



JUDICIAL ADVISORY BOARD MINUTES

May 23, 2016

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 May 23, 2016 at 7:49 a.m.

BOARD PRESENT

David P. Brooks, Chairman
Phillip Austin
Margaret Downie
Pat Esparza
Peter Lesar
Teresa Sanders

BOARD ABSENT

Robin Harris

STAFF PRESENT

Nicole Fazzio
Kelly Gregan
Matt Tafoya

(Chairman Brooks excused Boardmember Harris from the entire meeting.)

1. Approve minutes from the March 2, 2016 meeting.

It was moved by Boardmember Lesar, seconded by Boardmember Austin, that the minutes from the March 2, 2016 Board meeting be approved.

Chairman Brooks declared the motion carried unanimously by those present.

2. Items from citizens present.

There were no items from citizens present.

3. Review, discuss and take action on items related to the appointment of one new Magistrate:

a. Review appointment schedule

Chairman Brooks stated that on June 13, 2016, the Board is scheduled to conduct interviews of the candidates for the City Magistrate vacancy. He explained that a follow-up meeting, if necessary, could be held on August 3 or August 10, at which time the Boardmembers would finalize their decisions and submit their recommendations to the City Council for consideration. He noted that in speaking with Deputy City Clerk Michael Claspell prior to today's meeting, he was informed that the Board had not yet reached a consensus in terms of selecting a specific date for the follow-up meeting.

Discussion ensued among the Board relative to scheduling conflicts for both the August 3 and August 10 meeting dates; that in the past, the Board would first interview the City Magistrate candidates, after which time, staff would perform background checks on the top candidates and the Board would conduct reference checks on those individuals; that at a later date, the Board would convene to review the applications and interviews of the candidates, the background and reference checks; and that the Boardmembers would then forward their recommendations to the City Council for consideration.

Boardmember Downie stated that at the conclusion of the June 13th interviews, if the Board had a sense of those candidates for whom it would like staff to conduct background checks, she inquired how long it might take staff to conduct such checks for, perhaps, six candidates. She suggested that it might be appropriate to complete the City Magistrate vacancy process sooner rather than later.

Chairman Brooks responded that it was his understanding that for part of July and part of August, the City Council goes on summer break. He explained that even if the Board submitted its recommendations to the City Council in June, the matter would not be considered until later in August or September.

Chairman Brooks, in addition, remarked that his thought on this issue was that after the Board conducted the interviews, it might be necessary for the Boardmembers to take a bit of time to consider the candidates. He noted, on the other hand, that might not be the case. He also stated that in discussing this matter with Mr. Claspell and Human Resources Analyst Nicole Fazzio, from their perspective, it might be appropriate for staff to conduct the background checks once the candidate field has been narrowed down somewhat.

Boardmember Lesar inquired if the Board selected eight to ten candidates for interviews today, whether it would be unreasonable for staff to begin to conduct the background checks on those candidates prior to the June 13th interviews with the Board. He commented that it would be his preference that the Board complete this process before the end of June.

Ms. Fazzio responded that it would first be necessary for her to reach out to the candidates to seek their authorization in order to begin the background check process. She explained that it generally takes about ten days for her to receive the necessary correspondence from the Commission on Judicial Conduct, as well as the State Bar of Arizona. She stated that she was confident that such efforts could be completed by the end of June. She added that once she receives authorization from the candidates, the Boardmembers could then conduct their assigned reference checks.

Chairman Brooks remarked that in light of Ms. Fazzio's comments, he would suggest the following: that the Board conduct its interviews on June 13th; that at the conclusion of those interviews, the Board would convene an Executive Session to consider the candidates; that if the Board were ready to move forward, it would reconvene the Board meeting to identify the names of the candidates it would recommend to the City Council for consideration; that it might be appropriate to consider August 10th as a back-up date in the event the Boardmembers require additional time to make their recommendations to the City Council; and, as an alternative option, the Board might wish to consider June 27th or June 29th as back-up dates, dependent upon the availability of the Lower Level Council Chambers on those dates.

Boardmember Lesar stated that if the Board has not completed its work on June 13th, he would prefer to meet on June 29th as opposed to August 10th.

Chairman Brooks reported that the last time the Board went through the City Magistrate vacancy process, it was necessary for the respective Boardmembers to disclose if they had any relationships, friendships or knowledge of any of the applicants. He inquired whether any of the Boardmembers had anything they would like to disclose at this time.

Boardmember Downie noted that Jesse Filkins was a Superior Court Commissioner at the same time that she served in that capacity. She also commented that John Tatz has appeared in front of her regularly in Superior Court and irregularly in the Court of Appeals. She added that she did not believe she had a conflict of interest with either of those applicants.

Boardmember Sanders indicated that she had knowledge of Sean Kelly, who appeared in front of her in Superior Court, as well as Mina Mendez, who served as a Court Commissioner for a period of time. She said that she did not have a conflict of interest with those individuals. She said that Paul Hawkins also appeared before her in Family Court.

Chairman Brooks noted that he informally knows Susan Hawkins, who was a year behind him in law school, and who also had an office with her husband in the same building as he did for a number of years. He stated that he did not view that relationship as a conflict of interest in any manner.

4. Convene an Executive Session.

It was moved by Boardmember Downie, seconded by Boardmember Sanders, that the Board adjourn the meeting at 8:04 a.m. and enter into Executive Session.

Chairman Brooks declared the motion carried unanimously by those present.

- a. Discussion or consideration of employment, assignment, appointment, promotion or resignation of a public officer, appointee or employee of the City. (A.R.S. § 38-431.03(A)(1))
 1. Appointment of one Magistrate – Board to select top candidates to interview (minimum of six).
 2. Finalize and assign interview questions.

(The Executive Session adjourned and the Board meeting reconvened at 9:14 a.m.)

5. Announce names of candidates selected for interviews.

Chairman Brooks announced the names of the candidates selected for interviews as follows: Charles Adornetto, Alicia Lawler, Mina Mendez, Lori Metcalf, Bruce Owens, Peter Psareas, Sherri Rollison and John Tatz.

It was moved by Boardmember Austin, seconded by Boardmember Lesar, that the above-listed individuals be interviewed by the Board for the City Magistrate vacancy.

Chairman Brooks declared the motion carried unanimously by those present.

6. Scheduling of meetings and general information.

Chairman Brooks stated that the next meeting of the Judicial Advisory Board is scheduled for June 13, 2016, 7:45 a.m., in the Lower Level Council Chambers, 57 East 1st Street.

7. Adjournment.

It was moved by Boardmember Downie, seconded by Boardmember Sanders, that the meeting of the Judicial Advisory Board be adjourned at 9:17 a.m.

Chairman Brooks 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 23rd day of May, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK