



Shelton City Council
Study Session Agenda
April 23, 2024 – 6:00 p.m.
Civic Center & Virtual Platform

A. Call to Order

B. Roll Call

C. Study Agenda

1. Municipal Court Update – Presented by Judge Stephen Greer

D. New Items for Discussion

E. Adjourn

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2024 Looking Ahead

(Items and dates are subject to change)

| | | | |
|---------------------------------|------------------------|--|---|
| <p>Tues. 5/7 6:00 p.m.</p> | <p>Regular Meeting</p> | <p>Consent Agenda</p> <ul style="list-style-type: none"> • Vouchers/Payroll Warrants/Meeting Minutes Presentations • Overlook Park Eagle Scout Project • Swear-in Limited Commission Officers • National Public Works Week Proclamation • Police Dept. Annual Report • 2023 Transportation Benefit District Annual Report <p>Business Agenda</p> <ul style="list-style-type: none"> • Council Protocol Manual & Strategic Goals • Lease for Mason County Historical Museum • Resolution No. 1328-0324 WWTP Back-Up Disinfection System Grant Acceptance • Resolution No. 1329-0424 6-Year Transportation Improvement Program (TIP) • Resolution No. 1330-0424 Approving the C Street Landfill Environmental Covenant • Resolution No. 1331-0424 Amendment #3, Satellite Plant Tank Wetland Delineation Work <p>Action Agenda</p> <ul style="list-style-type: none"> • Resolution No. 1317-0224 Police Vehicle Purchase <p>Administration Report</p> <ul style="list-style-type: none"> • | <p>Packet Items Due: 4/26 @ 5:00 p.m.</p> |
| <p>Tues. 5/14 6:00 p.m.</p> | <p>Special Meeting</p> | <p>Council Vacancy Interviews</p> | <p>Packet Items Due: 5/3 @ 5:00 p.m.</p> |
| <p>Tues. 5/21 6:00 p.m.</p> | <p>Regular Meeting</p> | <p>Consent Agenda</p> <ul style="list-style-type: none"> • Vouchers/Payroll Warrants/Meeting Minutes Presentations • Swear-in New Councilmember • March Financial Status Report <p>Business Agenda</p> <ul style="list-style-type: none"> • <p>Action Agenda</p> <ul style="list-style-type: none"> • Civic Center Rotating Art Gallery • Council Protocol Manual & Strategic Goals • Lease for Mason County Historical Museum • Resolution No. 1328-0324 WWTP Back-Up Disinfection System Grant Acceptance • Resolution No. 1329-0424 6-Year Transportation Improvement Program (TIP) | <p>Packet Items Due: 5/10 @ 5:00 p.m.</p> |

| | | | |
|-------------------------|-----------------|--|---------------------------------------|
| | | <ul style="list-style-type: none"> Resolution No. 1330-0424 Approving the C Street Landfill Environmental Covenant Resolution No. 1331-0424 Amendment #3, Satellite Plant Tank Wetland Delineation Work Administration Report | |
| Tues. 5/28 6:00 p.m. | Study Session | Study Agenda <ul style="list-style-type: none"> Central Mason Fire & EMS WWTP Back-Up Disinfection Project | Packet Items Due: 5/24 @ noon |
| Tues. 6/4 6:00 p.m. | Regular Meeting | Consent Agenda <ul style="list-style-type: none"> Vouchers/Payroll Warrants/Meeting Minutes Presentations <ul style="list-style-type: none"> Business Agenda <ul style="list-style-type: none"> Action Agenda <ul style="list-style-type: none"> Administration Report | Packet Items Due: 5/24 @ 5:00 p.m. |
| Tues. 6/11 6:00 p.m. | Study Session | Study Agenda | Packet Items Due: 6/7 @ noon |
| Tues. 6/18 5:45 p.m. | SMPD Meeting | Consent Agenda <ul style="list-style-type: none"> Vouchers/Meeting Minutes Business Agenda <ul style="list-style-type: none"> Action Agenda <ul style="list-style-type: none"> Administration Report | Packet Items Due: 6/7 @ 5:00 p.m. |
| Tues. 6/18 6:00 p.m. | Regular Meeting | Consent Agenda <ul style="list-style-type: none"> Vouchers/Payroll Warrants/Meeting Minutes Presentations <ul style="list-style-type: none"> April Financial Status Report Business Agenda <ul style="list-style-type: none"> Action Agenda <ul style="list-style-type: none"> Administration Report | Packet Items Due: 6/7 @ 5:00 p.m. |
| Tues. 6/25 6:00 p.m. | Study Session | Study Agenda | Packet Items Due: 6/21 @ noon |

