



Item: Appointment - - Municipal Court Judge

From: Lisa Kunz, City Clerk

Initiated By: City Commission

Presented By: City Commission

Action Requested: Appoint Steven Bolstad to fill the vacancy of Municipal Court Judge for the remainder of the unexpired term and the next regular City Election

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (appoint/not appoint) Steven Bolstad as Municipal Court Judge for the remainder of the unexpired term and the next regular City Election in 2015 at a beginning salary of \$84,000 and 3% increase in six months.”

2. Mayor calls for a second, discussion, public comment, and calls the vote.

Background

Pursuant to § 7-4-4112, MCA, when a vacancy occurs in any elective office, this position is considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any other person holding the same office, except the term of office is limited to the unexpired term of the person who originally created the vacancy. Pending an election and qualification, the Commission shall, by a majority vote of the members, appoint a person within 30 days of the vacancy to hold the office until a successor is elected and qualified.

Pursuant to § 7-4-4111, MCA, the vacancy occurred when Municipal Court Judge Nancy Luth submitted her written resignation on December 2, 2013, and provided notice that her resignation was effective February 1, 2014. Upon said announcement, it was legally incumbent upon the City Commission to appoint a judge to fill the remainder of the current term.

On December 12, 2013, a press release was issued announcing that the Commission was accepting applications to fill the vacancy until Friday, January 3, 2014, at 5 p.m. Said notice also was provided to the Cascade County Bar Association for dissemination. The City Clerk received six Municipal Court Judge Interest Applications by the deadline.

At the publicly noticed Work Session meeting on January 7, 2014, the Commission selected Scott Radford, Steven Bolstad, Michael Rausch and Theresa Diekhans to be interviewed.

Individual interviews were conducted on January 10, 2014, beginning at 9:00 a.m. All four applicants were each asked the same questions. After conclusion of the interviews the responses were weighed and discussed and after thorough deliberation, it was the unanimous consensus of the Commission to appoint Steven Bolstad to fill the position until the next City Election.

Press releases were issued and posted noticing all meetings, the media received a schedule of the interviews, and all the meetings were open to the public.

Municipal Court Judge Nancy Luth was re-elected to a four-year term beginning January 1, 2012. The next City Election will be held in November, 2015. Pursuant to the referenced statute, Steven Bolstad will serve the unexpired term until December 31, 2015; which is also when the next City Election will occur. He may file for election to the position at the 2015 City Election. If elected, he would begin serving a four year term.

Qualifications of municipal court judge candidates are the same as a judge of district court as set forth in Article VII, Section 9, of the Montana Constitution, except a municipal court judge need only be admitted to the practice of law in Montana for at least three years prior to the date of the election; a municipal court judge shall be a resident and voter in the City of Great Falls at the time of his or her election; and, a municipal court judge shall be certified, or have been granted a Temporary Certificate and Waiver of Training for New Judge by the Supreme Court of Montana, Commission on Courts of Limited Jurisdiction, as provided in §§ 3-1-1502 and 3-1-1503, MCA, prior to assuming office.

Resolution 10029 adopted by the City Commission on July 16, 2013, sets forth the salary range of \$62,121 to \$93,181 for Municipal Court Judge.