

JUDICIAL ADVISORY BOARD MINUTES

February 11, 1998

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 February 11, 1998, at 8:08 a.m.

COMMITTEE PRESENT

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

COMMITTEE ABSENT

Ruth McGregor

STAFF PRESENT

Neal Beets
Denise Bleyle
Linda Crocker
George Forster
Barbara Jones
Ellen Pence
Andrea Rasizer
Becky Richardson
Walter Switzer
Kelly Walsh
Others

COUNCIL PRESENT

None

OTHERS PRESENT

Cameron Morgan
Robbie Sherwood
Marilynn Wennerstrom

Chairman Wilson excused Boardmember Kerr from the beginning of the meeting.

Chairman Wilson read a letter of resignation that was received from Boardmember Ruth McGregor as a result of Boardmember McGregor's recent appointment to the position of Arizona Supreme Court Justice. Chairman Wilson expressed appreciation for Boardmember McGregor's participation on the Board.

1. Approve minutes of the meetings of December 3, 10, and 30, 1997, and January 14, 1998, meetings.

Chairman Wilson offered the following amendments to the above listed minutes: 1) in the December 10, 1997 minutes, on page 2, the name of a speaker listed as 'Salfield' should be changed to 'Hatfield;' 2) in the December 10, 1997 minutes, on page 3, paragraph 2, delete the words 'high level of,' and 3) in the December 30, 1997 minutes, on page 2, paragraph 6, change the words 'that the entire Board would review the report' to read 'that the entire Board would review the letter.'

It was moved by Vice Chairman Hart, seconded by Boardmember Myers, that the above listed minutes, as amended, be approved.

Chairman Wilson declared the motion carried unanimously by those present.

(Boardmember Kerr joined the meeting at 8:13 a.m.)

2. Discuss and consider response of Cameron Morgan, attorney for Presiding Magistrate Harold Reeb, regarding allegations.

Chairman Wilson read a letter from Presiding City Magistrate Harold Reeb dated February 10, 1998 to the members of the Judicial Advisory Board in which Judge Reeb states that he has decided to withdraw his application for reappointment to the position of Presiding City Magistrate for an additional two-year term. (See Attachment.)

In response to a request for input from Chairman Wilson, City Attorney Neal Beets stated that Judge Reeb's letter eliminates the need to discuss both this agenda item and agenda item number 3. Mr. Beets expressed the opinion that the Board should provide staff direction, possibly under agenda item number 5, relative to filling the vacancy that has been created as a result of Judge Reeb's decision.

3. Consider the reappointment of Presiding City Magistrate Harold Reeb.

Chairman Wilson advised that this item has been deleted from the agenda.

4. Discuss and consider establishing a regular meeting day and time.

* First Wednesday at 8:00 a.m.

Brief discussion ensued among the members of the Board relative to establishing a regular meeting day and time for the Judicial Advisory Board.

It was moved by Vice Chairman Hart, seconded by Boardmember Myers, that the Judicial Advisory Board meet on the first Wednesday of every month at 8:00 a.m.

Carried unanimously.

5. Review and discuss work plan for January - June 1998.

a. Recruitment of new City Magistrate.

Senior Personnel Analyst Kelly Walsh stated she has prepared information packets on the 40 candidates who have qualified for initial consideration for appointment to the new City Magistrate position. Ms. Walsh requested that the Board review the information provided and submit recommendations relative to the top ten candidates to be interviewed for the position.

Chairman Wilson commented that candidates' names should remain confidential at this time and added that once the Board selects a minimum of six candidates to participate in the interview process, the applicants names can then be released.

Chairman Wilson recommended that the March 4, 1998 meeting, the Boardmembers submit a list of the names of ten applicants to be interviewed. Chairman Wilson commented that the names should not be ranked in any order of preference.

In response to comments from Boardmember Myers relative to the Presiding City Magistrate's vacancy created by Judge Reeb's decision to withdraw his application for reappointment, City Attorney Neal Beets

agreed that two appointment options exist for Board evaluation: 1) allowing the applicants to apply directly for appointment to the position of Presiding City Magistrate, and 2) allowing applicants to apply for appointment to a City Magistrate position and designating the appointment of a Presiding City Magistrate by the members of the Council.

Mr. Beets expressed the opinion that the Board consider recruiting directly for the position of Presiding City Magistrate, and that current Mesa City Magistrates and other Magistrates from various jurisdictions be encouraged to apply for that specific appointment. Mr. Beets noted that the position requires considerable administrative capabilities in addition to judicial expertise.

