



# JUDICIAL ADVISORY BOARD MINUTES

October 9, 2019

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 9, 2019 at 7:45 a.m.

## BOARD PRESENT

Gordon Sheffield, Vice Chairman  
Michael Brown  
May Costa  
Kevin Humphrey  
Daniel Kiley  
Charles Wirken

## BOARD ABSENT

Wade Swanson, Chairman

## STAFF PRESENT

Lisa Anderson  
Nicole Fazio  
Agnes Goodwine  
Dee Ann Mickelsen  
Alfred Smith  
Matt Tafoya

Vice Chairman Sheffield excused Chairman Swanson from the entire meeting.

### 1. Meeting called to order.

Vice Chairman Sheffield called the meeting to order at 7:45 a.m.

### 2. Elect Chair and Vice Chair.

It was moved by Boardmember Wirken, seconded by Boardmember Kiley, that Wade Swanson be reappointed as Chairman of the Judicial Advisory Board.

Upon tabulation of votes, it showed:

AYES – Sheffield-Brown-Costa-Humphrey-Kiley-Wirken

NAYS – None

ABSENT – Swanson

Vice Chairman Sheffield declared the motion carried unanimously by those present.

It was moved by Boardmember Humphrey, seconded by Boardmember Kiley, that Gordon Sheffield be reappointed as Vice Chairman of the Judicial Advisory Board.

Upon tabulation of votes, it showed:

AYES – Sheffield-Brown-Costa-Humphrey-Kiley-Wirken  
NAYS – None  
ABSENT – Swanson

Vice Chairman Sheffield declared the motion carried unanimously by those present.

3. Items from citizens present.

There were no items from citizens present.

4. Approve minutes from the September 18, 2019 meeting.

It was moved by Boardmember Humphrey, seconded by Boardmember Brown, that the minutes of September 18, 2019 be approved.

Upon tabulation of votes, it showed:

AYES – Sheffield-Brown-Costa-Humphrey-Kiley-Wirken  
NAYS – None  
ABSENT – Swanson

Vice Chairman Sheffield declared the motion carried unanimously by those present.

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

Presiding Magistrate Matt Tafoya addressed the Board regarding the state of the Mesa City Court. He reported that the Community Court has received statewide attention due to its success. He announced on October 23, 2019, Mesa Municipal Court will be presented with the 2019 Strategic Agenda Award at the Leadership Conference in Flagstaff for the work being done in Mesa's Community Court.

Presiding Magistrate Tafoya described the Community Court as the process of assisting with low-level offenders who are dealing with homelessness and mental health issues. He stated in one year, 1,000 cases have been managed in Community Court with 105 graduating from the program; adding that those 105 graduates represented 8,900 contacts with police and 850 arrests, and the rate of recidivism of those 105 has only been 15. He reported the Veterans Court is also doing well and the Rule 11 hearings are averaging 46 days to time of ruling.

Presiding Magistrate Tafoya commented the process of selecting a new magistrate to fill the open position is in the hands of the Mayor and Council which will be announced at the October 24, 2019 Council meeting. He stated the Judicial Advisory Board has selected incredible candidates for the magistrate position.

Presiding Magistrate Tafoya indicated his support for the reappointment of Judge Lawler for another 2-year term and stated she is excelling in her position. He announced after being a judge for 35 years, and participating in multiple reappointments, he will not be seeking another term as Presiding Magistrate. He stated he has appreciated the independent judiciary system represented through the Judicial Advisory Board while working with the City over the past 15 years.

Boardmember Humphrey thanked Presiding Magistrate Tafoya for his work with the Mesa Municipal Court.

Presiding Magistrate Tafoya emphasized there is no other court in Arizona that has accomplished what Mesa Municipal Court has achieved. He discussed the magistrate application process and suggested several questions will be revised on the application.

Deputy City Attorney Alfred Smith indicated the Board can add the application questions to a future meeting agenda.

In response to a question from Boardmember Wirken, Presiding Magistrate Tafoya responded his term ends June 30, 2020, and that he will advise the Board of the official retirement date.

Vice Chairman Sheffield thanked Presiding Magistrate Tafoya for his service and his leadership and wished him good luck with his retirement.