Other – TBD

- Project and Funding Authorization for Wallace Kneeland/Shelton Springs Intersection Improvements
- Height Limit Ordinance
- Resolution No. 1305-1123 AMI Project Award
- Resolution No. 1316-0124 Interlocal Agreement with Mason County for Reimbursable Work, Supplies and Services
- International Property Maintenance Code

Municipal Court

Date: April 23rd 2024 Time: 6:00 PM City Council Study Session

Topic 1: Introduction to Court Staff

- Stephen Greer, Presiding Judge – Contracted with the city since 2019
- Dyan, Court Administrator – Employee since 2001
- Kristina, Senior Judicial Specialist – Employee since 2013/Volunteer & then part time 2009-2013
- Jeri, Community Service Supervisor – Employee since 2014
- Corina, Judicial Specialist – Employee since 2017
- Charity, Office Assistant – Employee since 2017

Topic 2: Judicial Independence – General Rule 29

- Copy of GR 29 included in packet

Topic 3: What we do

- Day to day operations of the court and the court clerk's office – Judge and Court Administrator

Topic 4: Community Service Program

- Community Service as an alternative to jail has been in place here in Municipal Court since 1989. One day in jail is converted to eight hours on the community service work crew. Informational monthly community service reports are sent to the council, so you can read about the progress the work crews have made each month.

Topic 5: Therapeutic Court

- Individualized Treatment Court began here in February of 2022 thanks to Judge Greer and the grants he applies for annually from the Administrative Office of the Courts. ITC operates in several languages, currently has eleven active participants, and thirteen graduates. Our version of therapeutic court has been recognized by AOC and the therapeutic court community as unique and life-changing for the individuals that successfully complete the program.

Topic 6: Court Security

- The Municipal Court has had part time court security since 2019 after a hostile defendant was taken into custody from the courtroom and a concealed firearm and ammunition were found on him. The court tracks the number and type of weapons that have been screened and prevented from entering the court area. 198 weapons have been discovered.

Topic 7: The CLJ-CMS Implementation and Going Paperless

- After decades of research and work Washington State Courts are getting a new computer system. Shelton is scheduled to receive ours within the next year. The current 1980's system has been on the verge of collapse for years. Shelton Municipal Court has been working hard for the last three years preparing for the switchover.
- A large part of the preparation for the new system is scanning all paper court files to pdf files. Now that we have Cody on board he is going to assist the court with this process. Once the transition is complete, our court will not be accepting paper filings or generating paper files any longer.

GR 29
PRESIDING JUDGE IN SUPERIOR COURT DISTRICT AND
LIMITED JURISDICTION COURT DISTRICT

(a) Election, Term, Vacancies, Removal and Selection Criteria--Multiple Judge Courts.

(1) *Election.* Each superior court district and each limited jurisdiction court district (including municipalities operating municipal courts) having more than one judge shall establish a procedure, by local court rule, for election, by the judges of the district, of a Presiding Judge, who shall supervise the judicial business of the district. In the same manner, the judges shall elect an Assistant Presiding Judge of the district who shall serve as Acting Presiding Judge during the absence or upon the request of the Presiding Judge and who shall perform such further duties as the Presiding Judge, the Executive Committee, if any, or the majority of the judges shall direct. If the judges of a district fail or refuse to elect a Presiding Judge, the Supreme Court shall appoint the Presiding Judge and Assistant Presiding Judge.

