

Ordinance No. 123285

Council Bill No. 116849

AN ORDINANCE relating to the Seattle Municipal Court; amending Seattle Municipal Code Section 3.33.040 and eliminating a department of the Seattle Municipal Court.

Related Legislation File: \_\_\_\_\_

Date Introduced and Referred: <b>4.26.10</b>	To: (committee): <b>Finance + Budget</b>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <b>5.3.10</b>	Date Presented to Mayor: <b>5.3.10</b>
Date Signed by Mayor: <b>May 4, 2010</b>	Date Returned to City Clerk: <b>May 4, 2010</b>
Published by Title Only <input type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/>	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

### The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Jean Goldstein

#### Committee Action:

Date	Recommendation	Vote
<b>4.27</b>	<b>Pass as amended</b>	<b>Tom Rasmussen</b>
	<b>Y - SG, MO</b>	<b>Samy V. Lemaire</b>
	<b>TB, BH, RC</b>	<b>Sq. Bagshaw</b>
	<b>Abstain - NL</b>	

This file is complete and ready for presentation to Full Council. \_\_\_\_\_

#### Full Council Action:

Date	Decision	Vote
<b>5.3.10</b>	<b>Passed</b>	<b>7-0</b>
		<b>(Excused: Burgess, Hanell)</b>



1 Section 2. Effective January 1, 2011, Section 3.33.040 of the Seattle Municipal Code is  
2 amended as follows:

3 **3.33.040 Structure.**

4 A. The Municipal Court shall consist of ~~((eight (8)))~~ seven judicial departments, as follows:

- 5 1. Departments 1 -- 3 established pursuant to RCW 35.20.100;  
6 2. Departments 4 -- 6 heretofore established pursuant to RCW 35.20.100 by Ordinances 101811,  
7 108666 and 110900; and  
8 3. Department 7, heretofore established pursuant to RCW 35.20.100(~~;~~  
9 4. ~~Department 10 heretofore established pursuant to RCW 35.20.020 and 35.20.100))~~

10 B. The departments shall be established in such places as may be provided from time to time by  
11 the City's legislative authority and each department shall be presided over by a municipal judge.  
12 The judges shall select, by majority vote, one ~~((1))~~ of their number to act as presiding judge of  
13 the Municipal Court for a term of one ~~((1))~~ year, and he or she shall be responsible for  
14 administration of the Court and assignment of calendars to all departments. A change of venue  
15 from one department of the Municipal Court to another department shall be allowed in  
16 accordance with the provisions of RCW 3.66.090 in all civil and criminal proceedings.  
17 Municipal judges shall be elected as provided by law.

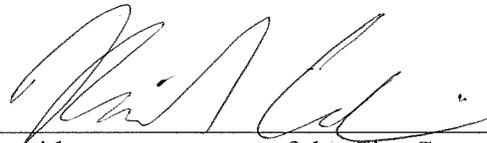
18 Section 3. For the purposes of the 2010 primary and general elections and subsequent  
19 elections unless otherwise amended by ordinance, the City intends to eliminate Seattle Municipal  
20 Court Judge Position No. Three from the ballot. As a result of this ordinance, it is the City's  
21 intent that for position filings and electoral purposes of the King County Elections Department,  
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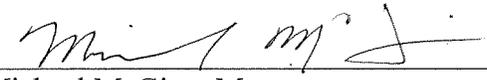
1 the Seattle Municipal Court shall consist of seven positions to be numbered as follows: 1, 2, 4, 5,  
2 6, 7, and 10.

3 Section 4. This ordinance shall take effect and be in force 30 days from and after its  
4 approval by the Mayor, but if not approved and returned by the Mayor within ten days after  
5 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

6 Passed by the City Council the 3<sup>rd</sup> day of May, 2010, and  
7 signed by me in open session in authentication of its passage this  
8 3<sup>rd</sup> day of May, 2010.

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12 President \_\_\_\_\_ of the City Council

13 Approved by me this 9 day of May, 2010

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17 Michael McGinn, Mayor

18 Filed by me this 4<sup>th</sup> day of May, 2010.

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22 City Clerk

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28 (Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Legislative	Mike Fong/5-1675	Catherine Cornwall/4-8725

**Legislation Title:**

AN ORDINANCE relating to the Seattle Municipal Court; amending Seattle Municipal Code Section 3.33.040 and eliminating a department of the Seattle Municipal Court.