6. Review and discuss 2019-2020 schedule and work plan related to the upcoming reappointment of two City Magistrates:

- (1) Matt Tafoya (4-year term)
- (2) Alicia Lawler (2-year term)

Vice Chairman Sheffield pointed out that due to Presiding Magistrate Tafoya's retirement announcement, Alicia Lawler will be the only reappointee and a new work plan will be created to recruit for the Presiding Magistrate position.

Mr. Smith stated the normal reappointment process will be followed for Alicia Lawler.

Discussion ensued regarding the process of appointing a Presiding Magistrate, the application process and performance surveys.

In response to a series of questions from Vice Chairman Sheffield, Ms. Fazzio stated the 2019/2020 calendar would stay the same for the reappointment. She stated a discussion with Chairman Swanson would take place to lay out a timeline for the Presiding Magistrate position. She clarified the timeline will depend on Presiding Magistrate Tafoya's retirement date and the application process.

Mr. Smith explained ideally the Presiding Magistrate replacement would be selected by June 30, 2020. He stated if a new candidate was not appointed by then, a pro tem could fill in until a selection was made.

In response to a series of questions from Vice Chairman Sheffield, Presiding Magistrate Tafoya stated the flow and service in the court will not be affected and should be a smooth transition.

In response to a question from Boardmember Kiley, Presiding Magistrate Tafoya responded by saying Mesa does not have a position titled "Associate Presiding Magistrate," but the current magistrates will assist with the transition.

Boardmember Wirken commented he would like staff to synchronize any future meeting dates to fill the Presiding Magistrate position to minimize the number of meetings.

Boardmember Brown suggested making changes to the application before entering the new appointment process. He stated he would like an email address for each reference to avoid having to leave voicemails when checking references.

Mr. Smith recommended forwarding suggested changes from Boardmembers to Ms. Fazio to incorporate into the application for discussion at the next meeting.

In response to a question from Vice Chairman Sheffield, Mr. Smith replied the Board could have a short work meeting in the next couple months regarding the application changes to begin the recruitment process.

Boardmember Brown stated he would like the opportunity to discuss the application changes and is willing to add an additional meeting due to the importance of the position being filled.

Ms. Fazio indicated a meeting in December would allow updates to be made to the appointment and reappointment applications.

In response to a question from Boardmember Wirken, Mr. Smith responded the magistrate application has not been revised for some time, but staff wants to incorporate Boardmembers' suggestions to improve the application.

Vice Chairman Sheffield suggested emailing the application to the Boardmembers to review and provide individual feedback to be incorporated into the application.

Mr. Smith concurred with Vice Chairman Sheffield's suggestion and recommended meeting in December to discuss the proposed changes.

Boardmember Brown encouraged waiting to see what the proposed changes are before deciding if a meeting is necessary.

Mr. Smith stated there is nothing in code that would prohibit the Board from providing suggestions to the application and welcomes the feedback from the Board regarding the process. He added it is the Board's purview on how to handle the application changes.

Ms. Fazio responded the December meeting could also be used to discuss the scheduling and timelines.

Boardmember Wirken commented the Boardmembers have the same thought process, and any changes forwarded to staff will result in a useful application. He added Chairman Swanson has the authority to add another meeting if needed.

Boardmember Brown concurred with authorizing Chairman Swanson to decide whether a meeting is necessary after reviewing the application changes.

It was moved by Boardmember Humphrey, seconded by Boardmember Brown, that each Boardmember review the magistrate position application and compile a list of suggested changes for staff to incorporate; and authorize Chairman Swanson to make final changes to the application and call an additional meeting if needed.

Upon tabulation of votes, it showed:

AYES – Sheffield-Brown-Costa-Humphrey-Kiley-Wirken  
NAYS – None  
ABSENT – Swanson

Vice Chairman Sheffield declared the motion carried unanimously by those present.

7. Scheduling of meetings and general information.

Next meeting:

Wednesday, February 5, 2019, 7:45 a.m.  
Lower Level Council Chambers  
57 E. First Street

10. Adjourn.

Without objection, the Judicial Advisory Board adjourned at 8:41 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 9<sup>th</sup> day of October 2019. I further certify that the meeting was duly called and held and that a quorum was present.

---

DEE ANN MICKELSEN, CITY CLERK