

JUDICIAL ADVISORY BOARD MINUTES

January 6, 2004

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 January 6, 2004 at 8:13 a.m.

COMMITTEE PRESENT

Chairman Joe Shipley
Marlon E. Branham
Barbara Jarrett
Linda Rottman
Joan Ruffennach
Murray G. Snow

COMMITTEE ABSENT

Joan C. Herzog

STAFF PRESENT

Denise Bleyle
Kathleen Broman
Pat Granillo
Matt Tafoya

1. Election of Chair and Vice Chair.

It was moved by Boardmember Rottman, seconded by Boardmember Snow, that Boardmember Ruffennach be appointed Chairman of the Judicial Advisory Board.

Chairman Shipley declared the motion carried unanimously by those present and that Boardmember Ruffennach be appointed Chairman of the Judicial Advisory Board.

It was moved by Chairman Shipley, seconded by Vice Chairman Ruffennach, that Boardmember Rottman be appointed Vice Chairman of the Judicial Advisory Board.

Chairman Shipley declared the motion carried unanimously by those present and that Boardmember Rottman be appointed Vice Chairman of the Judicial Advisory Board.

2. Update on the Mesa City Court by Presiding Magistrate Matt Tafoya.

Presiding Magistrate Matt Tafoya referred to a document entitled "Mesa Municipal Court Case Management Plan," and provided the Boardmembers with a brief status report on the City Court. He reported, among other things, that a new Court Building is needed to house City Court personnel; that there are approximately 40 pending DUI cases that range from 183 days to 379 days in age; that funding has been approved to remodel the Jail Court; that a Criminal Coordinating Committee has been formed to enhance communication in any area of the Court that is affecting the manner in which cases move through the system; that each City Magistrate

and Court Administrator will be required to receive training and take a Certified Case Management course; that City Court statistics will monitor the flow of cases through each courtroom by case name, defense attorney, number of continuances and age of the case; that through the Criminal Coordinating Committee, a study will be conducted on the impact of converting the arraignment day for DUI cases to a meaningful pretrial conference day; and that a study will be initiated to determine if, under the current system, the number of jury days can be increased for each Magistrate.

Magistrate Tafoya offered several modifications for the Board's consideration relative to the City of Mesa's current reappointment process. He stated that in lieu of the Magistrates being required to submit an Application for Reappointment, that a possible alternative might be for them to write a letter to the Board describing their interest in being a Magistrate, their accomplishments in the past four years, as well as their goals for the future. Magistrate Tafoya added that the elimination of credit checks on the Magistrates seeking reappointment might also be appropriate.

In response to Magistrate Tafoya's suggestions regarding the current reappointment process, Management Assistant Denise Bleyle explained that when the Judicial Advisory Board was first established in 1997, former City Attorney Neal Beets and the City Manager's Office were charged with creating the process and guidelines for the new board. She proposed that City Attorney Debbie Spinner attend the Board's February 11, 2004 meeting to provide her legal opinion relative to Magistrate Tafoya's recommendations. Ms. Bleyle added that the Boardmembers are free to discuss these issues and to make recommendations to the City Council.

Chairman Shipley requested that Magistrate Tafoya's suggestions be placed on the Board's February 11th agenda for further discussion and consideration. He stated that in the interim, Boardmembers should e-mail any comments or questions they may have regarding the issue to Ms. Bleyle. Chairman Shipley further requested that Ms. Bleyle furnish the new Boardmembers copies of the Application for Appointment and the Application for Reappointment so they may familiarize themselves with the documents prior to the February meeting.

3. Discuss possible changes to the Board's membership.

Magistrate Tafoya reported that he is aware of the fact that Phoenix and Glendale include their Presiding Magistrates as nonvoting members of their Judicial Advisory Boards. He expressed support for staff's recommendation that the membership of Mesa's Judicial Advisory Board be increased from seven to eight members by adding him as a nonvoting member. Magistrate Tafoya commented that his inclusion on the Board would enable him to provide valuable input not only during the public meetings, but also in executive session.

Chairman Shipley, Vice Chairman Ruffennach and Boardmember Rottman expressed support for staff's recommendation.

It was moved by Boardmember Snow, seconded by Vice Chairman Ruffennach, to recommend to the Council that City Ordinance No. 3340 be amended to increase the Judicial Advisory Board's membership from seven to eight members by adding the Presiding Magistrate as a nonvoting member of the Board.

Chairman Shipley declared the motion carried unanimously by those present.

Ms. Bleyle advised that the Board's recommendation will be reviewed by the City Attorney's Office and then forwarded on to the Council for consideration.

4. Review and consider items related to the reappointment of Magistrates Robin Allen and Rebecca Standage, whose terms expire June 30, 2004.

a. Application for Reappointment

Ms. Bleyle informed the Boardmembers that staff traditionally prepares a letter which is signed by the Board's Chairman to formally invite the Magistrate whose term is expiring to apply for reappointment to the Mesa City Court. She explained that the letter, along with a disk and a hard copy of the Application for Reappointment, is mailed and that the application must be completed and returned to the Human Resources Office by the end of January so that the Board can review it at the February meeting. Ms. Bleyle requested input from the Boardmembers regarding this matter in light of their previous discussion concerning possible modifications to the reappointment process. She stressed that although it may not be possible to delay the application process for Magistrates Allen and Standage, any changes in the process could be implemented for future reappointments.

Discussion ensued relative to the importance of obtaining credit checks during the reappointment process; that staff will conduct research regarding whether credit checks are required for the hiring of all City department managers or only for City Magistrates; and that it was the consensus of the Board that the reappointment process proceed as usual, including conducting credit checks on Magistrates Allen and Standage, but not disseminating the credit information to the Boardmembers until such time as the City Attorney provides input as to its relevance.

b. Letter to Commission on Judicial Conduct

Ms. Bleyle explained that Chairman Shipley will sign the Board's letter which will be sent to the Arizona Commission on Judicial Conduct to solicit the number of complaints or reprimands, if any, which may have been filed against Magistrates Allen and Standage.

c. Courtroom Schedule

Ms. Bleyle stated that Boardmembers were provided copies of courtroom schedules for Magistrates Allen and Standage. She noted that because Magistrate Standage's courtroom is in a secure area and visitors cannot just "drop in," Court Administrator Kathy Barrett would be happy to make the necessary arrangements for any of the Boardmembers to observe Magistrate Standage if they so desire.

d. Distribute previous interview questions for review at next meeting

Ms. Bleyle reported that the Boardmembers were provided copies of the 2003 Interview Questions for the reappointment of Magistrate Richardson and also the 2000 Reappointment Interview Questions for Magistrates Allen and Standage. She stated that at the February

meeting, the Board will modify and finalize the questions in preparation for the public hearings and interviews in March.

5. Scheduling of meetings and general information.

Chairman Shipley stated that the next meeting of the Judicial Advisory Board will be held on February 11, 2004 at 8:00 a.m. in the Lower Level Council Chambers, 57 E. 1st Street.

Ms. Bleyle requested that the Boardmembers execute copies of a State Loyalty Oath which, per State statute, is a standing requirement for local elected officials, City employees and advisory boardmembers.

6. Adjournment.

Without objection, the meeting of the Judicial Advisory Board adjourned at 9:00 a.m.

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 6th day of January 2004. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK