

JUDICIAL ADVISORY BOARD MINUTES

September 10, 1997

The Judicial Advisory Board of the City of Mesa met in the lower level meeting room of the City Council Chambers, 57 East 1st Street, on September 10, 1997, at 8:07 a.m.

COMMITTEE PRESENT

Chairman Marilyn Wilson
James R. Hart II
John Kerr
Ruth V. McGregor
Judith C.R. O'Neill

STAFF PRESENT

Neal Beets
Denise Bleyle
Linda Crocker
Barbara Jones
Ellen Pence

OTHERS PRESENT

James Riggs

COMMITTEE ABSENT

Sylvia Garcia-Suttle
Robert D. Myers

STAFF ABSENT

Kelly Walsh

Chairman Wilson excused Boardmembers Garcia-Suttle and Myers from the meeting.

1. Approval of the minutes of the Judicial Advisory Board meeting of August 26, 1997.

It was moved by Boardmember McGregor, seconded by Boardmember Kerr, that the minutes of the August 26, 1997 Judicial Advisory Board meeting be approved.

Chairman Wilson declared the motion carried unanimously by those present.

2. Review results of Council action on amending Section 2-3-8(A) of Ordinance No. 3340.

Assistant to the City Manager Ellen Pence reported that at the September 2, 1997 Regular Council Meeting, the City Council voted to continue consideration of the Board's proposed amendment to Ordinance No. 3340. Ms. Pence added that members of the Council had expressed concerns relative to the ordinance change and requested additional information. Ms. Pence noted that this item will be considered at the September 15, 1997 Regular Council Meeting.

Chairman Wilson commented on the proposed ordinance amendment, which would allow members of the Board to discuss and vote on the appointment of applicants recruited by those Boardmembers following full

and immediate disclosure of the member's recruitment activities to the other members of the Board.

Chairman Wilson briefly highlighted Board justification for the proposed amendment to the ordinance and noted that Section 3-2-5(B) of Ordinance No. 3340 states that the Boardmembers' responsibilities include recruitment of qualified magistrate applicants. Chairman Wilson added that Section 3-2-7(A)1 stipulates that in the case of a vacancy, the Boardmembers shall actively seek and encourage well qualified individuals to apply.

In response to a question from Vice Chairman Hart, Ms. Pence encouraged the members of the Judicial Advisory Board to attend the Friday, September 12, 1997 Council Study Session and provide input relative to Council approval of the proposed ordinance amendment.

3. Updates to the Judicial Advisory Board Procedures.

Ms. Pence stated that procedures are continually updated in response to Board direction and briefly highlighted a proposed list of Judicial Advisory Board procedures.

Boardmember Kerr recommended that the word 'customers' listed on page one of the proposed procedures, referring to attorneys, litigants, defendants, jurors and Court employees served by the Magistrates, be changed to the word 'citizens.'

Chairman Wilson referred to a statement contained in the proposed guidelines relative to anonymous input. Chairman Wilson stated the opinion that although the Board has addressed the issue of anonymous survey comments and has determined that those comments will be considered by the Board and forwarded to applicants for self-improvement purposes, the issue of anonymous letters remains to be finalized.

Boardmember McGregor expressed the opinion that input contained in anonymous letters should not be considered by the members of the Board and/or forwarded to the applicants. Boardmember McGregor noted that anonymous comments solicited as part of the questionnaires will be provided by citizens who have had actual contact with the applicants.

Discussion ensued among the members of the Board relative to this issue.

Chairman Wilson requested that the procedures be revised to reflect the Board's consensus that anonymous comments listed on completed survey questionnaires will constitute the only anonymous input that will be considered by the Board and forwarded to applicants for self-improvement purposes. Chairman Wilson added that anonymous letters will not be reviewed or considered by the members of the Board.

Chairman Wilson also requested that the proposed procedures refer to the Board's determination that the appointment process be open to the public except for Executive Sessions, which may be scheduled at the option of the Board.

City Attorney Neal Beets stated that in order to conduct an Executive Session for the purpose of discussing personnel issues, the Board is required, in accordance with the Open Meeting Law, to provide the person who will be discussed proper notification of the Board's intent to hold an Executive Session and a list of the agenda items to be discussed during that session. Mr. Beets added that following notification, that person

then has the right to request that the issues be discussed in a public meeting rather than during an Executive Session.

Discussion ensued relative to the interview process and the importance of retaining the option to convene Executive Sessions.

It was moved by Vice Chairman Hart, seconded by Boardmember McGregor, that the proposed procedures be amended to reflect that as part of the appointment/reappointment interview process, the Board may conduct (in accordance with the Open Meeting Law) Executive Sessions, as required.

Chairman Wilson declared the motion carried unanimously by those present.

Ms. Pence indicated that a draft of the proposed procedure revisions will be presented to the Board for review and consideration.

4. Discuss and consider status of the reappointment of Presiding City Magistrate and City Magistrate:

A. Application for reappointment

City Attorney Neal Beets stated that although the applications submitted by current Presiding City Magistrate Harold Reeb and City Magistrate George Forster are available to the public, personal information, including home telephone numbers, will not be released. Mr. Beets noted that both Mr. Reeb and Mr. Forster are applying for reappointment to their current positions and clarified that applications to fill new vacancies will not be made available to the public until the Board determines which candidates will participate in the interview process.

B. Statistical overview of Magistrate's and Court's cases

Assistant to the City Manager Ellen Pence briefly highlighted the contents of an August 29, 1997 memorandum to Court Administrator Kathy Barrett requesting various information, including productivity data, for the Board's review. Ms. Pence advised that Ms. Barrett will compile any information that is not readily available at this time.