• **Summary of the Legislation:**

This ordinance amends section 3.33.040 of the Seattle Municipal Code by eliminating a department of the Seattle Municipal Court. In addition, for electoral purposes, the ordinance specifically eliminates Seattle Municipal Court Judge Position No. 3. As a result, the Seattle Municipal Court will consist of seven (7) departments with positions 1, 2, 4, 5, 6, 7 and 10 for the purposes of the primary and general elections in 2010, and thereafter every four years unless otherwise amended. The ordinance would take effect January 1, 2011.

• **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

The City of Seattle faces a projected \$56 million general fund budget shortfall in 2011. As a result, all City departments will need to identify operational efficiencies. State law requires that the City have a minimum three municipal judicial departments. There are currently eight judges, one commissioner and four and a half magistrates for a total of thirteen and a half judicial officers for the municipal court.

An analysis of criminal case filings as an indicator of judicial workload since 1981, conducted by the Office of the City Auditor, suggests it may be possible for the Court to redistribute caseloads and identify opportunities for efficiency with one less elected judge. In addition, effective January 1, 2009, the City Attorney started dismissing many DWLS 3 (Driving With License Suspended) cases at intake. As a result, when 2009 criminal case filings are adjusted to account for the DWLS dismissals, there was an average of 1,860 filings per judge - about 13% below the court's eleven year average. Assuming the elimination of one judicial position (from 8 to 7) and similar filing levels as 2009, there would be an average of 2,126 filings per judge - roughly equivalent to the historical average. This adjusted average number of criminal case filings per judge would still be 30-45% lower in comparison to per judge filings in Spokane, Tacoma and the average of King County's other municipal courts.

The elimination of the department would be effective beginning on January 1, 2011. All funding reductions associated with eliminating a judicial department are assumed to be reflected in the Mayor's proposed 2011-2012 biennium budget. This fiscal note reflects the estimated and anticipated savings and abrogated positions beginning in 2011 (see attachment 1).



- Please check one of the following:

**This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)

**This legislation has financial implications.** (Please complete all relevant sections that follow.)

*Appropriations: This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation, please provide details in the Notes section below.*

Fund Name and Number	Department	Budget Control Level*	2010 Appropriation	2011 Anticipated Appropriation
<b>TOTAL</b>				

\*See budget book to obtain the appropriate Budget Control Level for your department.

**Notes:**

**Anticipated Revenue/Reimbursement: Resulting From This Legislation:** *This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.*

Fund Name and Number	Department	Revenue Source	2010 Revenue	2011 Revenue
<b>TOTAL</b>				

**Notes:**

**Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact:** *This table should only reflect the actual number of positions affected by this legislation. In the event that positions have been, or will be, created as a result of other legislation, please provide details in the Notes section below the table.*

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2010 Positions	2010 FTE	2011 Positions*	2011 FTE*





None identified at this time.

- **Is the legislation subject to public hearing requirements:** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)*

No

- **Other Issues** *(including long-term implications of the legislation):*
  
- **List attachments to the fiscal note below:** *(Please include headers with version numbers on all attachments, as well footers with the document's name (e.g., DOF Property Tax Fisc Att A)*

See attached document titled: Municipal Court - Estimated Budget Reductions  
(Attachment 1)



## Municipal Court – Estimated Budget Reductions (Attachment 1)

April 23, 2010

The elimination of a department of the Seattle Municipal Court would be effective beginning on January 1, 2011. All funding reductions associated with eliminating a judicial department are assumed to be reflected in the Mayor's proposed 2011-2012 biennium budget. Below are estimated general fund reductions and abrogated positions provided to Council by the City Budget Office (CBO) at this time. Council recognizes that these estimates may change.

