ORDINANCE NO. 913

AN ORDINANCE OF THE CITY OF RED LODGE DESIGNATING THE JUSTICE OF THE PEACE OF CARBON COUNTY TO ACT AS THE RED LODGE CITY JUDGE, FIXING FUNDING FOR SUCH JUDGE, AND PROVIDING FOR AN AGREEMENT FOR THE PAYMENT OF COSTS, SALARIES AND TRAINING EXPENSES.

WHEREAS, pursuant to Article IV of the City of Red Lodge's Charter, the City is required to provide a City Court and a City Judge; and

WHEREAS, Montana law, specifically §3-11-205(1), MCA, provides cities and towns the authority to designate the county justice of the peace to act as the city judge if the appointed justice of the peace resides within the county where the city is situated; and

WHEREAS, §3-11-205(1), MCA, further authorizes cities and towns to enter into agreements with counties for the provision of such services; and

WHEREAS, nothing in the City's Charter or Montana law prohibits a city or town from authorizing and designating the local justice court as the official "City Court" as mandated by the City's Charter; and

WHEREAS, based on the City's Charter and Montana law, the City Council has determined it desires to designate the Justice of the Peace of Carbon County to act as the City Judge of the City Court of the City of Red Lodge, and to further designate the Justice Court for Carbon County to act as the City's "City Court" as required by Article IV of the Charter of the City of Red Lodge, Carbon County, Montana, and to fix funding for such Judge, and enter into an agreement with the Judge and Carbon County for the payment of costs, salaries and training of the Judge and his/her staff.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA:

Section 1: The Justice of the Peace of Carbon County is hereby designated to act as the City Judge of the City Court of the City of Red Lodge.

Section 2: The Justice Court for Carbon County is hereby designated as the "City Court" pursuant to Article IV of the Charter of the City of Red Lodge.

Section 3: The Mayor of the City of Red Lodge is hereby authorized to negotiate an agreement with Carbon County and the Carbon County Justice of the Peace on behalf of the City to provide for the payment of costs, salaries, training and other expenses pursuant to §3-11-205(1), MCA.
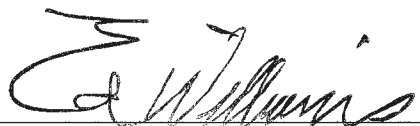
Section 4: That the negotiated agreement providing for the costs, salaries and training expenses to be paid by the City of Red Lodge to Carbon County for the Judge's services and the services of his/her staff are set forth in the agreement with Carbon County designated Exhibit "A" and attached hereto and by this reference made a part of this Ordinance hereof.

Section 5: That the costs, salaries and training expenses contained in Exhibit A shall be paid out of the existing Red Lodge City Court budget.
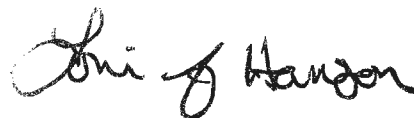
Be it Ordained by the Council Members of the City of Red Lodge.

First Reading by the Council on 25th day of November, 2014.

Second Reading by the Council on 9th day of December, 2014.

City of Red Lodge
Ed Williams, Mayor

Loni Hanson, City Clerk

INTERLOCAL AGREEMENT

THIS AGREEMENT, is made and entered into this 25th day of November, 2014, by and between CARBON COUNTY, MONTANA, through its duly authorized and acting Board of County Commissioners; the CITY OF RED LODGE, through its duly authorized and acting Mayor; and L. Kevin Nichols, the duly elected Carbon County Justice of the Peace.

W I T N E S S E T H:

RECITALS

1. The Justice Court of Carbon County is located in the City of Red Lodge, Montana.
2. The City of Red Lodge is a third class city pursuant to §7-1-4111(3), MCA.
3. Pursuant to §3-11-205, MCA, a third class city is authorized to designate a justice of the peace to act as the city judge so long as the justice court is located within the county in which the city is situated and the judge is similarly a resident of the same county.
4. Additionally, neither the City's Charter nor Montana law prohibits the City from designating the Carbon County Justice Court from acting as its required "City Court."
5. The City Council of the City of Red Lodge, has by Ordinance #913, adopted on December 9th, 2014, expressed its desire and intent to designate the Justice of the Peace and Justice Court of Carbon County to act as the City Judge and City Court for the City of Red Lodge.
6. That the parties hereto desire to set forth their agreement as to appropriate and proportional sharing of costs of operating the shared court, salaries and training expenses.

