



JUDICIAL ADVISORY BOARD MINUTES

March 5, 2014

The Judicial Advisory Board of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on March 5, 2014 at 5:45 p.m.

BOARD PRESENT

Kate Ali'varius
Phillip Austin
David Brooks
Margaret Downie
Robin Harris
Peter Lesar
Teresa Sanders

BOARD ABSENT

None

STAFF PRESENT

Teri Overbey Brown
Michael Claspell
Matt Tafoya
Paul Thomas

1. Hear an update on Judicial Compensation from City Attorney Debbie Spinner.

City Attorney Debbie Spinner addressed the Board and provided an update on the status of the Judicial Advisory Board's recommendation regarding magistrate salary increases. She stated that the recommendation was forwarded to the City Council and noted that the Council has decided to review the issue through the budget process. She explained that any salary adjustment would not be effective until the beginning of a new term and pointed out that with two judges up for reappointment, new terms will begin on July 1, 2014. She further advised that because of an Arizona constitutional provision, this requirement applies to any position with a set term. She advised that the requirement applies to Superior Court judges and stated the opinion that it applies equally to City of Mesa magistrates.

In response to a question from Boardmember Austin, Ms. Spinner clarified that the issue has not yet been brought before the City Council and no discussion has taken place.

Responding to a question from Boardmember Ali'varius, Ms. Spinner commented that it is possible that the City Council could ask the Board to provide a specific salary number as opposed to its recommended percentage range. She reiterated that the issue has not yet gone before the Council and no discussion has taken place.

Chairman Lesar thanked Ms. Spinner for the update.

Chairman Lesar reviewed the order of the remainder of the agenda.

2. Conduct a public hearing to receive comments on the reappointment of Magistrate Michelle Lue Sang.

Chairman Lesar declared the public hearing open at 5:49 p.m. for the purpose of receiving comments on the reappointment of Magistrate Michelle Lue Sang.

Presiding Magistrate Matt Tafoya addressed the Board and stated that Magistrate Lue Sang exudes confidence in the courtroom, is meticulous and follows the rule of law purely. He commented that Magistrate Lue Sang has blossomed as a judge, is quick to answer questions and willing to assist where needed, including the Jail Court. He urged the Board to recommend the reappointment of Magistrate Lue Sang to the Mesa Municipal Court.

Chairman Lesar expressed appreciation to Presiding Magistrate Tafoya for his comments.

Chairman Lesar stated that there being no further citizens wishing to address the Board, he declared the public hearing closed.

3. Interview Magistrate Michelle Lue Sang for reappointment.

The members of the Judicial Advisory Board posed selected interview questions to Magistrate Lue Sang.

Chairman Lesar thanked Magistrate Lue Sang for her input.

4. Conduct a public hearing to receive comments on the reappointment of Magistrate Elizabeth Arriola.

Chairman Lesar declared the public hearing open at 6:24 p.m. for the purpose of receiving comments on the reappointment of Magistrate Elizabeth Arriola.

Presiding Magistrate Matt Tafoya stated that he wholeheartedly recommends the reappointment of Magistrate Arriola. He commented that Magistrate Arriola is a seasoned judge with 20 years at the Superior Court, most of that in the In-Custody Court and that Mesa is fortunate to have her. He noted that Magistrate Arriola changed procedures in the In-Custody Court to make it as efficient as possible. He further explained that Magistrate Arriola is required to handle a high volume in a pressured environment, with multiple stakeholders making a variety of demands. He also remarked that no less than 12,000 cases are brought before the In-Custody judge each year. He stated that Magistrate Arriola handles the volume and the environment well and added that she is meticulous and precise in her work.

Presiding Magistrate Tafoya urged that the Board recommend Magistrate Arriola's reappointment to the Mesa Municipal Court.

Chairman Lesar thanked Presiding Magistrate Tafoya for his remarks.

Chairman Lesar stated that there being no further citizens wishing to address the Board, he declared the public hearing closed.

5. Interview Magistrate Elizabeth Arriola for reappointment.

The members of the Judicial Advisory Board posed selected interview questions to Magistrate Arriola.

Chairman Lesar thanked Magistrate Arriola for her input.

6. Convene an Executive Session.

It was moved by Boardmember Ali'varius, seconded by Boardmember Austin, that an Executive Session be convened at 7:05 p.m. to discuss the reappointments of Magistrates Michelle Lue Sang and Elizabeth Arriola.

Chairman Lesar declared the motion carried unanimously.

- a. Discussion or consideration of employment, assignment, appointment, promotion or resignation of a public officer, appointee or employee of the City. (A.R.S. § 38-431.03A (1))
 1. Reappointment items for Magistrate Lue Sang
 2. Reappointment items for Magistrate Arriola

(At 8:07 p.m., the Board adjourned the Executive Session and reconvened their regular meeting.)

7. Discuss and make recommendations to the City Council on the reappointment of Magistrate Michelle Lue Sang for a four-year term and Magistrate Elizabeth Arriola for a four-year term.

Chairman Lesar invited Magistrate Lue Sang to come forward. He thanked her for participating in the reappointment process.

It was moved by Boardmember Ali'varius, seconded by Boardmember Downie, that Magistrate Michelle Lue Sang be reappointed for a four-year term.

Chairman Lesar stated that he would like to open up the matter for discussion.

Boardmember Ali'varius stated that it was a pleasure to visit Magistrate Lue Sang's courtroom. She commented that the reference checks resulted in some very powerful and positive statements about her disposition, demeanor and contributions to the Court, including one judge who said they "aspire to be who you are." She also acknowledged Magistrate Lue Sang's commitment to providing training for newly appointed justices. She stated that it was apparent, based on the data reviewed, that Magistrate Lue Sang is doing some wonderful things in her courtroom and added that she was proud to recommend the reappointment of Magistrate Lue Sang.

Chairman Lesar called for the vote.

Chairman Lesar declared the motion carried unanimously and congratulated Magistrate Lue Sang on her reappointment.

Chairman Lesar asked Magistrate Arriola to come forward.

It was moved by Boardmember Brooks, seconded by Boardmember Austin, that Magistrate Elizabeth Arriola be reappointed for a four-year term.

Chairman Lesar opened up the item for discussion.

Boardmember Brooks expressed his appreciation for the opportunity to visit with Magistrate Arriola and to get to know her better through the interview process. He commented that Magistrate Arriola's experience and skill suggest that Mesa could not find a better person to do the job. He stated that Magistrate Arriola's time serving on the Superior Court provided her with a broad background and said that her experience is a benefit to Mesa. He noted that in a high volume court with several things going on at the same time Magistrate Arriola's judicial temperament was essential to control the environment. He also expressed appreciation for her service and dedication to the job. He suggested that with such a high volume court, if Magistrate Arriola gets tired or needs help, she should advise Presiding Magistrate Tafoya of that fact.

Chairman Lesar called for the vote.

Chairman Lesar declared the motion carried unanimously and congratulated Magistrate Arriola on her reappointment.

8. Scheduling of meetings and general information:

Chairman Lesar stated that there were no scheduled meetings in the near future.

9. Adjournment.

It was moved by Boardmember Brooks, seconded by Boardmember Austin, that the meeting of the Judicial Advisory Board be adjourned at 8:16 p.m.

Chairman Lesar declared the motion carried unanimously.

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 5th day of March 2014. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK