



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 11 Ordinance/Resolution# 16-121

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of December 7, 2015
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF KENT YALKUT TO ACT AS ALTERNATE MUNICIPAL JUDGE PER LCMC SECTION 17-34 (c) (1).

PURPOSE(S) OF ACTION:

To approve an appointment.

COUNCIL DISTRICT: N/A		
<u>Drafter/Staff Contact:</u> Monica Campbell	<u>Department/Section:</u> Legal/City Attorney	<u>Phone:</u> 541-2128
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Las Cruces Municipal Code ("LCMC") 1997, Section 17-34(c)(1), authorizes the Mayor, with the advice and consent of the Las Cruces City Council, to designate a licensed attorney who is a qualified elector of the City of Las Cruces to serve as an alternate municipal court judge.

Judge Kieran Ryan currently presides over the Municipal Court as Municipal Court Judge I. The position of Municipal Court Judge II is vacant. An alternate municipal court judge can serve in the absence of the municipal judge due to sick leave, annual leave, attendance at a mandatory judicial conference and other absences until the appointment of a Municipal Court Judge II.

Las Cruces Mayor Ken Miyagishima has recommended the appointment of Kent Yalkut to act as alternate municipal judge subject to the approval of the City Council. Mr. Yalkut is a former Municipal Court Judge and has agreed to serve as alternate municipal court judge.

SUPPORT INFORMATION:

1. Resolution.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____.
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.	
Does this action create any revenue? N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$_____ for FY_____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the appointment of Kent Yalkut as alternate municipal court judge.
2. Vote "No"; this will not approve the appointment of an alternate municipal court judge to act during any absence of the regular municipal court judge.
3. Vote to "Amend"; this could include further direction to staff and may delay the hearing and determination of cases in municipal court if the regular municipal court judge is absent.
4. Vote to "Table"; this could delay the hearing and determination of cases in municipal court during any absence of the regular municipal court judge.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A

RESOLUTION NO. 16-121

A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF KENT YALKUT TO ACT AS ALTERNATE MUNICIPAL JUDGE PER LCMC SECTION 17-34 (c) (1).

The City Council is informed that:

WHEREAS, the Las Cruces Municipal Code ("LCMC") 1997, Section 17-34(c)(1), authorizes the Mayor, with the advice and consent of the Las Cruces City Council, to designate a licensed attorney who is a qualified elector of the City of Las Cruces to serve as alternate municipal court judge; and

WHEREAS, Kieran Ryan currently presides over the Municipal Court as Municipal Court Judge I, and the position of Municipal Court Judge II is vacant; and

WHEREAS, an alternate municipal court judge can serve in the absence of the presiding judge due to sick leave, annual leave, attendance at mandatory judicial conferences and other absences; and

WHEREAS, Mayor Ken Miyagishima has recommended the appointment of Kent Yalkut to act as alternate municipal court judge subject to the approval of the City Council.

NOW, THEREFORE, be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the appointment of Kent Yalkut to serve as alternate municipal court judge until the appointment of a Municipal Court Judge II, is hereby approved.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED on this _____ day of _____, 20__.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Gandara: _____

Councillor Smith: _____

Councillor Pedroza: _____

Councillor Eakman: _____

Councillor Sorg: _____

Councillor Levatino: _____

APPROVED AS TO FORM:



City Attorney



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of December 7, 2015
(Adoption Date)

TITLE: A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF KENT YALKUT TO ACT AS ALTERNATE MUNICIPAL JUDGE PER LCMC SECTION 17-34 (c) (1).

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Monica Campbell</i>	541-2128	11/30/15
Department Director	<i>WRB/jg</i>	541-2128	30 NOV 2015
Other	<i>[Signature]</i>		
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i>	541-2100 541-2106	12/1/15 11/30/15
Assistant City Manager/COO	<i>[Signature]</i>	541-2271	12/2/15
City Attorney	<i>WRB/jg</i>	541-2128	30 NOV 2015
City Clerk - <i>interim</i>	<i>[Signature]</i>	541-2115	12-3-15