before them. At its meetings they shall receive and investigate, or cause to be investigated, all complaints presented to them regarding the conduct of any judge thereof, and shall take such action as they may deem necessary or proper with respect thereto. They shall have power to adopt, amend, or repeal rules or cause to be adopted, rules and regulations for the proper administration of justice in the Municipal Court.

Section 3.33.110 QUALIFICATIONS OF JUDGES. No person shall be eligible for the office of judge of the Municipal Court unless he or she shall have been admitted to practice law before the courts of record of the state and is a qualified elector of the City. No judge of said Court during his or her term of office shall engage either directly or indirectly in the practice of law.

Section 3.33.120 JUDGES' OATHS. BONDS. Every judge of the Municipal Court, before he or she enters upon the duties of his or her office, shall take and subscribe 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 Seattle according to the best of my ability; and I do further certify that I do not advocate, nor am I a member of an organization that advocates, the overthrow of the government of the United States by force or violence. The oath shall be filed in the office of the county auditor. He or she shall also give such bond as the state and county may require." The bond shall be in the sum of \$100,000 and shall be approved by the City Council. The bond shall be filed in the office of the county auditor. He or she shall also give such bond as the state and county may require. The bond shall be in the sum of \$100,000 and shall be approved by the City Council. The bond shall be filed in the office of the county auditor. He or she shall also give such bond as the state and county may require.

Section 3.33.140 JUDGES PRO TEMPORE. The Mayor shall, from attorneys residing in the City and qualified to hold the position of judge of the Municipal Court as provided in RCW 35.20.170 and SMC 3.33.110, appoint judges pro tempore of the regular judges of the court or in addition to the regular judges when the absence or vacation of a judge or the accomplishment of the work of the court make it necessary. The judges of the Municipal Court shall promulgate rules establishing general standards for the use of judges pro tempore. A copy of the rules shall be filed with the legislative authority of the City at the time of budget consideration. Such appointments shall be made from a list of attorneys furnished by the judges of the Municipal Court, which list shall contain not less than five (5) names in addition to the number of judges pro tempore requested. Appointment of judges pro tempore shall be for the term of office of the regular judges unless sooner removed in the same manner as they were appointed. While acting as judge of the Court, judges pro tempore shall have all of the powers of the regular judges. Before entering upon his or her duties, each judge pro tempore shall take, subscribe and file an oath as is taken by a municipal judge. Judges pro tempore shall not practice before the Municipal Court during their term of office as judges pro tempore. Municipal judges pro tempore shall receive such compensation as shall be fixed by ordinance of the City.

Section 3.33.150 JUDICIAL OFFICERS. The judges of the Municipal Court may employ judicial officers to assist in the administration of justice and the accomplishment of the work of the court as said work may be assigned to it by statute or ordinance. The duties and responsibilities of such officers shall be judicial in nature and shall be fixed by court rule as adopted by the Municipal Court judges or fixed by ordinance. The judicial officers may be authorized to hear and determine cases involving the commission of traffic infractions and violations as provided in RCW 35.20.060 and SMC 3.13.120. Provided, That the judicial officers shall not be a resident of the City.

Section 3.33.160 CLERKS OF THE COURT. There shall be a chief clerk of the Municipal Court appointed by the judges of the Municipal Court subject to civil service laws and rules. Before he or she enters upon the duties of his or her office the chief clerk shall take and subscribe an oath the same as required for other officers of the City, and shall execute a penal bond in such sum and with such sureties as the legislative authority of the City may direct and subscribe to the faithful performance of his or her duties, and that he or she will faithfully account to and pay over to the City Treasurer all moneys coming into his or her hands as the chief clerk, and that he or she will faithfully perform the duties of the office to the best of his or her knowledge and ability. Upon the recommendation of the judges of the Municipal Court, the legislative authority of the City may provide for the appointment of such assistant clerks of the Municipal Court as the legislative authority deems necessary, with such compensation as the legislative authority may provide by ordinance and the assistant clerks shall be subject to civil service laws and rules. Provided, That the judges of the Municipal Court shall appoint such clerks as the board of county commissioners may determine to handle cases involving violations of state law, wherein the court has concurrent jurisdiction with justices of the peace and the superior court. All clerks of the court shall have power to administer oaths, swear and acknowledge signatures of those persons filing complaints with the court, take testimony in any action, suit or proceeding in the Municipal Court, or county or county for which they are appointed, may certify any records and judgments of the court pertaining thereto. They shall give bond for the faithful performance of their duties as required by law.

Section 3.33.170 POWERS AND DUTIES OF CHIEF CLERK. The chief clerk, under the supervision and direction of the court administrator of the Municipal Court, shall have the custody and care of the books, papers and records of said court; he or she shall be present or ensure that a deputy is present during the session of the Court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgements. He or she shall keep the records of the Court, and shall issue all process under his or her hand and the seal of said Court, and shall do and perform all things and have the same powers pertaining to his or her office as the clerks of the superior court have in their office. He or she shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the City Treasury all moneys received for the City during the day previous, with a detailed account of the same, and taking the City Treasurer's receipt therefor.

Section 3.33.180 DIRECTOR OF PROBATION SERVICES. PROBATION OFFICERS; BAILIFFS. The judges of the Municipal Court shall appoint a director of probation services who shall have the supervision of the presiding judge of the Municipal Court supervise the probation officers of the Municipal Court. The judges of the Municipal Court shall also appoint a bailiff for the court, together with such number of probation officers and additional bailiffs as may be authorized by ordinance. The director of probation services, probation officers, and bailiffs shall be paid as provided by ordinance.

Section 3.33.190 WARRANT SERVERS; SERVICE OF PROCESS.

(1) The position of warrant server is hereby established in Municipal Court. The number and qualifications of warrant servers shall be fixed by ordinance, and their compensation shall be paid as provided by ordinance.

(2) Warrant servers shall be vested only with the special authority to make arrests authorized by the warrants which they have been directed to serve by Municipal Court.

(3) All criminal and civil process issuing from the Municipal Court shall be directed to the Chief of Police, to the sheriff of King County and/or the warrant servers of the court and be by them executed according to law in any county of this state.

(4) No process of Municipal Court shall be executed outside the corporate limits of the City served by the court unless the person authorized by said process shall first contact the applicable law enforcement agency in the jurisdiction of which the process is to be served.

(5) Upon a defendant being arrested in another city or county the cost of arresting or serving process thereon shall be borne by Municipal Court, including the cost of returning the defendant from any county of the state to the City.

(6) Warrant servers shall not be entitled to death, disability or retirement benefits pursuant to RCW Chapter 41.56 on the basis of service as a warrant server as described in this section.

Section 2. This ordinance shall take effect and be in force thirty days from the date of its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become law under the provisions of the city charter.

Passed by the City Council the 14th day of December, 1987, and signed by me in open session in authentication of its passage this 14th day of December, 1987.

SAM SMITH,
President of the City Council.
Approved by me this 23rd day of December, 1987.

CHARLES ROYER,
Mayor.
Filed by me this 23rd day of December, 1987.

Attest: NORWARD J. BROOKS,
City Comptroller and City Clerk.
(Seal) By THERESA DUNBAR,
Deputy Clerk.
Publication ordered by NORWARD J. BROOKS, Comptroller & City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, January 6, 1988.
C-365-C-2

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Affidavit of Publication

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STATE OF WASHINGTON
KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 113786

was published on January 6, 1988

Subscribed and sworn to before me on

January 6, 1988

Notary Public for the State of Washington,
residing in Seattle.

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