

# JUDICIAL ADVISORY BOARD MINUTES

December 3, 1997

The Judicial Advisory Board of the City of Mesa met in the Mesa City Plaza Building, Suite 750, 20 East Main Street, on December 3, 1997, at 8:05 a.m.

## COMMITTEE PRESENT

Chairman Marilyn Wilson  
Sylvia Garcia-Suttle  
John Kerr  
Robert D. Myers  
Judith C.R. O'Neill

## COMMITTEE ABSENT

James R. Hart II  
Ruth V. McGregor

## STAFF PRESENT

Neal Beets  
Denise Bleyle  
Linda Crocker  
Barbara Jones  
Ellen Pence  
Kelly Walsh

## STAFF ABSENT

None

## COUNCIL PRESENT

Mayor Wayne Brown

## OTHERS PRESENT

None

Chairman Wilson excused Vice Chairman Hart and Boardmember McGregor from the meeting and Boardmember Myers from the beginning of the meeting.

### 1. Approval of the minutes of the Judicial Advisory Board meeting of November 19, 1997.

It was moved by Boardmember Kerr, seconded by Boardmember O'Neill, that the minutes of the November 19, 1997 Judicial Advisory Board meeting be approved.

Chairman Wilson declared the motion carried unanimously by those present.

### 2. Discuss and consider items related to the reappointment of Presiding City Magistrate:

- A. Reconsider previous recommendation not to include Presiding City Magistrate during December 10, 1997, public hearing and interview.

Mayor Brown informed the members of the Judicial Advisory Board that a misunderstanding occurred and clarified that Special Counsel has recommended that the Board proceed with the reappointment process for Presiding City Magistrate Harold Reeb.

City Attorney Neal Beets provided the Board with a brief summarization of the history of this issue and the formation of the Judicial Advisory Board. Mr. Beets stated that information relative to the performance of both Presiding City Magistrate Harold Reeb and City Magistrate George Forster, has been provided to the Board in an effort to assist the

members in arriving at a decision relative to the proposed reappointments. Mr. Beets added that the Judges have also provided significant information including comprehensive applications for their reappointments. Mr. Beets commented on the public hearing process and stated the opinion that it is in the best interest of Judge Reeb that this matter be brought to closure as quickly as possible. Mr. Beets added that Judge Reeb is entitled to a recommendation from the Board based upon the same materials submitted and reviewed by the Board in considering Judge Forster's reappointment. Mr. Beets expressed the opinion that an independent counsel report should not be a part of the reappointment process and noted that an independent counsel report has not been prepared on Judge Forster. Mr. Beets pointed out that the City Council has retained Mr. Gary Stuart as independent counsel to research specific allegations of misconduct by Judge Reeb and emphasized that this investigative responsibility has not been bestowed upon the members of the Judicial Advisory Board.

Mr. Beets stated that the Board's responsibility is limited to researching judicial performance and presenting reappointment recommendations to the City Council. Mr. Beets expressed the opinion that it would be inappropriate for the Board to consider speculation in the media or to delay the reappointment process of Judge Reeb.

(Boardmember Myers joined the meeting at 8:23 a.m.)

Chairman Wilson expressed the opinion that the Board should consider all available information relative to the reappointment of Judge Reeb. Chairman Wilson added that she would prefer that the reappointment process be postponed pending the receipt of Mr. Stuart's report. Chairman Wilson informed the Board that she spoke with Vice Chairman Hart and that he has indicated his reluctance in proceeding with the reappointment process at this time.

Discussion ensued relative to Mr. Beet's opinion that Judge Reeb be evaluated on the data collected by the Board which covers a two-year period of time, comments received from Judge Forster relative to Judge Reeb and the fact that the Board should review all of the information prior to presenting recommendations to Council, contacting City Manager Charles Luster to solicit input relative to the reappointments, and the importance of ensuring that both Judge Reeb and Judge Forster receive equal consideration.

Boardmember Kerr stated the opinion that the Board should proceed with the process and that following the process, the Board has three options: 1) to recommend the appointment of Judge Reeb; 2) to recommend that Judge Reeb not be reappointed; and 3) to recommend that the Board postpone presenting a recommendation to the City Council relative to the reappointments pending the receipt of Mr. Stuart's final report. Boardmember Kerr indicated that he supports option number 3.

Boardmember O'Neill expressed the opinion that the Board continue with the interview process at this time. Boardmember O'Neill left the meeting at 8:49 a.m.

Judge Myers stated the opinion that the Board recommend to the Council that Judge Reeb remain in his present status pending completion of the investigation and pending completion of the investigation by the Judicial Conduct Commission. Judge Myers stressed the

importance of receiving and reviewing the results of the investigations prior to rendering a decision on the reappointment of Judge Reeb.

Discussion ensued relative to Mr. Beets' opinion that it would be inappropriate for the Judicial Advisory Board to consider the contents of Mr. Stuart's report on allegations of misconduct on the part of Judge Reeb.

It was moved by Boardmember Kerr, seconded by Boardmember Myers, that the members of the Judicial Advisory Board proceed with the reappointment process of Presiding City Magistrate Harold Reeb at this time.

Chairman Wilson declared the motion carried unanimously by those present.

Boardmember Kerr clarified that although the Board has agreed to proceed with the reappointment process, the time frame for presentation of Board recommendations has not been established.

Assistant to the City Manager Ellen Pence indicated that she will contact Judge Reeb and inform him of the Board's decision to proceed with the reappointment process. Ms. Pence added that she will provide Judge Reeb with copies of the results of the surveys and all other materials which have been distributed to the members of the Board.

In response to a question from Chairman Wilson, Mr. Beets stated the opinion that Judge Reeb be provided copies of all survey results, including the comments submitted by Judge Forster relative to Judge Reeb's performance.

B. Review results of survey.

Members of the Board briefly reviewed the results of the survey.

C. Review statistics on cases at the Court.

Members of the Board briefly reviewed the statistics on cases at the Court.

D. Review statistics on active and completed appeals.

Members of the Board briefly reviewed the statistics on active and completed appeals.

E. Review proposed interview questions.

Chairman Wilson stated that this agenda item will be discussed in Executive Session.

F. Discuss plans for contacting applicant references.

Chairman Wilson stated that this agenda item will be discussed in Executive Session.

G. Review results of credit and background surveys.

Chairman Wilson stated that this agenda item will be discussed in Executive Session.

H. Finalize plans for the public hearing and interviews on December 10, 1997, 6:30 p.m., Palo Verde 1, Community Center, 201 North, Center Street.

In response to a question from Chairman Wilson, Ms. Pence briefly highlighted the proposed format for the December 10, 1997 public hearing and candidate interview sessions.

Discussion ensued relative to candidate scheduling and meeting format.

3. Adjournment and motion to convene an Executive Session.

It was moved by Boardmember Myers, seconded by Boardmember Kerr, that the Board enter into an Executive Session and that the Judicial Advisory Board meeting adjourn at 9:05 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 3rd day of December 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 2<sup>nd</sup> day of March 1998

BARBARA JONES, CITY CLERK