(2) *Term.* The Presiding Judge shall be elected for a term of not less than two years, subject to reelection. The term of the Presiding Judge shall commence on January 1 of the year in which the Presiding Judge's term begins.

(3) *Vacancies.* Interim vacancies of the office of Presiding Judge or Acting Presiding Judge shall be filled as provided in the local court rule in (a)(1).

(4) *Removal.* The Presiding Judge may be removed by a majority vote of the judges of the district unless otherwise provided by local court rule.

(5) *Selection Criteria.* Selection of a Presiding Judge should be based on the judge's 1) management and administrative ability, 2) interest in serving in the position, 3) experience and familiarity with a variety of trial court assignments, and 4) ability to motivate and educate other judicial officers and court personnel. A Presiding Judge must have at least four years of experience as a judge, unless this requirement is waived by a majority vote of the judges of the court.

Commentary

It is the view of the committee that the selection and duties of a presiding judge should be enumerated in a court rule rather than in a statute. It is also our view that one rule should apply to all levels of court and include single judge courts. Therefore, the rule should be a GR (General Rule). The proposed rule addresses the process of selection/removal of a presiding judge and an executive committee. It was the intent of the committee to provide some flexibility to local courts wherein they could establish, by local rule, a removal process. Additionally, by delineating the selection criteria for the presiding judge, the committee intends that a rotational system of selecting a presiding judge is not advisable.

(b) Selection, Term, and Designation of Presiding Judge Pro Tempore-Single Judge Courts. In court districts or municipalities having only one judge, that judge shall serve as the Presiding Judge for the judge's term of office, and shall predesignate and prepare a Presiding Judge Pro Tempore to fulfill presiding judge duties in the case of illness, incapacity, resignation, death, or unavailability of the judge.

Commentary

In training and preparing the designated Presiding Judge Pro Tempore to fulfill presiding judge duties, a Presiding Judge from a single judge court should address the significant and nondelegable administrative, budgetary, and personal responsibilities of a presiding judge under this court rule, any obligations under collective bargaining agreement(s) or law(s) applicable to court personnel, interjurisdictional relations, and executive and legislative branch collaborations.

If it becomes necessary for the Chief Justice to appoint a Presiding Judge Pro Tempore for a single judge court pursuant to RCW 2.56.040(2) or other authority, then the State Court Administrator or the Chief Justice may consider consulting with the local executive or legislative authorities prior to the appointment.

(c) Notification of Chief Justice. The Presiding Judge so elected shall send notice of the election of the Presiding Judge and Assistant Presiding Judge, and in cases of single judge courts, the predesignated Presiding Judge Pro Tempore, to the Chief Justice of the Supreme Court within 30 days of election or any new or changed Presiding Judge or Presiding Judge Pro Tempore designations.

(d) Caseload Adjustment. To the extent possible, the judicial caseload should be adjusted to provide the Presiding Judge with sufficient time and resources to devote to the management and administrative duties of the office.

Commentary

Whether caseload adjustments need to be made depends on the size and workload of the court. A recognition of the additional duties of the Presiding Judge by some workload adjustment should be made by larger courts. For example, the Presiding Judge could be assigned a smaller share of civil cases or a block of time every week could be set aside with no cases scheduled so the Presiding Judge could attend to administrative matters.

(e) General Responsibilities. The Presiding Judge is responsible for leading the management and administration of the court's business, recommending policies and procedures that improve the court's effectiveness, and allocating resources in a way that maximizes the court's ability to resolve disputes fairly and expeditiously.

