

ORIGINAL

ORDINANCE 2009 - 25

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON,
AMENDING TITLE 2 OF THE SUNNYSIDE MUNICIPAL CODE
TO CLARIFY THE APPOINTING AUTHORITY FOR MUNICIPAL COURT JUDGE**

WHEREAS, chapter 3.50 of the Revised Code of Washington instructs that municipal court judges are to be appointed by the “mayor,” but also defines “mayor” as “the chief administrative officer of the city.”

WHEREAS, the City of Sunnyside is an optional code city under the council-manager form of government, in which the city manager is the chief administrative officer, pursuant to chapter 35A.12 of the Revised Code of Washington.

WHEREAS, chapter 35A.13 of the Revised Code of Washington instruct that the municipal court judge in Sunnyside, being an optional code city under the council-manager plan, is to be appointed by the City Manager;

WHEREAS, section 2.40.050 of the Sunnyside Municipal Code currently states that the municipal court judge is to be appointed by the Mayor;

WHEREAS, the City Council finds and determines that amending chapter 2.40 of the Sunnyside Municipal Code to clarify that the City Manager is appointing authority for the municipal court judge will promote the general health, safety and welfare.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

Section 1. Sunnyside Municipal Code section 2.40.050 is hereby amended to read as follows:

2.40.050 Appointment of Judge.

The Judge of the Municipal Court shall be appointed by the City Manager, subject to confirmation by the City Council, for a term of office in accordance with the procedures for appointment of municipal court judges as provided in Chapter 3.50 RCW. The term of office is four years, commencing January 1st of every fourth year after January 1, 1986. Appointments shall be made on or before December 1st of the year next preceding the year in which the term commences. The person appointed as Municipal Court Judge shall be a citizen of the United States of America and of the State of Washington, and an attorney admitted to practice law before the courts of record of the State of Washington. The position of such Municipal Court Judge shall be on a part-time basis. Additional part-time judges may be appointed by the Mayor, subject to confirmation by the City Council, in the same manner as set forth above, whenever public interest and the administration of justice requires the appointment of such additional judges. Salaries of judges of the Municipal Court shall be fixed by ordinance. Judges of the Municipal Court shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering the judge incapable of performing the duties of the office.

Section 2. This ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 14th day of December, 2009



PABLO GARCIA, MAYOR

ATTEST:



DEBORAH A. ESTRADA, CITY CLERK

APPROVED AS TO FORM:



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Attorneys at Law