



## **INFORMATIONAL MEMORANDUM**

TO: FINANCE COMMITTEE

FROM: Mayor Ekberg  
David Cline, City Administrator

DATE: September 21, 2021

SUBJECT: Reappointment of Municipal Court Judge

### **ISSUE**

The term of office for Judge Kimberly Walden will expire at the end of this year and it is my intent to appoint Judge Walden for an additional 4-year term commencing January 1, 2022. The Tukwila Municipal Code (TMC) 2.68.026 and the Revised Code of Washington (RCW) stipulate that the judge's salary shall be fixed by ordinance.

### **BACKGROUND**

Judge Walden was first appointed to the Tukwila Municipal Court in 2003 and has served Tukwila since then.

### **DISCUSSION**

Judge Walden has served admirably as the Tukwila Municipal Court Judge. Under her leadership the Court has implemented several innovative programs including the Jail Alternatives Program, a proactive Community Resource Center and several cost-cutting and efficiency producing procedures.

An ordinance fixing the judge's salary is attached for your review maintaining the Judge's position as a .90 FTE with the salary set at .90 of the salary set for District Court Judges in the Salary Schedule adopted by the Washington Citizens' Commission on Salaries for Elected Officials adopted on an annual basis. Holidays and Healthcare/Dental benefits would also be prorated at 90%.

### **RECOMMENDATION**

The Council is being asked to consider this item at the October 4, 2021 Regular meeting.

### **ATTACHMENTS**

Draft Ordinance  
MOU



# DRAFT

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, REPEALING ORDINANCE NOS. 2558 AND 2420, AS CODIFIED AT TUKWILA MUNICIPAL CODE (TMC) SECTION 2.68.026; AMENDING ORDINANCE NO. 2261 §2, AS CODIFIED AT TMC SECTION 2.68.026, REGARDING THE SETTING OF SALARY FOR THE MUNICIPAL COURT JUDGE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City requires the services of a Municipal Court Judge who is appointed to a four-year term; and

**WHEREAS**, the current Municipal Court Judge will be reappointed to a term commencing January 1, 2022, under the Contract for Municipal Court Judge Services (MOU), attached hereto as Exhibit A; and

**WHEREAS**, pursuant to RCW 3.50.080 and Tukwila's Municipal Code, the salary of the Municipal Court Judge shall be fixed by ordinance;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:**

**Section 1. Repealer.** Ordinance Nos. 2558 and 2420, as codified at Tukwila Municipal Code Section 2.68.026, are hereby repealed in their entirety.

**Section 2. Ordinance Amended.** Ordinance No. 2261 §2, as codified at Tukwila Municipal Code Section 2.68.026, is hereby amended to read as follows:

## **2.68.026 Municipal Judge Salary**

The salary of the Municipal Court Judge shall be set at the rate of 90% of the District Court Judges Salary as set by the Salary Schedule adopted by the Washington Citizens' Commission on Salaries for Elected Officials on an annual basis.

**Section 3. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**Section 4. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

**Section 5. Effective Date.** This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Christy O'Flaherty, MMC, City Clerk

\_\_\_\_\_  
Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: \_\_\_\_\_

Passed by the City Council: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Ordinance Number: \_\_\_\_\_

\_\_\_\_\_  
Office of the City Attorney

Attachment: Exhibit A – Contract for Municipal Court Judge Services (MOU)



## MEMORANDUM OF UNDERSTANDING

TO: Honorable Kimberly Walden, Municipal Court Judge

FROM: Allan Ekberg, Mayor

DATE: September 21, 2021

RE: Term of Appointment as Tukwila Municipal Court Judge

This Memorandum of Understanding will confirm your appointment as the Municipal Court Judge for the City of Tukwila for the period from January 1, 2022 through December 31, 2025 and is pursuant to judicial and legal mandates governing such appointments (RCW 3.50.040 and TMC 2.68). The following wages and benefits are provided to you effective January 1, 2022, during the term of your appointment:

**WAGE:** Salary set at 90% of the District Court Judges Salary as set in the Salary Schedule adopted by the Washington Citizens' Commission on Salaries for Elected Officials on an annual basis. The current schedule, adopted on February 3, 2021 is attached hereto as Exhibit A. All taxes, social security and related deductions shall be made from your wages.

**BENEFITS:** General Leave: You are entitled to accrue a general leave bank to use for sick leave and/or vacation, as you deem appropriate. This general leave shall accrue at the rate of 12 hours per month to a maximum accrual of 96 hours. Any hours over 96 that are not used are defaulted back to the City. Upon the ending of your appointment, any leave hours, up to a maximum of 96 hours will be paid off at the rate of \$70.00 per hour.

Holidays: You shall be entitled to the same holidays as the Non-Represented Employee group, paid at a prorated rate of 90% commensurate with your hours on the bench.

Healthcare/Dental: You have the option of participating in the City of Tukwila Medical/Dental self-insured plan, Kaiser Permanente or waiving this benefit. The City will pay 90% of the premium for you and your dependents. Payments by you will be a minimum of 10% and may be higher if the Kaiser plan is selected and premiums are higher than the City's self-insured plan. Your share of the premium will be made by payroll deduction.

Please sign the attached Personnel Action Form (PAF) and the bottom of this memorandum to indicate agreement.

Agreed to this \_\_\_\_\_ day of October, 2021.

\_\_\_\_\_  
Allan Ekberg, Mayor

\_\_\_\_\_  
Kimberly Walden, Judge



MOU Exhibit A



**2021 and 2022 Salary Schedule**  
Adopted February 3, 2021

**Judicial Branch**

| <b>Position</b>             | <b>Current Salary</b> | <b>Salary Effective<br/>7/1/2021</b> | <b>Salary Effective<br/>7/1/2022</b> |
|-----------------------------|-----------------------|--------------------------------------|--------------------------------------|
| Supreme Court Chief Justice | 223,499               | 223,499                              | 227,410                              |
| Supreme Court Justices      | 220,320               | 220,320                              | 224,176                              |
| Court of Appeals Judges     | 209,730               | 209,730                              | 213,400                              |
| Superior Court Judges       | 199,675               | 199,675                              | 203,169                              |
| District Court Judges       | 190,120               | 190,120                              | 193,447                              |