(f) Duties and Authority. The judicial and administrative duties set forth in this rule cannot be delegated to persons in either the legislative or executive branches of government. A Presiding Judge may delegate the performance of ministerial duties to court employees; however, it is still the Presiding Judge's responsibility to ensure they are performed in accordance with this rule. In addition to exercising general administrative supervision over the court, except those duties assigned to clerks of the superior court pursuant to law, the Presiding Judge shall:

(1) Supervise the business of the judicial district and judicial officers in such manner as to ensure the expeditious and efficient processing of all cases and equitable distribution of the workload among judicial officers;

(2) Assign judicial officers to hear cases pursuant to statute or rule. The court may establish general policies governing the assignment of judges;

(3) Coordinate judicial officers' vacations, attendance at education programs, and similar matters;

(4) Develop and coordinate statistical and management information;

(5) Supervise the daily operation of the court including:

(a) All personnel assigned to perform court functions; and

(b) All personnel employed under the judicial branch of government, including but not limited to working conditions, hiring, discipline, and termination decisions except wages, or benefits directly related to wages; and

(c) The court administrator, or equivalent employee, who shall report directly to the Presiding Judge.

Commentary

The trial courts must maintain control of the working conditions for their employees. For some courts this includes control over some wage-related benefits such as vacation time. While the executive branch maintains control of wage issues, the courts must assert their control in all other areas of employee relations.

With respect to the function of the court clerk, generally the courts of limited jurisdiction have direct responsibility for the administration of their clerk's office as well as the supervision of the court clerks who work in the courtroom. In the superior courts, the clerk's office may be under the direction of a separate elected official or someone appointed by the local judges or local legislative or executive authority. In those cases where the superior court is not responsible for the management of the clerk's office, the presiding judge should communicate to the county clerk any concerns regarding the performance of statutory court duties by county clerk personnel.

A model job description, including qualification and experience criteria, for the court administrator position shall be established by the Board for Judicial Administration. A model job description that generally describes the knowledge, skills, and abilities of a court administrator would provide guidance to Presiding Judges in modifying current job duties/responsibilities or for courts initially hiring a court administrator or replacing a court administrator.

(6) Supervise the court's accounts and auditing the procurement and disbursement of appropriations and preparation of the judicial district's annual budget request;

(7) Appoint standing and special committees of judicial officers necessary for the proper performance of the duties of the judicial district;

(8) Promulgate local rules as a majority of the judges may approve or as the Supreme Court shall direct;

(9) Supervise the preparation and filing of reports required by statute and court rule;

(10) Act as the official spokesperson for the court in all matters with the executive or legislative branches of state and local government and the community unless the Presiding Judge shall designate another judge to serve in this capacity;

Commentary

This provision recognizes the Presiding Judge as the official spokesperson for the court. It is not the intent of this provision to preclude other judges from speaking to community groups or executive or legislative branches of state or local government.

(11) Preside at meetings of the judicial officers of the district;

(12) Determine the qualifications of and establish a training program for Presiding Judges Pro Tempore predesignated under subsection (c), pro tem judges and pro tem court commissioners; and

(13) Perform other duties as may be assigned by statute or court rule.

Commentary

The proposed rule also addresses the duties and general responsibilities of the presiding judge. The language in subsection (d), (e), (f) and (g) was intended to be broad in order that the presiding judge may carry out their responsibilities. There has been some comment that individual courts should have the ability to change the “duties and general responsibilities” subsections by local rule. While our committee has not had an opportunity to discuss this fully, this approach has a number of difficulties:

- It would create many “Presiding Judge Rules,” all of which are different.
- It could subject some municipal and district court judges to pressure from their executive and/or legislative authority to relinquish authority over areas such as budget and personnel.
- It would impede the ability of the BJA through AOC to offer consistent training to incoming presiding judges.

The Unified Family Court subgroup of the Domestic Relations Committee suggested the presiding judge is given specific authority to appoint judges to the family court for long periods of time. Again the committee has not addressed the proposal; however, subsections (e) and (f) do give the presiding judge broad powers to manage the judicial resources of the court, including the assignment of judges to various departments.

