



OFFICE OF THE CITY CLERK
COUNCIL ACTION FORM

SUBJECT: Resolution 23-11097 Setting Municipal Court Judge Salary

*Repealed By
Res.24-11217
July 22, 2024
drb*

Council Meeting Date: January 23, 2023

Vote: Approved 9-2, Joy and Choriki Opposed

**Shaw, Gulick, Neese, Owen, Joy, Choriki, Tidswell,
Purinton, Boyett, Rupsis, Mayor Cole**

City Council Regular

Date: 01/23/2023
Title: Resolution setting Municipal Court Judge salary
Presented by: Gina Dahl
Department: Legal
Presentation: No
Legal Review Not Applicable

Repealed By
 Res. 24-11717 drb
 July 22, 2023 Res. 23-11097 Item 5.
 COUNCIL ACTION Approved
 9-2, Jay, Chonki opposed

JAN 23 2023

db
CITY CLERK**RECOMMENDATION**

Staff recommends Council adopt a resolution setting the salary for the offices of municipal court judge.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Council passed Ordinance 22-5822 creating a second office of Municipal Court Judge. This ordinance was effective January 12. This elected office will appear on the September 2023 ballot and the elected judge will take office January 2024. Because candidate filing for this office begins in April 2023, it is important that Council establishes the salary in order for candidates to determine whether to file as a candidate for this office.

Montana Code requires City Council to set the salary for municipal court judge by ordinance or resolution. (See MCA 3-6-203.) Resolution 06-18400 currently sets the salary for municipal court judge and provides for a salary for a part-time assistant judge. This resolution needs to be amended to eliminate the part-time assistant judge and address the salaries for the two elected offices. Resolution 06-18400 provides for incremental increases in the salary of the municipal court judge based on the term of office. The proposed resolution provides for equitable salaries for both positions because the workload is the same regardless of the office-holder's term.

Currently, the sitting municipal court judge's salary is set at 90% of a district court judge's salary. Council discussed this issue during the January 3 work session and whether to set the salary at either 90% or 100% of a district court judge salary. There was support among Council members for both propositions however there did not appear to be a consensus regarding the salary during the work session discussion. Council members asked that the matter be presented at a regular business meeting and indicated amendments will be offered at that time. No specific direction was provided to staff regarding the salary or the structure of setting the salary.

The resolution being presented for Council's consideration would set both municipal court judges at the same rate as a district court judge's salary. The resolution also provides for increases in the municipal court judge salary to coincide with any increases in district court judges' salaries as provided in MCA 3-5-211. As of July 1, 2021, district judges' salary is set at \$142,683 and is scheduled to increase to \$148,872 on July 1, 2023.

ALTERNATIVES

City Council may:

- Approve;
- Amend; or,
- Not Approve.

If Council does not approve or amend the resolution, the newly elected Municipal Court Judge's salary would be set at 80% of a district court judge's salary pursuant to Resolution 06-18400. Staff does not recommend this action.

FISCAL EFFECTS

As Council will recall, the November 2021 ballot included a public safety mill levy question which was passed and approved by 60% of the voters in Billings. During the public education process leading up to the November 2021 election, City staff provided information that part of this levy would provide funding for a second office of Municipal Court Judge as well as adequate staffing for that office. Therefore, the second office in Municipal Court is already anticipated and will be funded through the public safety mill levy.

Attachments

Resolution 06-18400
proposed resolution

RESOLUTION NO. 06-18400

A RESOLUTION SETTING THE SALARY FOR THE PART-TIME ASSISTANT MUNICIPAL COURT JUDGE, REAFFIRMING THE SALARY OF THE FULL-TIME ELECTED JUDGE, AND CLARIFYING SALARY INCREASES; REPEALING RESOLUTION NO 05-18380

WHEREAS, on December 30, 2005, in Resolution No. 05-18380 the Billings City Council set the salary of the Municipal Court Judge including increases.

