

17. For possible action: Resolution No. 7905, a resolution of the City Council of Boulder City, Nevada setting the compensation for the interim Municipal Court Judge appointed December 10, 2024 effective January 7, 2025



City Council Meeting January 14, 2025 Item No. 17 Staff Report

BOULDER CITY
CITY COUNCIL

MAYOR
JOE HARDY

COUNCIL MEMBERS:
DENISE E. ASHURST
COKIE BOOTH
SHERRI JORGENSEN
STEVE WALTON



MEETING LOCATION:
CITY COUNCIL CHAMBER
401 CALIFORNIA AVENUE
BOULDER CITY, NV 89005

MAILING ADDRESS:
401 CALIFORNIA AVENUE
BOULDER CITY, NV 89005

WEBPAGE:
WWW.BCNV.ORG



ACTING CITY MANAGER:
MICHAEL MAYS, AICP

CITY ATTORNEY:
BRITTANY LEE WALKER, ESQ

CITY CLERK:
TAMI MCKAY, MMC, CPO

COMMUNITY DEVELOPMENT DIRECTOR:
MICHAEL MAYS, AICP

PUBLIC WORKS DIRECTOR:
GARY POINDEXTER

UTILITIES DIRECTOR:
JOSEPH STUBITZ, PE

POLICE CHIEF:
TIM SHEA

ACTING FIRE CHIEF:
GREG CHESSER, CFO

FINANCE DIRECTOR:
CYNTHIA SNEED, CPA, CGFM

PARKS & RECREATION DIRECTOR:
JULIE CALLOWAY, CPRP

TO: Mayor and City Council
FROM: Michael Mays, Acting City Manager
DATE: January 14, 2025

SUBJECT:

For possible action: Resolution No. 7905, a resolution of the City Council of Boulder City, Nevada setting the compensation for the interim Municipal Court Judge appointed December 10, 2024 effective January 7, 2025

Business Impact Statement:

This action will not have a significant economic impact on business and will not directly restrict the formation, operation, or expansion of a business.

Action Requested:

That the City Council approve the resolution setting the compensation for the interim Municipal Court Judge appointed December 10, 2024 effective January 7, 2025.

Overview:

- Municipal Court Judge Victor Lee Miller has provided his notice of retirement effective January 5, 2025.
- On December 10, 2024, the City Council directed staff to bring back recruitment methods used by other jurisdictions to select the method of recruitment for the next Municipal Court Judge.
- On December 10, 2024, the City Council by motion appointed Victor Miller Interim Municipal Court Judge as a Senior Judge effective January 7, 2025.
- Pursuant to Nevada Supreme Court Rule 12, Senior Judges are eligible to serve as interim Municipal Court Judges.
- Rule 12 of the Nevada Supreme Court Rules provides that a Judge is eligible to serve as a Senior Judge for a Municipal Court only if they have served in that office for two (2) years.

- Pursuant to § 8.1A of the City of Boulder City Charter, salaries for the appointed offices shall be set by resolution of the City Council.
- Nevada Supreme Court Rule 12(8) provides that a Senior Judge serving as Interim Municipal Court Judge shall receive as compensation for the time actually engaged in the performance of duties under the assignment an amount proportional to the gross monthly salary of the regularly elected and qualified judge of the court to which he or she is assigned.

Background Information:

Municipal Court Judge Victor Lee Miller was appointed in 1984 and has provided his notice of retirement effective January 5, 2025. § 8.1 of the City of Boulder City Charter provides that the Municipal Court Judge shall be appointed, and the City Charter's requirement that Boulder City appoint its Municipal Court Judge prevails over the general state law requirement to elect. *Laird v. State Pub. Emp. Ret. Bd.*, 98 Nev. 42, 45, 639 P.2d 1171, 1173 (1982)("[w]here a general and a special statute, each relating to the same subject, are in conflict and they cannot be read together, the special statute controls"). Since 1960, the City of Boulder City has selected its Municipal Court Judge through the appointment process as provided in the City Charter, it has never elected its Municipal Court Judge or provided that the Justice of the Peace is the ex officio Municipal Court Judge.

While the City is in the process of providing recruitment process options to the City Council to select the next Municipal Court Judge, the City Council has appointed Victor Lee Miller, Senior Judge, to the office of Interim Municipal Court Judge. § 8.1 of the City of Boulder City Charter provides that the salaries for the appointed offices shall be set by resolution of the City Council, and Nevada Supreme Court Rule 12(8) provides that a Senior Judge serving as Interim Municipal Court Judge shall receive as compensation for the time actually engaged in the performance of duties under the assignment an amount proportional to the gross monthly salary of the regularly qualified judge of the court to which he or she is assigned or a different amount if approved by the Senior Judge.