Fund Name and Number	Department	Budget Control Level*	2011 Anticipated Appropriation
General Subfund (00100) Reduce one Judicial Position	Municipal Court	Court Operations (M2000)	-\$174,405
General Subfund (00100) Reduce one Bailiff Position	Municipal Court	Court Operations (M2000)	-\$65,889
General Subfund (00100) Reduce one Clerk Position	Municipal Court	Court Operations (M2000)	-\$64,753
General Subfund (00100) Reduce Pro-Tem Funds	Municipal Court	Court Operations (M2000)	-\$14,795
<b>TOTAL</b>			<b>-\$319,842</b>

Position Title and Department	Fund Name & #	PT/FT	2011 Positions*	2011 FTE*
Muni Judge (Seattle Municipal Court / M2112)	General Subfund (00100)	FT	-1.0	-1.0
Bailiff (Seattle Municipal Court / M2114)	General Subfund (00100)	FT	-1.0	-1.0
Court Clerk (Seattle Municipal Court / M2116)	General Subfund (00100)	FT	-1.0	-1.0
<b>TOTAL</b>			<b>-3.0</b>	<b>-3.0</b>



1  
2 **ORDINANCE** \_\_\_\_\_

3 AN ORDINANCE relating to the Seattle Municipal Court; amending Seattle Municipal Code  
4 Section 3.33.040 and eliminating a department of the Seattle Municipal Court.

5 WHEREAS, the City of Seattle faces a potential \$56 million General Fund budget shortfall in  
6 2011; and

7 WHEREAS, all City departments must identify operational efficiencies to maintain critical  
8 services for Seattle residents; and

9 WHEREAS, the Seattle Municipal Court (SMC) currently consists of eight (8) judicial  
10 departments; and

11 WHEREAS, pursuant to RCW 35.20.100, the City of Seattle is required to have three (3)  
12 municipal court departments; and

13 WHEREAS, the SMC has been recognized nationally for finding alternatives to traditional  
14 criminal justice models to more effectively address Seattle's misdemeanor population;  
15 and

16 WHEREAS, the City Council is confident that SMC will identify operational efficiencies and  
17 strategies to continue providing innovative and effective approaches to criminal justice in  
18 Seattle; and

19 WHEREAS, the King County Elections Department is responsible for designating elected  
20 position numbers to seat the municipal court; and

21 WHEREAS, there is no formal correlation between position numbers and judicial departments  
22 established in the Seattle Municipal Code; and

23 WHEREAS, with this ordinance, the City Council is hereby providing guidance to the King  
24 County Elections Department for establishing position numbers for the upcoming filing  
25 period for office beginning June 7, 2010; and NOW, THEREFORE,

26 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

27 Section 1. Effective January 1, 2011, Department 10 of the Seattle Municipal Court is  
28 abolished.

**THIS VERSION IS NOT ADOPTED**



1 Section 2. Effective January 1, 2011, Section 3.33.040 of the Seattle Municipal Code is  
2 amended as follows:

3 **3.33.040 Structure.**

4 A. The Municipal Court shall consist of ~~((eight (8)))~~ seven judicial departments, as follows:

- 5 1. Departments 1 -- 3 established pursuant to RCW 35.20.100;  
6 2. Departments 4 -- 6 heretofore established pursuant to RCW 35.20.100 by Ordinances 101811,  
7 108666 and 110900; and  
8 3. Department 7, heretofore established pursuant to RCW 35.20.100(~~;~~  
9 ~~4. Department 10 heretofore established pursuant to RCW 35.20.020 and 35.20.100))~~

10 B. The departments shall be established in such places as may be provided from time to time by  
11 the City's legislative authority and each department shall be presided over by a municipal judge.  
12 The judges shall select, by majority vote, one ~~((1))~~ of their number to act as presiding judge of  
13 the Municipal Court for a term of one ~~((1))~~ year, and he or she shall be responsible for  
14 administration of the Court and assignment of calendars to all departments. A change of venue  
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19 elections unless otherwise amended by ordinance, the City intends to eliminate Seattle Municipal  
20 Court Judge Position No. Three from the ballot. As a result of this ordinance, it is the City's  
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3 Section 4. This ordinance shall take effect and be in force 30 days from and after its  
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5 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

6 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2010, and  
7 signed by me in open session in authentication of its passage this  
8 \_\_\_\_ day of \_\_\_\_\_, 2010.

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12 President \_\_\_\_\_ of the City Council

13 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2010

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16 \_\_\_\_\_  
17 Michael McGinn, Mayor

18 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2010.

