



## JUDICIAL ADVISORY BOARD MINUTES

October 1, 2008

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 October 1, 2008 at 7:45 a.m.

### COMMITTEE PRESENT

David M. Talamante, Chairman  
Kate Ali'varius  
Marlon E. Branham  
Michael B. Cowan  
Stella Hunsaker  
Scott Rhodes

### COMMITTEE ABSENT

None

### STAFF PRESENT

Michael Claspell  
Matt Tafoya  
Paul Thomas

(Boardmember Ali'varius arrived at the meeting at 7:52 a.m. and Boardmember Hunsaker arrived at the meeting at 7:56 a.m.)

(Items on the agenda were discussed out of order, but for purposes of clarity will remain as listed on the agenda.)

#### 1. Introduce new Boardmembers.

The members of the Board provided a short synopsis of their professional background.

#### 2. Elect Chair and Vice Chair.

Chairman Talamante volunteered to serve a second term as Chairman of the Judicial Advisory Board. He stated that hearing no objections from his fellow Boardmembers, he would continue to serve in that capacity.

Chairman Talamante suggested that because Boardmembers Ali'varius and Hunsaker are not present and the Board is awaiting the appointment of a designee from the Arizona Appellate Court, that it might be appropriate to continue the election of the Vice Chairman until the next meeting.

(The Board discussed agenda items 3 through 6.)

Boardmember Ali'varius volunteered to serve as Vice Chairman of the Judicial Advisory Board.

Chairman Talamante stated that it was the concurrence of the Board that Boardmember Ali'varius serve as Vice Chairman of the Judicial Advisory Board.

3. Approve the minutes from the June 25, 2008 Board meeting.

It was moved by Boardmember Branham, seconded by Boardmember Rhodes, that the minutes of the June 25, 2008 Judicial Advisory Board meeting be approved.

Chairman Talamante declared the motion carried unanimously by those present.

4. Items from citizens present.

There were no items from citizens present.

5. Hear an update on the Open Meeting Law from City Attorney Debbie Spinner.

Chairman Talamante indicated that due to a scheduling conflict, City Attorney Debbie Spinner would be unable to address the Board this morning regarding this matter. He stated that the item would be continued to a future Board meeting.

6. Hear an update on the Mesa City Court from Presiding City Magistrate Matt Tafoya.

Presiding City Magistrate Matt Tafoya addressed the Board and provided a brief overview of various programs and services that have been implemented at the Mesa Municipal Court. He reported that the City Council selected Valerye Boyer-Wells (one of three candidates recommended by the Board) to fill the magistrate vacancy at the Mesa Municipal Court. He explained that at the October 6, 2008 Regular Council meeting, the Council will take formal action on the appointment. Magistrate Tafoya also expressed appreciation to his staff for their professionalism, and in particular, recognized Court Administrator Paul Thomas and Deputy Court Administrators Lenny Montanaro, Janie Moreno and Albert Lemke for their efforts and hard work.

Magistrate Tafoya noted that construction of the new Mesa Municipal Court Building is ongoing and said that the project is scheduled for completion in 2010. He also provided a brief overview of the Case Management System (CMS) project, which will improve the Court's computer system to meet modern day efficiencies. Magistrate Tafoya added that the Mesa Municipal Court is recognized as one of the leading courts in Arizona with regards to its technological capabilities.

Magistrate Tafoya commented that the Mesa Municipal Court has participated in a Driving Under the Influence (DUI) pilot program implemented by the Arizona Supreme Court. He explained that in this regard, the Mesa Municipal Court centralized its DUI cases in Arraignment Court on Wednesdays and Thursdays, with "full services" provided to the public. (i.e., the availability of discovery materials, staff from the Public Defender's Office and the City Prosecutor's Office). Magistrate Tafoya additionally highlighted the Mesa Municipal Court's 90% completion rate of DUI cases within 180 days.