(g) Executive Committee. The judges of a court may elect an executive committee consisting of other judicial officers in the court to advise the Presiding Judge. By local rule, the judges may provide that any or all of the responsibilities of the Presiding Judge be shared with the Executive Committee and may establish additional functions and responsibilities of the Executive Committee.

Commentary

Subsection (g) provides an option for an executive committee if the presiding judge and/or other members of the bench want an executive committee.

(h) Oversight of judicial officers. It shall be the duty of the Presiding Judge to supervise judicial officers to the extent necessary to ensure the timely and efficient processing of cases. The Presiding Judge shall have the authority to address a judicial officer’s failure to perform judicial duties and to propose remedial action. If remedial action is not successful, the Presiding Judge shall notify the Commission on Judicial Conduct of a judge’s substantial failure to perform

judicial duties, which includes habitual neglect of duty or persistent refusal to carry out assignments or directives made by the Presiding Judge, as authorized by this rule.

(i) Multiple Court Districts. In counties that have multiple court districts, the judges may, by majority vote of each court, elect to conduct the judicial business collectively under the provisions of this rule.

(j) Multiple Court Level Agreement. The judges of the superior, district, and municipal courts or any combination thereof in a superior court judicial district may, by majority vote of each court, elect to conduct the judicial business collectively under the provisions of this rule.

(k) Employment Contracts. A part-time judicial officer may contract with a municipal or county authority for salary and benefits. The employment contract shall not contain provisions which conflict with this rule, the Code of Judicial Conduct or statutory judicial authority, or which would create an impropriety or the appearance of impropriety concerning the judge's activities. The employment contract should acknowledge the court is a part of an independent branch of government and that the judicial officer or court employees are bound to act in accordance with the provisions of the Code of Judicial Conduct and Washington State Court rules. A part-time judicial officer's employment contract shall comply with GR 29(k) and contain the following provisions, which shall not be contradicted or abrogated by other provisions within the contract.

(l) Required Provisions of a Part-Time Judicial Officer Employment Contract.

(1) *Term of Office and Salary.* The judge's term of office shall be four years, as provided in RCW 3.50.050. The judge's salary shall be fixed by ordinance in accordance with RCW 3.50.080, and the salary shall not be diminished during the term of office.

(2) *Judicial Duties.* The judge shall perform all duties legally prescribed for a judicial officer according to state law, the requirements of the Code of Judicial Conduct, and Washington State court rules.

(3) *Judicial Independence and Administration of the Court.* The court is an independent branch of government. The judge shall supervise the daily operations of the court and all personnel assigned to perform court functions in accordance with the provisions of GR 29(e) and (f), and RCW 3.50.080. Under no circumstances should judicial retention decisions be made on the basis of a judge's or a court's performance relative to generating revenue from the imposition of legal financial obligations.

(4) *Termination and Discipline.* The judge may only be admonished, reprimanded, censured, suspended, removed, or retired during the judge's term of office only upon action of the Washington State Supreme Court, as provided in article IV, section 31 of the Washington State Constitution.

[Adopted effective April 30, 2002; Amended effective May 5, 2009; February 1, 2021; January 1, 2023.]

Municipal Courts

ASSOCIATION OF WASHINGTON CITIES WEBINAR
MAY 18, 2021

1

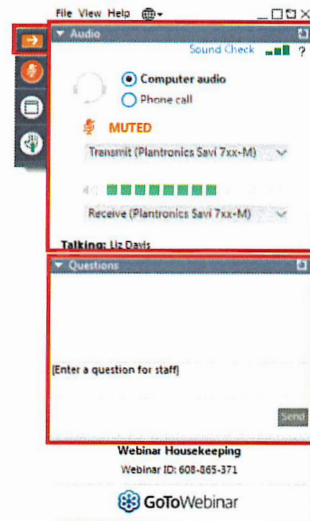
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2