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21 \_\_\_\_\_  
22 City Clerk

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24  
25 (Seal)

26 **THIS VERSION IS NOT ADOPTED**



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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254685  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

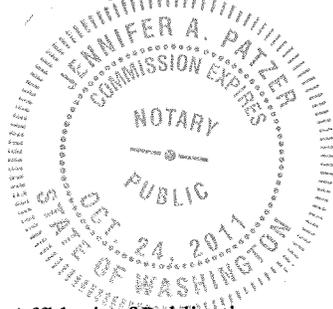
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 123285

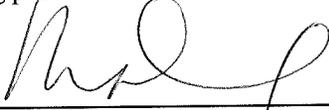
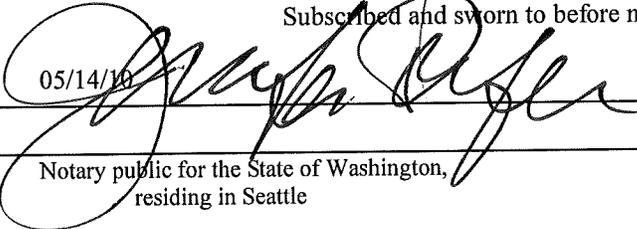
was published on

05/14/10

The amount of the fee charged for the foregoing publication is the sum of \$ 163.80, which amount has been paid in full.



Affidavit of Publication

  
\_\_\_\_\_  
Subscribed and sworn to before me on  
05/14/10  
  
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

### ORDINANCE 123285

AN ORDINANCE relating to the Seattle Municipal Court; amending Seattle Municipal Code Section 3.33.040 and eliminating a department of the Seattle Municipal Court.

WHEREAS, the City of Seattle faces a potential \$56 million General Fund budget shortfall in 2011; and

WHEREAS, all City departments must identify operational efficiencies to maintain critical services for Seattle residents; and

WHEREAS, the Seattle Municipal Court (SMC) currently consists of eight (8) judicial departments; and

WHEREAS, pursuant to RCW 35.20.100, the City of Seattle is required to have three (3) municipal court departments; and

WHEREAS, the SMC has been recognized nationally for finding alternatives to traditional criminal justice models to more effectively address Seattle's misdemeanor population; and

WHEREAS, the City Council is confident that SMC will identify operational efficiencies and strategies to continue providing innovative and effective approaches to criminal justice in Seattle; and

WHEREAS, the King County Elections Department is responsible for designating elected position numbers to seat the municipal court; and

WHEREAS, there is no formal correlation between position numbers and judicial departments established in the Seattle Municipal Code; and

WHEREAS, with this ordinance, the City Council is hereby providing guidance to the King County Elections Department for establishing position numbers for the upcoming filing period for office beginning June 7, 2010; and NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Effective January 1, 2011, Department 10 of the Seattle Municipal Court is abolished.

Section 2. Effective January 1, 2011, Section 3.33.040 of the Seattle Municipal Code is amended as follows:

### 3.33.040 Structure.

A. The Municipal Court shall consist of ~~eight (8))~~ seven judicial departments, as follows:

1. Departments 1 -- 3 established pursuant to RCW 35.20.100;

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

3. Department 7, heretofore established pursuant to RCW 35.20.100(;

4. ~~Department 10 heretofore established pursuant to RCW 35.20.020 and 35.20.100)~~

B. 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 ~~((1))~~ of their number to act as presiding judge of the Municipal Court for a term of one ~~((1))~~ 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. For the purposes of the 2010 primary and general elections and subsequent elections unless otherwise amended by ordinance, the City intends to eliminate Seattle Municipal Court Judge Position No. Three from the ballot. As a result of this ordinance, it is the City's intent that for position filings and electoral purposes of the King County Elections Department, the Seattle Municipal Court shall consist of seven positions to be numbered as follows: 1, 2, 4, 5, 6, 7, and 10.

Section 4. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 3rd day of May, 2010, and signed by me in open session in authentication of its passage this

3rd day of May 2010.

RICHARD CONLIN,

President of the City Council

Approved by me this 4th day of May, 2010

Michael McGinn, Mayor

Filed by me this 4th day of May, 2010.

(Seal) JUDITH E. PIPPIN,

City Clerk

Date of publication in the Seattle Daily Journal of Commerce, May 14, 2010.

5/14(254685)