Boardmember Myers stated the opinion that the City Council should be charged with the responsibility of appointing judges to fill open Presiding City Magistrate positions. Boardmember Myers recommended that the Board recruit candidates for both positions and that the names of six candidates for possible appointment to those two positions be submitted to the City Council for their consideration and final selection. Boardmember Myers added the opinion that the proposal would be more efficient and eliminate the need to recruit separate applicants for the position of Presiding City Magistrate.

Vice Chairman Hart agreed with Boardmember Myers' recommendation.

In response to a question from Vice Chairman Hart, Mr. Beets stated the opinion that the Board could proceed as suggested by Boardmember Myers, but added that the Council may not agree that this is the process that should be followed.

Chairman Wilson noted that although the Board may forward recommendations to the City Council relative to this issue, ultimately it is the members of the City Council who will determine which process will be followed. Chairman Wilson also emphasized the difference in qualifications for both positions and emphasized the importance of appointing candidates with significant administrative ability to the position of Presiding City Magistrate.

Boardmember Kerr recommended that Council input and direction relative to this matter be solicited.

Mr. Beets informed the Committee that in addition to this issue, Judge Reeb's letter has raised other questions that must be addressed prior to proceeding with the process.

Chairman Wilson stated the opinion that the Boardmembers proceed with reviewing the application packets submitted by Ms. Walsh and select the top ten candidates for submission and review at the Board's March 4, 1998 meeting. Chairman Wilson also requested that Mr. Beets meet with the Council to discuss the Board's concerns and recommendations relative to the appointment process. Chairman Wilson added that Council direction and input should be solicited as soon as possible.

Boardmember Myers reiterated his opinion that appointment to the Presiding City Magistrate position should be the responsibility of the Mesa City Council. Boardmember Myers added that the City Council appoints candidates to the position of Presiding City Magistrate in the cities of Glendale and Tempe, and added that the Superior Court also operates in this manner, with the Supreme Court making their selection among the judges who are currently serving.

Chairman Wilson reiterated that the Boardmembers will submit their recommendations for the top ten candidates at the March 4, 1998 meeting. Chairman Wilson pointed out that the previously suggested

interview dates of March 18 and 19, 1998 occur during Spring break and questioned whether any members of the Board would prefer to revise those dates.

Vice Chairman Hart indicated that he had a scheduling conflict with those dates. Assistant to the City Manager/Board Liaison Ellen Pence advised that the interview dates may be changed to March 25 and 26, 1998. Ms. Pence added that staff recommends that the interviews occur during daytime hours.

Chairman Wilson noted that the interview dates will be changed to March 25 and 26, 1998.

b. Reappointment of three City Magistrates whose terms expires June 30, 1998.

Chairman Wilson referred to a proposed outline for the reappointment of three City Magistrates which was distributed to the Board and requested input relative to this issue. Chairman Wilson advised that she has received a recommendation that the Board consider revising the length of survey time from two years to a shorter period of time.

In response to a question from Chairman Wilson, Ms. Pence requested direction from the Board relative to the survey process. Ms. Pence discussed the possibility of implementing an all-mail survey process and/or performing survey outreach in the Courtroom.

Vice Chairman Hart indicated that he was not satisfied with the previous survey process/results and questioned whether survey respondents should be limited to Court staff. Vice Chairman Hart added that he had expected the surveys to provide an abundance of written comments and was disappointed with the results.

Boardmember Myers spoke in support of the previous survey process and stated that he would prefer to expand the survey or allow it to remain as is rather than limit the process. Boardmember Myers agreed that the process has limitations but expressed the opinion that the surveys provide valuable information.

Boardmember O'Neill indicated a willingness to proceed with an additional survey despite the fact that she does not strongly support the overall process.

Boardmember Kerr commented on the Board's limited experience in this area and stated that he would prefer to allow the survey process to remain unchanged at this time.

Chairman Wilson said that it is the consensus of the Board that a survey process similar to the original effort be conducted. Chairman Wilson encouraged the members of the Board to contact Ms. Pence to provide input relative to this issue.

Ms. Pence advised that Robin Allen, Rebecca Standage and Walter Switzer's terms as City Magistrate all expire as of June 30, 1998.

In response to a request for clarification from Ellen Pence, Chairman Wilson stated that the survey time periods will remain unchanged and cover a two-year period of time.

6. Adjournment.

It was moved by Vice Chairman Hart, seconded by Boardmember Myers, that the meeting adjourn at 8:49 a.m.

Carried unanimously.

Attachment

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 11th day of February 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____ 1998

BARBARA JONES, CITY CLERK