

Item # 11

**City of Carson City
Agenda Report**

Date Submitted: September 24, 2010

Agenda Date Requested: October 7, 2010

Time Requested: 5 Minutes

To: Mayor and Supervisors

From: Max Cortes, Court Administrator

Subject Title: Action to approve the appointment of Mr. Ryan Russell to the panel of Judge Pro Tempores for the Carson City Justice & Municipal Court.

Staff Summary: NRS 4.032 allows the Board of Supervisor to establish a panel of qualified individuals to serve as judge pro tempore during the absence of a justice of the peace. Judge pro tempore's act with the full authority of a justice of the peace and are capable of presiding over trials, preliminary hearings, protective order matters and civil issues pertaining to small claim actions and tenant landlord disputes.

Type of Action Requested: (check one)

☐ Resolution

☐ Ordinance

☒ Formal Action/Motion

☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I move to approve the appointment of Mr. Ryan Russell to the panel of Judge Pro Tempores for the Carson City Justice & Municipal Court.

Explanation for Recommended Board Action:

NRS 4.032 Justices of the peace pro tempore.

1. The board of county commissioners of each county shall select a number of persons it determines appropriate to comprise a panel of substitute justices of the peace. The persons so selected must possess the qualifications set forth in NRS 4.010 for the office of justice of the peace in the respective county.

2. Whenever a justice of the peace is disqualified from acting in a case pending in the justice court or is unable to perform his official duties because of his temporary sickness or absence, or other cause, he shall, if necessary, appoint a person from the panel of substitute justices of the peace or, pursuant to NRS 4.340, invite another justice of the peace to act in his place.

3. A person appointed from the panel of substitute justices of the peace must take and subscribe to the official oath before acting as a justice of the peace pro tempore. While acting in that capacity, he is entitled to receive a per diem salary set by the board of county commissioners. The annual sum expended for salaries of justices of the peace pro tempore must not exceed the amount budgeted for that expense by the board of county commissioners.

4. If an appointment of a justice of the peace pro tempore becomes necessary and the justice of the peace fails or is unable to appoint a person from the panel of substitute justices pursuant to this section and fails or is unable to obtain another justice of the peace pursuant to NRS 4.340, the chairman of the board of county commissioners shall:

(a) In counties whose population is more than 100,000, appoint another justice of the peace pursuant to NRS 4.340 or a person from the panel of substitute justices of the peace pursuant to this section, to act in his place.

(b) In counties whose population is 100,000 or less, appoint another justice of the peace pursuant to NRS 4.340, a person from the panel of substitute justices of the peace pursuant to this section or a municipal judge pursuant to NRS 4.345, to act in his place.

(Added to NRS by 1991, 656)

NRS 5.023 Municipal judges pro tempore.

1. The governing body of the city shall select a number of persons it determines appropriate to comprise a panel of substitute municipal judges. The persons selected must not have ever been removed or retired from any judicial office by the Commission on Judicial Discipline and must be:

(a) Members in good standing of the State Bar of Nevada;

(b) Adult residents of the city; or

(c) Justices of the peace of the county.

2. Whenever a municipal judge is disqualified from acting in a case pending in the municipal court or is unable to perform his duties because of his temporary sickness or absence, he shall, if necessary, appoint a person from the panel of substitute municipal judges to act in his place.

3. A person so appointed must take and subscribe to the official oath before acting as a municipal judge pro tempore. While acting in that capacity, he is entitled to receive a per diem salary set by the governing body. The annual sum expended for salaries of municipal judges pro tempore must not exceed the amount budgeted for that expense by the governing body.

4. If an appointment of a municipal judge pro tempore becomes necessary and the municipal judge fails or is unable to make the appointment, the mayor shall make the appointment from the panel of substitute municipal judges.

5. For the purposes of this section, a person shall not be ineligible to be a candidate for the office of municipal judge pro tempore if a decision to remove or retire him from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

(Added to NRS by 1981, 1639; A 1983, 899; 1999, 95)

Applicable Statue, Code, Policy, Rule or Regulation: NRS 4.032 and NRS 5.023.

Fiscal Impact: Funds allocated in current budget year.

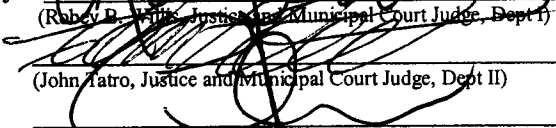
Funding Source: General Fund.

Supporting Material:

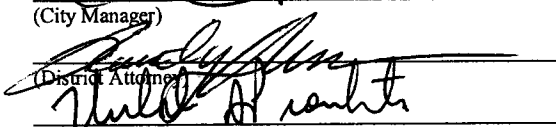
Prepared By: Max Cortes, Court Administrator.

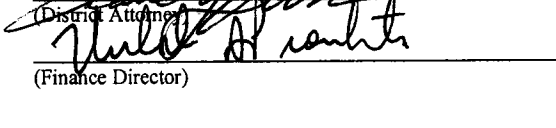
Reviewed By:


(Rubeo D. White, Justice and Municipal Court Judge, Dept I)


(John Tatro, Justice and Municipal Court Judge, Dept II)


(City Manager)


(District Attorney)


(Finance Director)

Date:

9/24/10

Date:

9/27/10

Date:

9/28/10

Date:

9/28/10

Date:

9/28/10

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)