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3

Municipal Courts

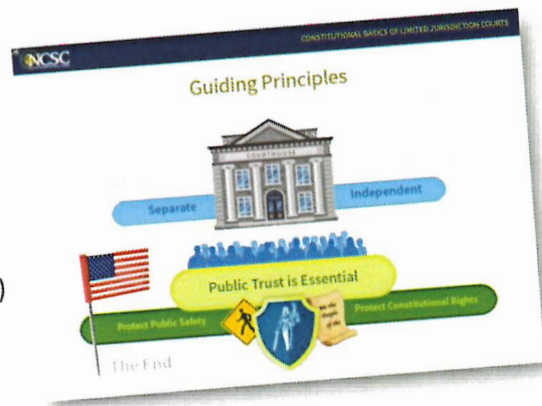
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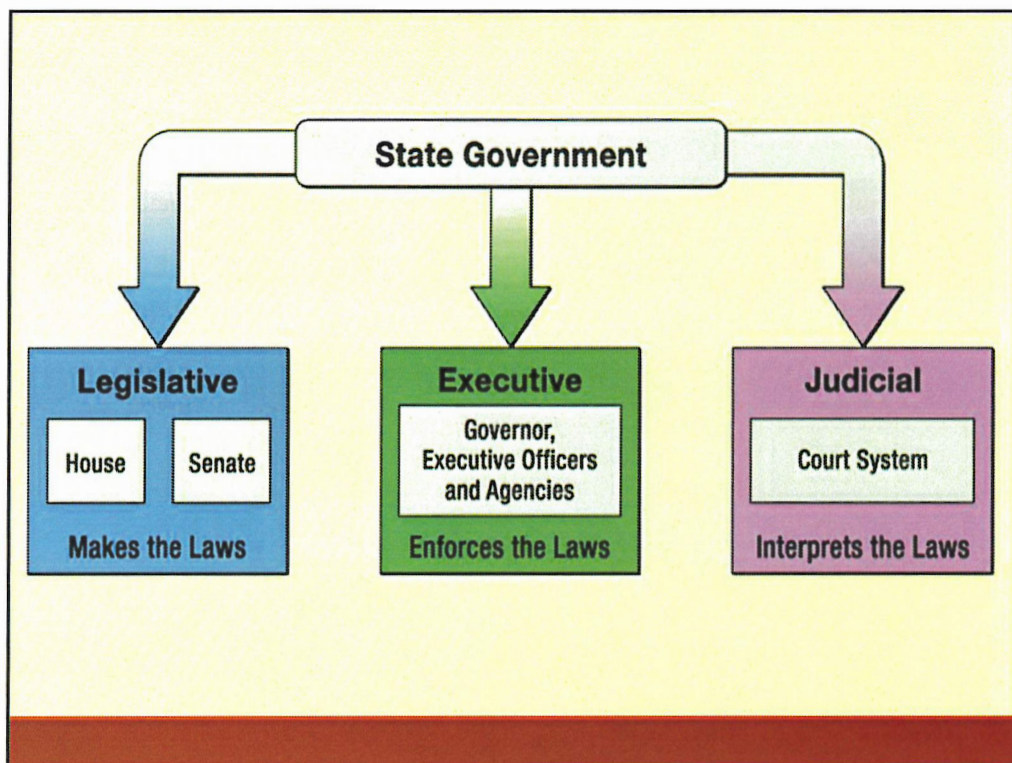
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District & Municipal Court Judges' Association (DMCJA)

- ❖ Judge Doug Fair (Snohomish County)
- ❖ Judge Rebecca Robertson (Federal Way)
- ❖ Mayor Jim Ferrell (Federal Way)



5



6

Executive Duties

Mayor/City Manager

- - Chief Executive Officer/Administrator of the City.
- - Drafts and presents proposed budget.
- - Manages daily operations of the City.
- - Supervises all of the Department Directors.
- - Represents the City locally and regionally.
- - Presides over all City Council meetings.

