City of Las Cruces®
PEOPLE HELPING PEOPLE

# Council Action and Executive Summary

**Item #** 6 **Ordinance/Resolution#** 16-167

**For Meeting of** _____ (Ordinance First Reading Date)

**For Meeting of** March 7, 2016 (Adoption Date)

**Please check box that applies to this item:**

☐ QUASI JUDICIAL ☐ LEGISLATIVE ☐ ADMINISTRATIVE

**TITLE:** A RESOLUTION TO APPOINT A MUNICIPAL JUDGE II TO SERVE UNTIL THE NEXT GENERAL MUNICIPAL ELECTION.

**PURPOSE(S) OF ACTION:**

To appoint a Municipal Judge II.

| COUNCIL DISTRICT: N/A | | |
|---|---|---|
| **Drafter/Staff Contact:** Monica Campbell | **Department/Section:** Legal | **Phone:** 541-2128 |
| **City Manager Signature:** | | |

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

Following the election of The Honorable Kieran Ryan, Presiding Judge of the Las Cruces Municipal Court, it was determined that the vacant position of Municipal Judge II should be filled in order to maintain access to justice and efficiency within the Court. The Municipal Court has jurisdiction over petty misdemeanors and complaints under the ordinances of the City of Las Cruces.

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 appoint an alternate municipal judge during a temporary incapacity or absence. On December 7, 2015, Kent E. Yalkut was appointed to act as an alternate municipal court judge by the City Council in Resolution No. 16-121.

The City Charter, Section 9.02(c) allows the City Council to fill the vacancy for Municipal Judge II until the next general election.

The position of Municipal Judge II was advertised, applications were received and reviewed, and interviews were conducted. It was determined that one or more of the applicants met the minimum qualifications of the advertised position. Pursuant to LCMC 1997, Section 17-34(a), a person appointed as a municipal judge must be a qualified elector of the City of Las Cruces and an active member in good standing of the State Bar of New Mexico.

(Continue on additional sheets as required)

Five candidates were interviewed by the Presiding Municipal Judge, the City Attorney and the Chief of Police. The panel has recommended the appointment of Kent E. Yalkut to act as Municipal Judge II subject to the approval of the Las Cruces City Council. Mr. Yalkut has agreed to serve as Municipal Court Judge II until the next general municipal election.

**SUPPORT INFORMATION:**

1. Resolution.

**SOURCE OF FUNDING:**

| | | | |
|---|---|---|---|
| **Is this action already budgeted?** | | | |
| N/A | Yes | ☐ | See fund summary below |
| | No | ☐ | If No, then check one below: |
| | *Budget Adjustment Attached* | ☐ | Expense reallocated from: _____. |
| | | ☐ | Proposed funding is from a new revenue source (i.e. grant; see details below) |
| | | ☐ | Proposed funding is from fund balance in the _____ Fund. |
| **Does this action create any revenue?** | | | |
| N/A | Yes | ☐ | Funds will be deposited into this fund: _____ in the amount of $_____for FY__. |
| | No | ☐ | 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 E. Yalkut as Municipal Judge II.
2. Vote "No"; this means that Kent E. Yalkut will not be appointed as Municipal Judge II which may affect the efficient functioning of the Municipal Court.
3. Vote to "Amend"; this could include further direction to staff and may affect the efficient functioning of the Municipal Court.
4. Vote to "Table"; this could delay filling the vacant position of Municipal Court Judge II and may affect the efficient functioning of the Municipal Court.

(Continue on additional sheets as required)

**REFERENCE INFORMATION:**

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

Resolution No. 16-121.

(Continue on additional sheets as required)

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# COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

**For Meeting of** _____ (Ordinance First Reading Date)

**For Meeting of** March 7, 2016 (Adoption Date)

**TITLE:** A RESOLUTION TO APPOINT A MUNICIPAL JUDGE II TO SERVE UNTIL THE NEXT GENERAL MUNICIPAL ELECTION.

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

| DEPARTMENT | SIGNATURE | PHONE NO. | DATE |
|---|---|---|---|
| Drafter/Staff Contact | Monica Campbell | 541-2128 | 2/23/2016 |
| Department Director | [illegible] | 541-2128 | 24 FEB 2016 |
| Other | | | |
| Assistant City Manager /CAO<br>Management & Budget Manager | [illegible] | 541-2100<br>541-2107 | 2/25/2016<br>2-24-2016 |
| Assistant City Manager/COO | [illegible] | 541-2271 | 2-26-16 |
| City Attorney | [illegible] | 541-2128 | 24 FEB 2016 |
| City Clerk | [illegible] | 541-2115 | 3-1-16 |

Rev. 8/2011

**RESOLUTION NO. 16-167**

**A RESOLUTION TO APPOINT A MUNICIPAL JUDGE II TO SERVE UNTIL THE NEXT GENERAL MUNICIPAL ELECTION.**

The City Council is informed that:

**WHEREAS,** the Las Cruces Charter 1997, Section 9.02(c), allows the Las Cruces City Council to fill the vacant position of Municipal Court Judge II; and

**WHEREAS,** Las Cruces Municipal Code, Section 17-34(a) requires that any person appointed as a municipal judge must be a qualified elector of the City of Las Cruces and an active member in good standing of the State Bar of New Mexico; and

**WHEREAS,** the position of Municipal Judge II was advertised, applications were received and reviewed, and interviews were conducted; and

**WHEREAS,** it was determined that one or more of the applicants met the minimum qualifications set forth in Las Cruces Municipal Code, Section 17-34(a); and

**WHEREAS,** the interview committee recommends that Kent E. Yalkut be selected to fill the Municipal Judge II position.

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

**(I)**

**THAT** the Las Cruces City Council appoints Kent E. Yalkut as Municipal Judge II to serve until the next general municipal election.

**(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)

VOTE:
Mayor Miyagishima: ____
Councillor Gandara: ____
Councillor Smith: ____
Councillor Pedroza: ____
Councillor Eakman: ____
Councillor Sorg: ____
Councillor Levatino: ____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney