

# COUNCIL MINUTES

October 3, 1997

The City Council of the City of Mesa met in a Special Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on October 3, 1997, at 9:16 a.m.

## COUNCIL PRESENT

Mayor Wayne Brown  
Pat Gilbert  
John Giles  
Dennis Kavanaugh  
Joan Payne  
Wayne Pomeroy  
Jim Stapley

## STAFF PRESENT

C.K. Luster  
Robin Allen  
Wayne Balmer  
Kathy Barrett  
Neal Beets  
Denise Bleyle  
Dennis Compton  
Linda Crocker  
Mike Hutchinson  
Lars Jarvie  
Barbara Jones  
Harry Kent  
Ellen Pence  
Bryan Raines  
Andrea Rasizer  
Harold Reeb  
Tom Remes  
Becky Richardson  
Mindy White  
Others

## OTHERS PRESENT

Art Thomason  
Marilynn Wennerstrom  
Marilyn Wilson  
Others

(Councilmember Payne joined the meeting at 9:21 a.m.)

1. Consider an investigation into allegations concerning Presiding City Magistrate Harold Reeb and Magistrate Robin Allen and consider their employment status.

Mayor Brown noted that in view of the legal aspects associated with this agenda item, he has requested that Vice Mayor Gilbert, one of three attorneys currently on the Council, to serve as Acting Chairman of the meeting.

Acting Chairman Gilbert emphasized that the meeting is not a hearing and briefly outlined a meeting format. Acting Chairman Gilbert requested that City Attorney Neal Beets provide the Council with an overview of this issue.

Mr. Beets briefly summarized a chronology of events leading up to the scheduling of this meeting; discussed the legal authority of the City Council to respond to those events, and commented on the purpose and focus of the agenda item currently under discussion

Mr. Beets noted that at the present time, serious allegations have surfaced which involve Presiding City Magistrate Harold Reeb and City Magistrate Robin Allen. Mr. Beets emphasized that a full or formal investigation into the truth or falsity of the allegations has not been initiated and that only a preliminary check of the allegations has occurred.

Mr. Beets expressed the opinion that the purpose of the agenda item currently under discussion is to determine whether the City Council supports the implementation of a full and formal investigation of the allegations. Mr. Beets stated that should the Council decide to pursue such investigation, Council will also be required to address the employment status of Judge Reeb and Judge Allen pending the outcome of the investigation.

Acting Chairman Gilbert thanked Mr. Beets for his input and invited Presiding City Magistrate Harold Reeb and City Magistrate Robin Allen to provide input to the Council.

Presiding City Magistrate Harold Reeb addressed the Council and stated the opinion that insufficient information exists upon which to justify suspending him from his position pending the outcome of an investigation. Judge Reeb provided the Council with a brief synopsis of events pertaining to this issue and expressed the opinion that no violations of the law or violations of the canons of ethics has been sufficiently described to justify suspension.

Acting Chairman Gilbert thanked Judge Reeb for his comments.

City Magistrate Robin Allen addressed the Council and provided information relative to the allegations currently under discussion. Judge Allen stated that he did not participate in and had no knowledge of any type of illegal or unethical behavior relative to this issue. Judge Allen indicated that he would fully cooperate in any type of investigation the Council elects to initiate.

Mayor Brown emphasized that discussion of this agenda item should not be misconstrued as a hearing, a trial, or even an accusation. Mayor Brown added that in his opinion sufficient information exists to warrant an investigation into the allegations that have been raised. Mayor Brown stressed the importance of maintaining the integrity of the Court and stated that for that reason he supports a formal investigation into the allegations. Mayor Brown expressed the opinion that it is appropriate for both Judge Reeb and Judge Allen to be placed on paid administrative leave pending the outcome of the investigation.

Councilmembers Giles, Stapley, Pomeroy and Payne concurred with the Mayor's recommendation.

Acting Chairman Gilbert commented on the Council's responsibility both as a Council and to the public to address this issue.

It was moved by Mayor Brown, seconded by Councilmember Pomeroy, that Presiding City Magistrate Harold Reeb and Magistrate Robin Allen be placed on administrative leave with pay pending the outcome of an investigation into the allegations that have been discussed at this meeting.

Mayor Brown reiterated that there has been no finding of wrongdoing or misconduct on the part of either Judge Reeb or Judge Allen and stated that this action is both necessary and appropriate to preserve public confidence in the Mesa City Court.

Acting Chairman Gilbert declared the motion carried unanimously.

In response to a question from Acting Chairman Gilbert, City Attorney Neal Beets advised that based on the administrative leave status of Presiding City Magistrate Reeb, it is appropriate and lawful for the Council to consider the appointment of an Acting Presiding City Magistrate to serve as the department head until such time as the investigation has concluded and the Council has reached a decision based on that investigation.

It was moved by Councilmember Stapley, seconded by Councilmember Kavanaugh, that City Magistrate Walter Switzer be appointed Acting Presiding City Magistrate for the Mesa City Court pending the outcome of the investigation and a Council determination relative to this issue.

Acting Chairman Gilbert declared the motion carried unanimously.

Mayor Brown thanked Vice Mayor Gilbert for serving in the capacity of Acting Chairman of the meeting.

2. Adjournment.

Without objection, the Special Council Meeting adjourned at 10:12 a.m.

WAYNE BROWN, MAYOR

ATTEST:

BARBARA JONES, , CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Session of the City Council of Mesa, Arizona, held on the 3rd day of October 1997. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 22nd day of October 1997

BARBARA JONES, CITY CLERK