C. Consider a proposal from Research & Information Specialists, Inc. to conduct a survey

Mr. Beets requested that the Board recommend to the City Council that a proposal from Research & Information Specialists, Inc., to initiate a survey sampling process for current Presiding City Magistrate Harold Reeb and City Magistrate George Forster, be approved. Mr. Beets informed the Boardmembers that efforts would be expended to complete the survey prior to the currently proposed December 31, 1997 completion date.

Discussion ensued relative to survey costs; the positive benefits of survey results in the area of judicial self improvement; scheduling a Board meeting after January 1, 1998 to evaluate and consider broadening the scope of the process, and future discussion relative to judicial self-improvement processes.

In response to a question from Chairman Wilson, James Riggs, President of Research and Information Specialists, Inc., indicated support for the proposed contract and expressed appreciation to the members of the Board for the opportunity to provide professional services on behalf of the City of Mesa.

It was moved by Boardmember McGregor, seconded by Vice Chairman Hart, to recommend to the Council that the proposed contract between the City of Mesa and Research & Information Specialists, Inc., be approved.

Chairman Wilson declared the motion carried unanimously by those present.

D. Review survey questions

Chairman Wilson advised that Vice Chairman Hart, who has volunteered to serve on a subcommittee with Boardmembers O'Neill and Myers for the purpose of developing survey questions, will conduct this portion of the meeting.

Vice Chairman Hart discussed the feasibility of limiting the Judicial Advisory Board's responsibilities to the appointment/reappointment of City Magistrates and allowing the appointment/reappointment of Presiding City Magistrates to remain the responsibility of the City Council.

Discussion ensued relative to the fact that the Council has historically appointed/reappointed Presiding City Magistrates; the fact that candidates for reappointment were not previously required to submit applications; administrative responsibilities associated with the Presiding City Magistrate's position; the Presiding City Magistrate position versus the City Magistrate position; the minimal salary difference between the two positions, and the fact that the current budget contains funding for an additional City Magistrate.

Vice Chairman Hart requested that Council clarification and direction be solicited relative to the scope of the Board's responsibilities and the appointment/reappointment of Presiding City Magistrates.

Vice Chairman Hart stated the opinion that pending Council clarification, efforts will be initiated to streamline survey questions. Vice Chairman Hart recommended that the subcommittee consider current City Magistrate George Forster's input relative to survey questions.

In response to a question from Vice Chairman Hart, Mr. Beets stated that he has no knowledge of the existence of any external productivity studies which may have been conducted relative to the operation/management of the Mesa City Court system. Mr. Beets added that current Presiding City Magistrate Harold Reeb will be contacted to determine whether any internal productivity studies for the Court have been conducted and, if so, the results of those studies.

Boardmember McGregor requested that staff research whether the Supreme Court's Administrative Office of the Courts has conducted an audit of the Mesa Municipal Court.

Vice Chairman Hart indicated that the members of the subcommittee, together with Mr. Riggs, will expend efforts to develop a list of survey questions for the Board's review and consideration.

Chairman Wilson thanked Vice Chairman Hart for his input and recommended that the Board review proposed survey questions at the September 24, 1997 Judicial Advisory Board meeting.

E. Discuss time frame for reappointment process

City Attorney Neal Beets solicited scheduling input from the Board, staff, and Mr. Riggs and prepared the following tentative schedule relative to the two pending reappointments:

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| • Prepare and forward applications: | Completed |
| • Completed applications forwarded to Personnel | Completed |
| • Review and attempt to finalize survey questions | 09/24/97 |
| • Survey printing/distribution | 10/08/97 |
| • Receipt of survey responses | 11/07/97 |
| • Tabulate survey results/submit report | 11/22/97 |
| • Public Hearing/conduct interviews | 12/10/97 (6:30 p.m.) |
| • Deliberations and recommendations | 12/10/97 |

Mr. Beets advised that a proposed list of interview questions is being compiled and will be forwarded to the Boardmembers for consideration and selection. Mr. Beets noted that the list will include questions currently utilized by the Arizona Supreme Court, Commission on Judicial Performance Review. Mr. Beets recommended that the Board consider scheduling an Executive Session to review proposed interview questions in order to ensure the confidentiality of the process.

In response to a question from Boardmember O'Neill, Mr. Beets stated the opinion that although the members of the Board may direct follow-up questions to the various applicants, all of the candidates should be required to respond to a predetermined list of structured questions.

Assistant to the City Manager Ellen Pence indicated that should the Board determine that one or more Executive Sessions are required, staff will post the appropriate notices in accordance with the Open Meeting Law.

Boardmember McGregor commented that the Board will discuss and determine an allotted length of time for each interview.

In response to a question from Boardmember O'Neill, Mr. Beets stated that staff will pursue the placement of applications for future City Magistrate positions in down-loadable form on the City's Internet Home Page.

6. Discuss and consider agenda items for next meeting scheduled for September 24, 1997.

In response to input from the members of the Board, the agenda of the September 24, 1997 Judicial Advisory Board meeting will include the presentation and review of survey questions and additional discussion and updates to the Board's procedures.

7. Adjournment.

It was moved by Boardmember O'Neill, seconded by Boardmember McGregor, that the meeting adjourn at 9:13 a.m.

Chairman Wilson declared the motion carried unanimously by those present.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Judicial Advisory Board meeting of the City of Mesa, Arizona, held on the 10th day of September 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 24th day of September 1997

BARBARA JONES, CITY CLERK