

COUNCIL MINUTES

May 25, 2000

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on May 25, 2000 at 7:32 a.m.

COUNCIL PRESENT

Mayor Wayne Brown
Jim Davidson
Keno Hawker
Bill Jaffa
Dennis Kavanaugh
Pat Pomeroy

COUNCIL ABSENT

Vice Mayor John Giles

STAFF PRESENT

Mike Hutchinson
Kathy Barrett
Neal Beets
John Blackburn
Denise Bleyle
Candace Cannistraro
Dennis Compton
Bob DeLeon
Pat Granillo
Lowell Hamilton
Barbara Jones
Dorinda Larsen
Rich Lorig
Frank Mizner

STAFF PRESENT (CONT.)

Joe Padilla
Ellen Pence
Ron Poulin
Bryan Raines
Tom Remes
Jenny Sheppard
Walter Switzer
Mindy White
Others

OTHERS PRESENT

Betty Beard
Others

Mayor Brown excused Vice Mayor Giles from the meeting and Councilmember Jaffa from the beginning of the meeting. Councilmember Jaffa joined the meeting at 7:35 a.m.

1. Discuss and consider issues associated with juvenile case enforcement in the Municipal Court.

Presiding City Magistrate Walter Switzer addressed the Council relative to this agenda item. Judge Switzer provided a brief synopsis regarding the Municipal Court's realm of authority over juvenile misdemeanors, which currently includes the enforcement of civil traffic cases in which the mechanism of implementation has been and will remain the suspension of the juvenile's right to drive. Judge Switzer added that the Municipal Court also hears cases related to graffiti, DUI matters, juvenile possession of tobacco and alcohol, and the violation of municipal ordinances.

Judge Switzer informed the Council that due to changes in the Arizona Revised Statutes that have recently been adopted by the State legislature, as of July 18, 2000, the Municipal Court will no longer retain enforcement authority over criminal juvenile cases. Judge Switzer clarified that the only enforcement authority will be suspension of a juvenile's right to drive; however, there will be no mechanism available to physically require a non-compliant juvenile to obey Court orders. Judge Switzer emphasized that the proposed legislation does not apply to the Maricopa County Superior Court and added that the County Attorney's Office and the Juvenile Court would also retain jurisdiction.

Judge Switzer outlined options contained in the Council report which included: 1) continue with the system as it currently exists and cite the juvenile cases into the Municipal Court; 2) institute the City Council's authority to approve the appointment of Municipal Court judges as juvenile hearing officers. The judges would possess the authority to approve limited cases such as curfew violations, tobacco possession and civil traffic cases; and 3) the City Council could rescind the Municipal Court's authority to handle all criminal juvenile cases, and the County Attorney and the Juvenile Court would be charged with said enforcement.

Discussion ensued relative to correspondence received by Maurice Portley, Presiding Judge of the Maricopa County Juvenile Court, requesting input by June 30, 2000 relative to the manner in which the City would like to proceed; the importance of enforcement authority and the fact that a survey conducted among City Magistrates indicates their unwillingness to handle cases without the benefit of enforcement capability, and concerns relative to the fact that juvenile cases will get "lost" in the County's system and negatively impact rather than assist the youths.

Councilmember Hawker expressed the opinion that due to the fact the Municipal Court would not be granted the necessary enforcement authority over criminal juvenile cases, the most viable option would be the delegation of these matters to the County Attorney's Office and the Juvenile Court. Councilmember Hawker also expressed appreciation to Judge Switzer for presenting this matter to the Council.

Discussion ensued relative to the administration of diversion programs regarding juvenile possession of alcohol and tobacco.

Councilmembers Kavanaugh and Pomeroy concurred with the opinions expressed by Councilmember Hawker. Councilmember Kavanaugh stated that it is unfortunate that this legislation was passed without any input from the City Council. Councilmember Kavanaugh added that it is appropriate that the criminal juvenile cases be adjudicated by the Court that possesses the necessary enforcement authority.

In response to a question from Councilmember Davidson, Judge Switzer commented that although the most viable solution to this dilemma would be to allow Maricopa County to handle the criminal juvenile cases, he is dismayed that the State legislature has attempted to remove the ability of the Municipal Court to enforce authority, thus causing a shift in responsibility to Maricopa County. Judge Switzer noted that Police Chief Jan Strauss has also voiced concerns regarding this issue.

Councilmember Davidson commented that with great reluctance, he agrees with Judge Switzer's comments relative to allowing Maricopa County to hear of the criminal juvenile cases. Councilmember Davidson thanked Judge Switzer for presenting this issue to Council in a timely manner.

Mayor Brown concurred with the opinions expressed by the Councilmembers.

Discussion ensued relative to the scope of Maricopa County's jurisdictional authority.

In response to a question from Mayor Brown, City Attorney Neal Beets stated the opinion that it is unlikely that the County Attorney's Office would be inclined to handle offenses relative to City Code ordinances such as curfew violations, and juvenile tobacco and alcohol possession.

Councilmember Jaffa requested that staff obtain a legal opinion from Arizona Attorney General Janet Napolitano relative to what the City's options might be with regard to this issue.

Mayor Brown stated the opinion insufficient information exists upon which to make an informed decision at this time. Mayor Brown requested that the Police Committee explore this issue in greater depth and present their findings to the Council at a future meeting to be held prior to the June 30th response deadline.

2. Acknowledge receipt of minutes of various boards and committees:

- a. Parks and Recreation Board meeting held May 11.

It was moved by Councilmember Pomeroy, seconded by Councilmember Kavanaugh, that receipt of the above-listed minutes be acknowledged.

Mayor Brown declared the motion carried unanimously by those present.

3. Hear reports on meetings and/or conferences attended.

Councilmember Hawker presented a brief overview of a recent Maricopa Association of Governments (MAG) meeting he attended which focused on incarceration at the Maricopa County Jail. Councilmember Hawker also commented on the Four Peaks Awards ceremony, which will be held on June 21st.

Councilmember Davidson discussed his recent attendance at the National Neighborhoods USA conference in Phoenix. Councilmember Davidson added that the City of Mesa is in contention to receive two awards for neighborhood renovation and stabilization.

4. Scheduling of meetings and general information.

City Manager Mike Hutchinson stated that the meeting schedule is as follows:

Thursday, May 25, 2000, 6:00 p.m. - Citizen Bond Review Committee Meeting

Thursday, June 1, 2000, 7:30 a.m. - Study Session

Monday, June 5, 2000, 5:45 p.m. - Regular Council Meeting

5. Prescheduled public opinion appearances.

Mayor Brown advised that there were no prescheduled public opinion appearances.

6. Items from citizens present.

Mayor Brown advised that there were no items from citizens present.

7. Adjournment.

Without objection, the Study Session adjourned at 8:18 a.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on 25th day of May, 2000. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 2000

BARBARA JONES, CITY CLERK