NOW, THEREFORE, IT IS HEREBY AGREED that the recitals above are true and correct and accurately describe the purposes and intentions of the parties to agree as follows:
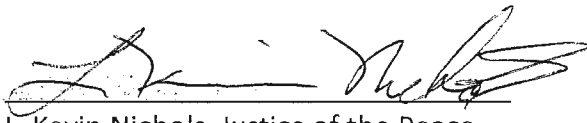
1. The Justice of the Peace and Justice Court of Carbon County shall act as the City Judge and City Court for the City of Red Lodge pursuant to the City's Charter and Montana law.
2. (A) The City of Red Lodge shall pay all (100%) of the costs traditionally associated with the city court operations such as juror and witness fees, costs associated with the substitution of the city judge and the costs of one notary public.
   (B) In addition, but subject to the limitations in 2(C) below, the City of Red Lodge shall pay one half (50%) of the following costs and expenses as such are incurred:
   a) costs of mandatory judicial and staff training, lodging, mileage and meals; and

b) cost of one set of the Montana Code Annotated (bi-annually) (note: for purposes of reference 2013 version's cost was $340); and
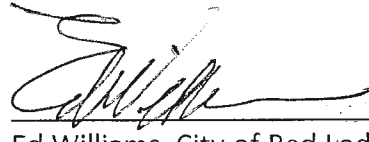
c) costs for miscellaneous office equipment and supplies.

(C) In no instance will the City of Red Lodge be obligated to expend more than Seven Thousand Dollars ($7,000.00) in any fiscal year for costs enumerated in 2(B) herein without prior written consent of the City of Red Lodge, Mayor or his/her designee.

3. The City of Red Lodge shall also pay the costs of bringing the present part-time deputy justice court clerk to permanent full-time status for Carbon County in order to provide the City Court services. The City of Red Lodge shall pay Sixteen (16) hours of the employee's salary at the employee's hourly rate (year 1 hourly rate is $20.00) plus Seventeen percent (17%) for the employee benefits. Carbon County shall bill the amount due under this agreement to the City of Red Lodge at least quarterly. The City of Red Lodge will reimburse Carbon County $3,000 annually to defray other costs incurred by the Justice Court's designation as the City Court, including but not limited to the employee benefits paid to the Judge/Staff.

4. The City of Red Lodge and Carbon County acknowledge that the City of Red Lodge shall employ the Carbon County Justice of the Peace as a part-time employee with a salary of $1250 per month paid directly to the Justice of the Peace for his/hers services as the designated City Court Judge.

5. The City of Red Lodge shall continue to receive all (100%) of the fines collected by or paid to the City Court from all violations of statute or ordinance that are cited into City Court, inclusive of surcharges. All fines, surcharges and restitution owed the City shall be forwarded by the court clerk to the city clerk for proper disbursal to the city and state pursuant to applicable Montana law.

6. This agreement shall be in effect from January 9th, 2015 to June 30, 2016 and shall renew automatically on a year to year basis commencing on July 1, 2016 thereafter unless one party gives written notice to the other at least ninety days prior to the anniversary date of this agreement of their intention not to renew the agreement.

7. Although the anniversary date of this agreement is on the 30th day of June of each year, in order to bring this agreement in line with the budget cycles of the entities involved, the anniversary date of this agreement shall be July 1st of each year from this date forward.

8. Any amendment of this agreement must be in writing and signed by all parties hereto and approved by the appropriate Council or Commission.
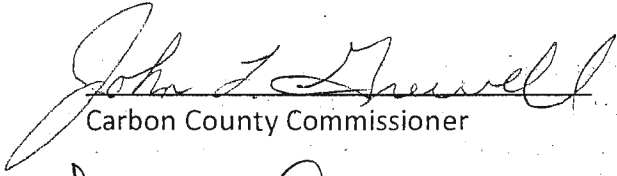
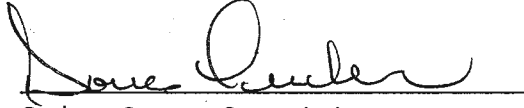IN WITNESS WHEREOF, the parties have set their hands this 25th day of November, 2014.

L. Kevin Nichols, Justice of the Peace

Ed Williams, City of Red Lodge Mayor

Carbon County Commissioner

Carbon County Commissioner

John E. Prinkki
Carbon County Commissioner