



COUNTY ADMINISTRATOR
220 NORTH MAIN STREET, P.O. BOX 8645
ANN ARBOR, MICHIGAN 48107-8645
(734)222-6850
FAX (734)222-6715

TO: Wesley Prater, Chair
Ways & Means Committee

THROUGH: Robert E. Guenzel
County Administrator

FROM: Mark A. Ptaszek, Court Administrator
14A District Court

DATE: November 3rd, 2004

SUBJECT: Approval of Magistrate Appointment – James S. Sexsmith

BOARD ACTION REQUESTED:

Pursuant to MCR 8.110, (C), (3), (d), the Judges of the 14A District Court appoint James S. Sexsmith as Magistrate of the Court. In accordance with MCL 600.8501, the Judges request the Washtenaw County Board of Commissioners approve the appointment.

BACKGROUND:

MCR 8.110, (C), (3), (d), vests authority over all personnel matters of the court with the Chief Judge. MCL 600.8501 requires that all magistrates shall be appointed by the judges of the district and said appointments shall be subject to approval by the County Board of Commissioners before a person may assume the duties of the office of magistrate.

Magistrates perform a variety of duties enumerated in MCL 600.8511. They must be registered electors in the County, serve at the pleasure of the judges of the court, must take the constitutional oath required for their office, file a performance bond with the County Treasurer and Chief Judge, and must be licensed to practice law in the State of Michigan.

DISCUSSION:

The Honorable George Parker, Magistrate of the 14A District Court, is retiring. The court is conducting an appointment process to replace Magistrate Parker and anticipates submitting the appointment of a new full-time magistrate to the Board of Commissioners in the near future.

As of November 1st, 2004, Magistrate Parker is no longer conducting the duties of his office. Accordingly, the 14A Judges appoint the Honorable James S. Sexsmith as magistrate of the 14A District Court. Mr. Sexsmith will provide magistrate services during the period between Magistrate Parker's departure and the appointment of a new magistrate and, upon the appointment of a new full-time magistrate, provide any "fill-in" magistrate services that may be needed for planned or unanticipated absences of either of the court's two magistrates (e.g., unanticipated medical leave, etc.). Although the need for occasional fill-in services is minimal, the ability and flexibility the appointment provides is cost effective and supports the court in maintaining efficient and effective service delivery.

Mr. Sexsmith has served Washtenaw County for the majority of his professional life and is well qualified for this appointment. He is a retired 15th District Court (City of Ann Arbor) magistrate who maintains this appointment and periodically fills in should the need for interim magistrate services arise in the 15th Judicial District. He is also a former Washtenaw County Prosecuting Attorney.

IMPACT ON HUMAN RESOURCES:

No positions would be created or eliminated as a result of this appointment.

IMPACT ON BUDGET:

No additional funding is requested.

IMPACT ON INDIRECT COSTS:

There are no indirect costs.

IMPACT ON OTHER COUNTY DEPARTMENTS OR OUTSIDE AGENCIES:

The appointment of Mr. Sexsmith as magistrate benefits all of the various customers of the court, including but not limited to citizens, litigants, attorneys, defendants, witnesses, law enforcement agencies, the jail and other courts.

CONFORMITY TO COUNTY POLICIES:

This appointment conforms to County policy.

ATTACHMENTS/APPENDICES:

None.

A RESOLUTION APPROVING THE APPOINTMENT OF JAMES S. SEXSMITH AS MAGISTRATE OF THE 14A DISTRICT COURT

WASHTENAW COUNTY BOARD OF COMMISSIONERS

November 3, 2004

WHEREAS, the Judges of the 14A District Court, pursuant to MCR 8.110 (C), (3), (d), appoint the Honorable James S. Sexsmith as Magistrate and request, in accordance with MCL 600.8501, the Washtenaw County Board of Commissioners approve the appointment; and

WHEREAS, the Honorable George Parker, Magistrate of the 14A District Court, is retiring and interim magistrate services are needed; and

WHEREAS, appointing a magistrate to both serve in the period between Magistrate Parker's departure and the appointment of a new magistrate and to provide future "fill-in" services in the absence of the court's existing magistrates is cost effective and provides efficient and effective service delivery; and

WHEREAS, James S. Sexsmith is an experienced retired magistrate of the 15th District Court; is a registered elector in the County of Washtenaw; will serve at the pleasure of the judges of the 14A court; will take the constitutional oath of office required for this office; will file a performance bond with the County Treasurer and Chief Judge; and is licensed to practice law in the State of Michigan; and

WHEREAS, the appointment of Mr. Sexsmith results in no positions being eliminated or created, requires no additional funding, has no indirect costs, and conforms to County policy; and

WHEREAS, the appointment of Mr. Sexsmith is a benefit to the users of the court including but not limited to citizens, litigants, attorneys, defendants, witnesses, law enforcement agencies, the jail and other courts; and

WHEREAS, this appointment has been reviewed by Corporation Counsel, the Finance Department, Human Resources, the County Administrator's Office and the Ways & Means Committee,

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby approves the appointment of James S. Sexsmith by the Judges of the 14A District Court as magistrate of the District Court.