Magistrate Tafoya further reported that the Mesa Municipal Court is participating in a new pilot project to test use/implement electronic monitoring devices (ankle bracelets) as an alternative to misdemeanor defendants being held on bond under pretrial conditions. He explained that since the inception of the project, approximately 40 defendants have qualified for the electronic monitoring devices, which has resulted in a savings to the City of \$29,000 in jail costs.

Boardmember Rhodes commented that during the reappointment process undertaken by the Boardmembers earlier this year, they were "hampered somewhat" by the limited number of survey responses they received and in particular, responses from Mesa Municipal Court staff. He stated that the responses the Board did receive were from individuals who felt strongly one way or another regarding the magistrates seeking reappointment and were not, in his opinion, a good cross section. Boardmember Rhodes inquired what steps could be taken to encourage everyone, and especially staff, to respond to the surveys so that the Board would have a better sampling of information.

Magistrate Tafoya responded that he and his staff could meet to discuss how the survey process could be improved and said that at a future Board meeting, he could present those options to the Boardmembers for their consideration.

Court Administrator Paul Thomas noted that it is somewhat awkward for Court staff to judge the performance of a magistrate in a survey. He said that he could "offer some comfort level" to staff so that they felt less reluctant to respond to the surveys, but acknowledged that such reluctance may be difficult to overcome. Mr. Thomas suggested that perhaps he could work with the contractor who performs the surveys to solicit a wider sampling of respondents in order to garner a greater variety of responses.

Discussion ensued relative to the formulation of a somewhat generic survey question that would allow individuals to respond with regard to their observations of a magistrate, but not reveal their identity (i.e., staff, juror, witness).

Chairman Talamante thanked Magistrate Tafoya for the presentation.

7. Review notebooks and discuss policies, schedule and work plan for the Board.

Chairman Talamante stated that each Boardmember was provided information relative to the reappointment of Magistrates Victor Ortiz and Karl Eppich, whose terms expire June 30, 2009. He explained that last year, the Board authorized Deputy City Clerk Michael Claspell to complete the various procedures for the reappointment process (as identified in the Board's January 2, 2008 Work Plan), which allowed the Board to cancel its January meeting. He explained that Mr. Claspell e-mailed the Board regarding his efforts in this regard.

Mr. Claspell said that he would be happy to work with Chairman Talamante to send out the Board's inquiry letter to the Arizona Commission on Judicial Conduct and also formally invite the two magistrates to apply for reappointment to the Mesa Municipal Court. He explained that at the January meeting, the Board typically receives the potential interview questions, but noted that in the past two years, he has sent out that information via e-mail. Mr. Claspell added that at the February meeting, the Board finalizes and assigns the questions for the interviews.

Chairman Talamante stated that it was the concurrence of the Board that Mr. Claspell complete the various procedures for the reappointment process (as identified in the Board's January 7, 2009 Work Plan) and that the January 7, 2009 meeting be cancelled.

Mr. Claspell further advised that prior to the February 4, 2009 meeting, he would provide the Boardmembers the survey results and court statistics; copies of the above-referenced letters; and the courtroom schedules of Magistrates Ortiz and Eppich.

8. Review and consider items related to the reappointment of magistrates:

- a. Review reappointment schedule

(See agenda item 7.)

9. 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))

1. Appointment of Magistrate – Board to select the top candidates to recommend to the City Council.

(The Board did not convene an Executive Session.)

10. Scheduling of meetings and general information.

Chairman Talamante stated that the next meeting of the Judicial Advisory Board would be held on February 4, 2009 at 7:45 a.m. in the Lower Level Council Chambers, 57 East 1<sup>st</sup> Street.

11. Adjournment.

It was moved by Boardmember Hunsaker, seconded by Boardmember Cowan, that the meeting of the Judicial Advisory Board be adjourned at 8:20 a.m.

Chairman Talamante 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 1<sup>st</sup> day of October 2008. I further certify that the meeting was duly called and held and that a quorum was present.

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LINDA CROCKER, CITY CLERK