WHEREAS, the increases were erroneously set in such a manner that they did not coincide with the effective dates of District Court Judges' increases.

WHEREAS, the effective date of the increases should be clarified.

WHEREAS, the salary for the Part-time Assistant Municipal Court Judge, the hiring of whom was authorized by Ordinance 5362 on March 13, 2006, should also be set.

WHEREAS, it is in the best interests of the citizens that the positions of Municipal Court Judge and Part-time Assistant Municipal Court Judge of Billings be sufficiently compensated to attract quality candidates willing to serve in these fundamental positions; and

WHEREAS, the City Council has the authority pursuant to MCA Section 3-6-203(2001) and Billings Montana City Code Section 10-205 to establish the salaries of the Municipal Court judges.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The salary of a full-time elected Municipal Court Judge serving his or her first term in the City of Billings Municipal Court will be set at 80% of the salary of a District Court Judge as determined by the State of Montana.

2. The salary of a full-time elected Municipal Court Judge serving his or her second term in the City of Billings Municipal Court will be set at 85% of the salary of a District Court Judge as determined by the State of Montana.

3. The salary of a full-time elected Municipal Court Judge serving his or her third or subsequent term in the City of Billings Municipal Court will be set at 90% of the salary of a District Court Judge as determined by the State of Montana.

4. Any increase in the Municipal Court Judge's salary that results from an increase in the State of Montana's compensation to District Court Judges will become effective on July 1 of every odd numbered year pursuant to § 3-5-211 M.C.A.

5. The salary of the part-time Assistant Municipal Court Judge, who shall work no less than (40) hours per pay period, will be set at one-half (1/2) of 75% of the salary of a District Court Judge as determined by the State of Montana.

6. Any increase in the part-time Assistant Municipal Court Judge's salary that results from an increase in the State of Montana's compensation to District Court Judges will become effective on July 1 of every odd numbered year pursuant to § 3-5-211 M.C.A.

7. Resolution No. 05-18380 is hereby repealed.

Passed and approved this 27th. day of March, 2006.

THE CITY OF BILLINGS

By: _____
Ron Tussing, Mayor

ATTEST:

By: _____
Marita Herold, CMC/AAE, City Clerk

RESOLUTION 23-11097

*Repealed By
Res. 24-11217
July 22, 2024*

4/6

**A RESOLUTION SETTING THE SALARY FOR MUNICIPAL
COURT JUDGES; REPEALING RESOLUTION 06-18400**

WHEREAS, it is in the best interests of the citizens that the position of Municipal Court Judge of Billings be sufficiently compensated to attract quality candidates willing to serve in these fundamental positions; and

WHEREAS, the City Council has the authority pursuant to Sec. 3-6-203, MCA (2021) and Sec. 10-205, Billings, Montana City Code (BMCC) to establish the salaries of Municipal Court judges.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, DOES HEREBY RESOLVE AS FOLLOWS:

1. The salary of a full-time elected Municipal Court Judge in the City of Billings Municipal Court will be set at 90% of the salary of a District Court Judge as determined by the State of Montana.
2. Any increase in a Municipal Court Judge's salary that results from an increase in the State of Montana's compensation to District Court Judges will be effective on July 1 of every odd numbered year pursuant to Sec. 3-5-211, MCA.
3. Resolution 06-18400 is hereby repealed.
4. EFFECTIVE DATE. This resolution is effective on July 1, 2023.

PASSED, ADOPTED and APPROVED on this 23rd day of January, 2023.

CITY OF BILLINGS



DocuSigned by:
BY: William A. Cole
William A. Cole, Mayor

ATTEST:

DocuSigned by:
BY: Denise R. Bohlman
Denise R. Bohlman, City Clerk

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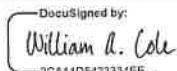
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 coleb@billingsmt.gov
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 City Clerk
 City of Billings
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