The annual salary of the Municipal Court Judge is currently \$121,827.68, and the Municipal Court Judge also receives a monthly auto allowance of \$350.00 and health insurance allowance of \$1,050.00.

Therefore the monthly gross salary as set forth in Nevada Supreme Court Rule 12(8) for the regularly qualified judge would be Ten Thousand One Hundred Fifty-Two dollars and 30/100 (\$10,152.30).

City Council direction is needed to determine whether the auto and insurance allowances should also be included in the compensation for the interim Municipal Court Judge. If so, the total monthly compensation would be Eleven Thousand Five Hundred Fifty-Two Dollars and 30/100 (\$11,552.30).

Financial:

Up to \$129,627.68 per fiscal year which has been budgeted for.

Boulder City Strategic Plan Goal:

Goal G. Continue to Maintain High Levels of Public Safety

Department Recommendation: That the City Council approve Resolution No. 7905 setting the compensation for the Interim Municipal Court Judge appointed December 10, 2024 effective January 7, 2025.

Attachment:

Resolution

RESOLUTION NO. 7905

RESOLUTION OF THE CITY COUNCIL OF BOULDER CITY, NEVADA SETTING THE COMPENSATION FOR THE INTERIM MUNICIPAL COURT JUDGE APPOINTED DECEMBER 10, 2024 EFFECTIVE JANUARY 7, 2025

WHEREAS, § 8.1 of the City of Boulder City Charter provides that the Municipal Court Judge shall be appointed; and

WHEREAS, the City Charter's requirement that Boulder City appoint its Municipal Court Judge prevails over the general state law requirement to elect. *Laird v. State Pub. Emp. Ret. Bd.*, 98 Nev. 42, 45, 639 P.2d 1171, 1173 (1982)("[w]here a general and a special statute, each relating to the same subject, are in conflict and they cannot be read together, the special statute controls"); and

WHEREAS, since 1960, the City of Boulder City has selected its Municipal Court Judge through the appointment process as provided in the City Charter, it has never elected its Municipal Court Judge or provided that the Justice of the Peace is the ex officio Municipal Court Judge; and

WHEREAS, Municipal Court Judge Victor Lee Miller was appointed in 1984 and has provided his notice of retirement effective January 5, 2025; and

WHEREAS, on December 10, 2024, in light of the retirement notice, the City Council of Boulder City directed staff to bring back recruitment methods used by other jurisdictions to select the method of recruitment of the next Municipal Court Judge; and

WHEREAS, due to the length of time it could take to recruit a qualified Municipal Court Judge, staff recommended the selection of an Interim Municipal Court Judge; and

WHEREAS, pursuant to Nevada Supreme Court Rule 12, Senior Judges are eligible to serve as Interim Municipal Court Judge; and

WHEREAS, Rule 12 of the Nevada Supreme Court Rules provides that a Judge is eligible to serve as a Senior Judge for a Municipal Court only if they have served in that office for two (2) years. Such a Senior Judge may be invited for such a temporary assignment by the City Council; and

WHEREAS, on December 10, 2024, the City Council by motion appointed Victor Miller, Senior Judge as Interim Municipal Court Judge effective January 7, 2025; and

WHEREAS, § 8.1 of the City of Boulder City Charter provides that the salaries for the appointed offices shall be set by resolution of the City Council; and

WHEREAS, Nevada Supreme Court Rule 12(8) a Senior Judge serving as Interim Municipal Court Judge shall receive as compensation for the time actually engaged in the performance of duties under the assignment an amount proportional to the gross monthly salary of the regularly qualified judge of the court to which he or she is assigned or a different amount if approved by the Senior Judge; and

WHEREAS, the annual salary of the Municipal Judge is \$121,827.68; and

WHEREAS, the Municipal Court Judge also receives a monthly auto allowance of \$350.00 and health insurance allowance of \$1,050.00.

NOW, THEREFORE, BE IT RESOLVED that as set forth in Nevada Supreme Court Rule 12(8) Victor Lee Miller, Senior Judge, serving as Interim Municipal Court Judge shall receive as compensation for the time actually engaged in the performance of duties the monthly amount of _____;
and

BE IT FURTHER RESOLVED, that the position of Interim Municipal Court Judge is considered a part-time non-PERS position.

DATED and APPROVED this 14th day of January 2025.

Joe Hardy, Mayor

ATTEST:

Tami McKay, City Clerk
(Seal)