7

Legislative Duties

City Council

- Adopting the budget.
- Defines the functions, powers and duties of the City officers and employees;
- Fixes salary and working conditions of employees and establishes or maintains civil service or merit systems, retirement and pension systems as allowed by law, as well as collective bargaining agreements.
- Adopts ordinances relating to and regulating City affairs
- Adopts local ordinances regarding misdemeanor and gross misdemeanor crimes.
- Exercises allowed powers in regard to real property.
- Exercises taxation powers for local purposes.

8

CITIZENS OF CITY


| Municipal Court | Mayor/City Manager | City Council |
|--|---|---|
| Misdemeanors and Gross Misdemeanors Traffic and non-traffic infractions Probation Services Code Compliance Management of Court Administration, probation, and court staff. | Administer City-wide budget Coordinate Regional Affairs Emergency Management Human Resources City Clerk <u>Departments Under Executive</u> Police Public Works Finance Economic Development Law Parks and Recreation Information Technology | Adopt ordinances and Resolutions Grant Franchises Levy Taxes and Appropriate Funds Establish Policies and Guidelines |

9

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| <p>THE SUPREME COURT 9 justices, elected to six-year terms (staggered)</p> <ul style="list-style-type: none"> • Appeals from the Court of Appeals • Administers state court system |
| <p>COURT OF APPEALS 22 judges, elected to six-year terms (staggered) Division I, Seattle; Division II, Tacoma; Division III, Spokane</p> <ul style="list-style-type: none"> • Appeals from lower courts except those in jurisdiction of the supreme court |
| <p>SUPERIOR COURT 194 judges elected to four-year terms in 32 judicial districts</p> <ul style="list-style-type: none"> • Civil matters • Domestic relations • Felony criminal cases • Juvenile matters • Appeals from courts of limited jurisdiction |
| <p>COURTS OF LIMITED JURISDICTION 207 judges (district court judges elected to four-year terms; municipal court judges elected or appointed to four-year terms) <i>1,950,853 cases in 2019</i></p> <ul style="list-style-type: none"> • Misdemeanor criminal cases • Traffic, non-traffic, and parking infractions • Domestic violence protection orders • Civil actions of \$100,000 or less • Small claims up to \$10,000 |

10

Judges and Court Staff
Part of the Judicial Branch of State Government



Education and Training
Ensure adherence to standards for supervision, discipline, and conduct.

11

GR 29 (f)(6) Presiding Judge Duties

1. Cannot be delegated to persons in either the legislative or executive branches of government.
2. May delegate performance of ministerial duties to court employees.
3. Presiding Judge's responsibility to ensure they are performed in accordance with this rule.
4. Supervise the budget process.

6

12



13

JUDICIAL CANONS

CANON 1

A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

CANON 2

A judge should perform the duties of judicial office impartially, competently, and diligently.

CANON 3

A judge shall conduct the judge’s personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.

CANON 4

A judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the judiciary.

7

14

GR 29 (I) Contract Provisions

1) Term of Office and Salary

- Term shall be four years
- Salary is fixed by ordinance and shall not be diminished during term

2) Judicial Duties

- All legally prescribed by state law, court rules, canons, and Commission on Judicial Conduct (CJC)

3) Judicial Independence and Administration

- Court is an independent branch of government
- Judge shall supervise all court operations and all personnel
- Retention decisions cannot be based on generating revenue

4) Termination and Discipline

- Only upon action of the Supreme Court per Article IV, Section 31 (CJC)

15

Local Courts Are Not Revenue Generators



Ferguson Abuses

- Abused its authority in **generating revenue**
- **Incarcerated** people who did not pay fines and fees **without considering their ability to pay**

16

Legal Financial Obligations (LFOs) are:

Fines, fees, costs, and restitution that can be imposed by the court.

