

RESOLUTION NO. 10-720

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON
CONFIRMING THE MAYOR'S APPOINTMENT OF BILL
BOWMAN AS MUNICIPAL COURT JUDGE AND
AUTHORIZING THE MAYOR TO ENTER INTO
PROFESSIONAL SERVICES AGREEMENT

WHEREAS, the City operates a Municipal Court pursuant to Black Diamond Municipal Code (BDMC) Chapter 2.30 and Revised Code of Washington (RCW) Chapter 3.50; and

WHEREAS, the Mayor has previously appointed, and the City Council has previously confirmed, Steve Rosen as the Judge of the Black Diamond Municipal Court for the term of January 1, 2010 through December 31, 2013; and

WHEREAS, Judge Rosen has been elected as a judge for the Seattle Municipal Court and has resigned from his position as judge of the Black Diamond Municipal Court to be effective December 31, 2010; and

WHEREAS, Judge Rosen's resignation has created a vacancy in the Black Diamond Municipal Court which vacancy of the remaining un-expired term must be filled pursuant to BDMC 2.36.070; and

WHEREAS, the Mayor directed an open recruitment process to fill the Judge's unexpired term ending December 31, 2013; and

WHEREAS, Bill Bowman applied for the position and was selected unanimously by the selection committee as the most qualified- candidate; and

WHEREAS, Bill Bowman is willing and able to serve as the City's Municipal Court Judge for the remaining unexpired term resulting from the vacancy; and

WHEREAS, the City Council supports the Mayor's selection and finds the proposed agreement to be fair and reasonable;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Council of the City of Black Diamond, Washington, does hereby confirm the Mayor's appointment of Bill Bowman as Municipal Court Judge until December 31, 2013, and authorizes the Mayor, on behalf of the City, to execute a professional services agreement substantially in the form attached hereto as Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 2ND DAY OF
DECEMBER, 2010.

CITY OF BLACK DIAMOND:



Rebecca Olness, Mayor

Attest:



Brenda L. Martinez, City Clerk

MUNICIPAL COURT JUDICIAL SERVICES AGREEMENT

This agreement (the “**Agreement**”) is by and between the City of Black Diamond, a municipal corporation operating as a non-charter code city under the laws of the state of Washington (the “City”) and Bill Bowman (“Bowman”), and is dated the 2nd day of December, 2010.

RECITALS

- A. The City operates a Municipal Court pursuant to BDMC Chapter 2.36 and RCW Ch. 3.50.
- B. The Mayor has previously appointed, and the City Council has previously confirmed, Steve Rosen as the Judge of the Black Diamond Municipal Court for the term of January 1, 2010 through December 31, 2013.
- C. Judge Rosen has been elected as a judge for the Seattle Municipal Court and has resigned from his position as judge of the Black Diamond Municipal Court to be effective December 31, 2010.
- D. Judge Rosen’s resignation has created a vacancy in the Black Diamond Municipal Court which vacancy of the remaining un-expired term must be filled pursuant to BDMC 2.36.070.
- E. Bowman meets the judicial qualifications set forth at BDMC 2.36.030(C) and has been appointed by the Mayor and confirmed by the City Council to fill the remaining unexpired term of Judge Rosen as the Black Diamond Municipal Court judge, to be effective January 1, 2011.
- F. Bowman is willing and able to serve as the City’s Municipal Court Judge for the remaining un-expired term resulting from the vacancy.
- G. The City and Bowman desire to enter into an agreement setting forth the relative rights, duties and obligations of the Parties;

Now, therefore, in consideration of the mutual promises and covenants set forth below, the sufficiency of which is acknowledged by the parties, it is agreed as follows:

1. **Appointment** – Effective January 1, 2011, Bowman is appointed to be the judge of its Municipal Court for the remainder of the un-expired term vacated by Judge Rosen. Said term shall terminate on December 31, 2013, unless sooner terminated as may be provided by law.

2. **Term** – The term of this agreement shall be from January 1, 2011 through December 31, 2013.
3. **Duties** – Bowman agrees to serve as the Municipal Court Judge for the City of Black Diamond with all the powers, duties, privileges and obligations which said office confers and in accordance with this Agreement and as required by the City's ordinances, the constitutions and laws of the state of Washington and the United States, and all other applicable laws and treaties. Bowman shall abide by the Rules of Judicial Conduct as promulgated by the Washington Supreme Court. Bowman shall at all times maintain his status as a licensed attorney in the state of Washington in the status of either active or judicial. The services to be provided will include regularly scheduled court sessions and any administrative work and out-of-court work done by the Municipal Court Judge, and all time expended for judicial education. In addition to regularly scheduled sessions of the Black Diamond Municipal Court, the Judge shall conduct arraignments, probable cause hearings, bail hearings jury trials, or other court hearings as may be necessary and shall otherwise be available, as needed to provide the Municipal Court services in accordance with BDMC Chapter 2.36 and state statute. Bowman shall also use his best efforts to improve the City's Court by advancing the causes of justice, impartiality, fairness and efficiency in all of the Court's business.
4. **Compensation** – The City shall compensate Bowman at the flat rate of \$3,000.00 per month for all his time, both judicial and administrative. The rate of compensation may be adjusted annually by the mutual agreement of the parties, in writing.
5. **Judges Pro Tem** - In the event that Bowman is unable to serve due to disability, illness and/or absence, it shall be his/her responsibility to so notify the City and to make arrangements for the presence of a Judge pro tem. All Judges pro tem shall be qualified to hold the position of Judge of the Municipal Court, as provided herein. Judges pro tem shall be paid by the Municipal Court Judge, or in the event of disability, by the City the cost of which shall be reimbursed to the City by the Municipal Court Judge. In addition, in the event that a Judge pro tem is used because Bowman is unavailable to perform the duties as described herein by reason of his participation in training in order to meet the minimum requirements for continuing judicial education, the City shall reimburse Bowman up to 8 hours of such pro tem time per calendar year .
6. **Status** – Bowman will be an independent contractor, and shall pay all of his own withholding taxes, social security taxes, and any other payroll taxes.
7. **Termination** – This agreement shall be in effect during the term specified in paragraph two unless terminated by mutual agreement or according to law. The City shall release Bowman from his obligations under this contract if

