



JUDICIAL ADVISORY BOARD MINUTES

March 4, 2009

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 4, 2009 at 5:37 p.m.

COMMITTEE PRESENT

Kate Ali'varius
Daniel A, Barker
Marlon E. Branham
Stella Hunsaker
Scott Rhodes

COMMITTEE ABSENT

Michael B. Cowan
David M. Talamante

STAFF PRESENT

Kathleen Broman
Michael Claspell

1. Convene an Executive Session.

- 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))

Reappointment of Magistrates – Interview questions

It was moved by Boardmember Branham, seconded by Boardmember Barker, that an Executive Session be convened at 5:38 p.m. to discuss the reappointments of Magistrates Victor Ortiz and Karl Eppich.

Vice Chairman Ali'varius declared the motion carried unanimously by those present.

2. Recess Executive Session and Convene Public Hearings/Interviews.

(At 5:52 p.m., the Executive Session adjourned and the Board reconvened their regular meeting.)

3. Conduct a public hearing to receive comments on the reappointment of Magistrate Victor Ortiz.

Vice Chairman Ali'varius declared the public hearing open at 5:54 p.m. for the purpose of receiving comments on the reappointment of Magistrate Victor Ortiz.

Vice Chairman Ali'varius welcomed the members of the 2009 Mesa Leadership, Training and Development (LTD) class who were present in the audience.

Presiding Magistrate Matt Tafoya addressed the Boardmembers and recommended that Magistrate Victor Ortiz be reappointed for a four-year term. He stated that Magistrate Ortiz is an experienced judicial officer and recounted his efforts and hard work when he volunteered to assume the responsibilities for Magistrate Norine Richardson's Court division when she was required to take a medical retirement. Presiding Magistrate Tafoya added that Magistrate Ortiz worked diligently to bring the Court calendar up to date and did so "with an attitude to win."

There being no additional citizens present wishing to speak on this issue, Vice Chairman Ali'varius declared the public hearing closed at 5:58 p.m.

4. Interview Magistrate Victor Ortiz for reappointment.

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

Magistrate Ortiz further responded to a question posed by Tom Richards, a Mesa resident.

Vice Chairman Ali'varius thanked Magistrate Ortiz for his input.

5. Conduct a public hearing to receive comments on the reappointment of Magistrate Karl Eppich.

Vice Chairman Ali'varius declared the public hearing open at 6:23 p.m. for the purpose of receiving comments on the reappointment of Magistrate Karl Eppich.

Presiding Magistrate Tafoya recommended Magistrate Karl Eppich's reappointment for a four-year term. He stated that Magistrate Eppich is a member of the State Bar's Appointments Commission, conducts new judge orientation for the Arizona Supreme Court and also serves as the training judge for the Mesa Municipal Court. Presiding Magistrate Tafoya also commented that Magistrate Eppich has demonstrated a willingness to assist the other judges and Court personnel whenever necessary and urged the Board to give high consideration to his reappointment to the bench.

David Rodriguez, 723 Logan Avenue, Salt Lake City, Utah, recounted his case eight years ago when he appeared before Magistrate Eppich and the ensuing events that occurred. He stated the opinion that Magistrate Eppich was unjust in not setting aside the judgment in his case and added that he does not represent the City of Mesa in a positive manner. Mr. Rodriguez urged the Boardmembers to deny Magistrate Eppich's reappointment.

There being no additional citizens present wishing to speak on this issue, Vice Chairman Ali'varius declared the public hearing closed at 6:32 p.m.

6. Interview Magistrate Karl Eppich for reappointment.

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

Magistrate Eppich responded to additional questions from the Board concerning Mr. Rodriguez's case.

Vice Chairman Ali'varius thanked Magistrate Eppich for his input.

7. Recess Public Hearings/Interviews and Reconvene an Executive Session.

- 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 Ortiz
 2. Reappointment items for Magistrate Eppich

It was moved by Boardmember Rhodes, seconded by Boardmember Hunsaker, that an Executive Session be reconvened at 6:55 p.m. to discuss the reappointments of Magistrates Victor Ortiz and Karl Eppich.

8. Adjourn Executive Session and Reconvene Public Hearings/Interviews.

(At 7:53 p.m., the Executive Session adjourned and the Board reconvened their regular meeting.)

9. Discuss and make recommendations to the City Council on the reappointment of Magistrate Victor Ortiz for a four-year term and Magistrate Karl Eppich for a four-year term.

It was moved by Boardmember Rhodes, seconded by Boardmember Barker, that Magistrate Victor Ortiz be reappointed for a four-year term.

Vice Chairman Ali'varius declared the motion carried unanimously by those present.

It was moved by Vice Chairman Ali'varius, seconded by Boardmember Hunsaker, that the review of Magistrate Karl Eppich's application for reappointment be continued and acted upon as soon as possible.

Vice Chairman Ali'varius declared the motion carried unanimously by those present.

10. Adjournment.

It was moved by Boardmember Rhodes, seconded by Boardmember Branham, that the meeting of the Judicial Advisory Board be adjourned at 7:57 p.m.

Vice Chairman Ali'varius 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 4th day of March 2009. I further certify that the meeting was duly called and held and that a quorum was present.

LINDA CROCKER, CITY CLERK

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