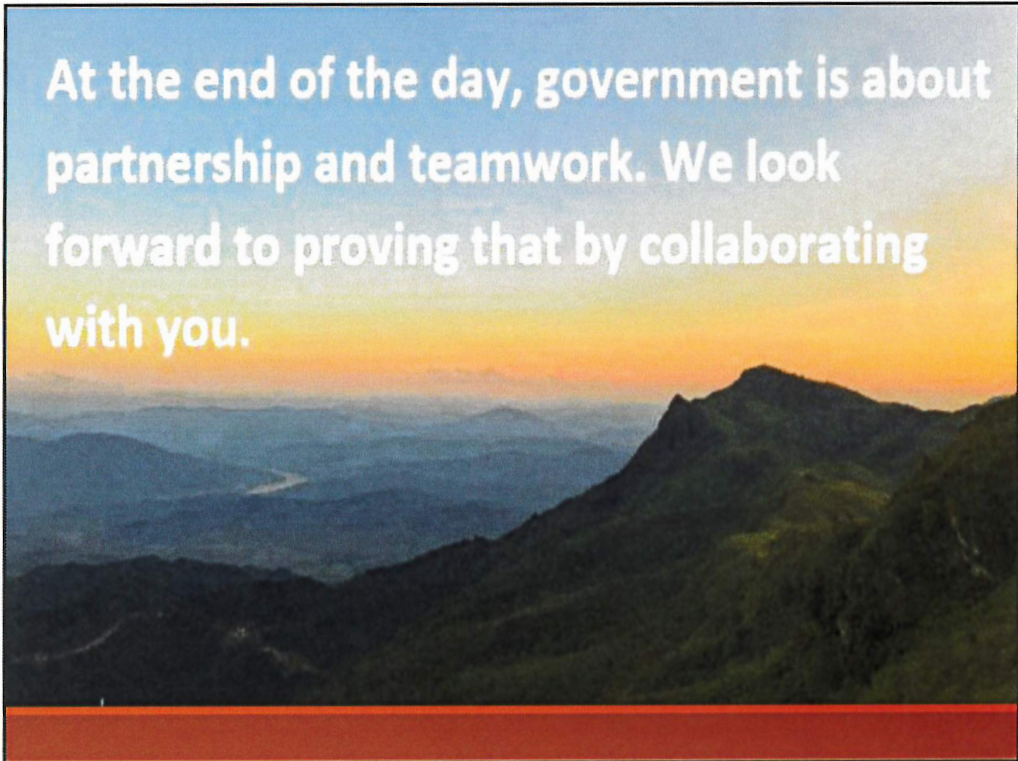
Judges are limited in what they can impose and collect by statute, case law, and the judicial canons.

RCW 9.94A.760: The court may not order an offender to pay costs... if the court finds that the offender at the time of sentencing is indigent.

RCW 10.01.160: ...the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.

The Washington State Supreme Court held in **State v. Blazina** that trial courts must make “an individual inquiry into the defendant’s current and future ability to pay” before imposing court costs, and must “consider important factors, such as incarceration and the defendant’s other debts.” Moreover, the Court stated that if a person meets established criteria for determining indigence (like receiving needs-based public assistance or having an income at or below the poverty level), courts should “seriously question that person’s ability to pay LFOs.”

17



At the end of the day, government is about partnership and teamwork. We look forward to proving that by collaborating with you.

18

Additional Resources

Contact us:

❖ Judge Doug Fair

- douglas.fair@co.snohomish.wa.gov

❖ Judge Rebecca Robertson

- Rebecca.Robertson@cityoffederalway.com

❖ Mayor Jim Ferrell

- Jim.ferrell@cityoffederalway.com

📄 Court Rules:

https://www.courts.wa.gov/court_rules/

📄 Court Directory:

https://www.courts.wa.gov/court_dir/