



# JUDICIAL ADVISORY BOARD MINUTES

October 2, 2017

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 2, 2017 at 7:45 a.m.

## BOARD PRESENT

David P. Brooks, Chairman  
Michael Brown  
May Costa  
Peter Lesar  
Teresa Sanders  
Gordon Sheffield  
Wade Swanson

## BOARD ABSENT

None

## STAFF PRESENT

Michael Claspell  
Nicole Fazzio  
Kelly Gregan  
Matt Tafoya  
Paul Thomas

### 1. Introduce new Boardmembers.

Chairman Brooks welcomed newly appointed Boardmembers Judge Michael Brown, May Costa, and Gordon Sheffield to the Judicial Advisory Board. Mr. Brown, Ms. Costa, and Mr. Sheffield provided a brief synopsis of their professional background.

### 2. Elect Chair and Vice Chair.

It was moved by Boardmember Swanson, seconded by Boardmember Sheffield, that Boardmember Sanders be appointed as Chairperson of the Judicial Advisory Board.

Chairman Brooks declared the motion carried unanimously.

It was moved by Chairperson Sanders, seconded by Boardmember Lesar, that Boardmember Swanson be appointed as Vice Chairman of the Judicial Advisory Board.

Chairman Brooks declared the motion carried unanimously.

### 3. Items from citizens present.

There were no items from citizens present.

4. Discuss and provide direction on the review of magistrate compensation.

Deputy City Clerk Michael Claspell stated that in 2013 the City Council asked the Judicial Advisory Board (JAB) to review City Magistrate compensation. He added that the Board has been requested to review the compensation once again in conjunction with the Citywide benchmark (salary review) project.

Human Resources Analyst Nicole Fazzio explained that the benchmark project reviews the City's compensation that includes the City's regular and executive positions and excludes Council appointed positions. She added that the magistrates' compensation could be included with the benchmark process.

Ms. Fazzio reported that the 2013 review of magistrate compensation included a review of the following cities:

- Chandler
- Gilbert
- Glendale
- Phoenix
- Scottsdale
- Tempe

Ms. Fazzio pointed out that the standard benchmark process reviews five cities and that Gilbert is not included. She explained that the process identifies positions that are common within the other cities and when three of five identified duties match, it is considered a benchmark class and the data is collected. She noted that the City of Mesa has approximately 800-900 classes that include both full and part-time employees and that staff collects salary information on approximately 105 benchmark classes (10%) in addition to the executive positions. She remarked that the process is in the salary collection phase and if directed by the Board, they would include the magistrates' salaries.

In response to a question posed by Boardmember Lesar, Ms. Fazzio stated that the market average determined for the benchmarking process is specific to salaries and both the entry rate and the top salary are evaluated.

In response to questions from Boardmember Swanson, Ms. Fazzio clarified that Human Resource staff is collecting the data for the benchmark project and that only the base salary is reviewed. She noted that the 2013 review of the magistrates' compensation included additional factors such as Town of Gilbert statistics, deferred compensation, phone and car allowance, size of court, number of employees, and caseload.

Boardmember Brooks stated that in addition to the detailed 2013 review of the magistrates' compensation, the Board recommended a range increase of 9-14%, and Council approved a 10% increase.

Mr. Claspell added that a letter was drafted in 2013 from the Board Chair to the Mayor which explained the process and materials reviewed. He pointed out that in 2013 the review was specific to the magistrates' only.

Boardmember Brooks suggested that due to the amount of information gathered in 2013 that the Board should limit this review to the magistrates' salaries.

In response to a question posed by Boardmember Sheffield, Ms. Fazzio replied that the benchmark is not determined by the incumbent in the position, but is specific to the salary range. She noted that if the average salary is above the market average there would be no decrease but a recommendation of no change. She further noted that the magistrate positions are a fixed salary and it appears the City is currently below the average.

Presiding Magistrate Matt Tafoya highlighted the history of the Civil Traffic Hearing Officer that was changed to a Court Commissioner to allow the position to preside over Civil Traffic Trials, Pre-Trials, Non-Jury and Jury Trials. He noted that the salary has not changed in over 8 years and suggested that a review of the Court Commissioner salary be included in the Board's review of magistrate salaries.

Assistant City Attorney Kelly Gregan stated that the duties of the Board, as outlined in the Mesa City Code, is specific to the magistrate position. She noted that she will research to determine if the Board could include the Court Commissioner salary as part of its review.

Discussion ensued relative to the approach of the salary review of the magistrates.

Chairperson Sanders directed staff to provide the Board the original 2013 detailed information as well as a supplemental document of the updated information. She noted that staff will also determine who reviews the salary for the Court Commissioner.

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

Presiding Magistrate Matt Tafoya addressed the Board and introduced Court Administrator Paul Thomas. He reviewed the automation of files, citations, and the web services offered to help improve e-customer service.

Presiding Magistrate Matt Tafoya briefly reviewed the process governing Rule 11 competency hearings, and noted that the Mesa Municipal Court initiated the idea of holding the hearings at the municipal court level. He stated that three of Mesa's Magistrates are Superior Court Commissioners who have the authority to preside over the competency hearings. He explained that the process, which originally took as long as nine months to a year, has been reduced to approximately 47 days.

Presiding Magistrate Matt Tafoya stated that the Mesa Court handles the Veteran's Court which processes 110-170 cases a year. He explained that the veteran completes an evaluation prior to the first court date to assist the Court and the U.S. Department of Veterans Affairs (VA). He noted that participation in the program is voluntary.

Presiding Magistrate Matt Tafoya explained that the arraignment court has significantly enhanced the process for those appearing in court. He noted that the other judges were impressed to find that their pretrial conference caseloads decreased by 50%. He added that if no jail is requested and the person pleads not-guilty the trial is set within 30 days.

Presiding Magistrate Matt Tafoya reported that the Jail court is under review due to Chief Justice Bales passing an administrative order on Fair Justice for All. He pointed out that the City Council approved privatizing the processing of misdemeanor offences at the Florence facility. He explained that this has given the court flexibility to better manage caseloads. He noted that pre-trials are set between 5-10 days and if needed a trial date is set 15-20 days after the pre-trial determination. He explained that the original process, which took 60-90 days, has been reduced to 30 days or less.

Presiding Magistrate Matt Tafoya reported that the Mesa Court is developing a Community Court specifically for homeless cases. He stated that court is held at Paz de Cristo on the third Tuesday of each month from 3:00 p.m. – 5:00 p.m. where those who have a warrant can appear. He explained that prosecutors are contacted for a possible offer for dismissal with the completion of 12 hours of community service at Paz de Cristo.

In response to a question posed by Boardmember Brooks, Presiding Magistrate Matt Tafoya clarified that for a Rule 11 hearings there are three City Magistrate's empowered as Superior Court Commissioners.

6. Review and discuss policies, schedule and work plan for the Board related to the upcoming reappointment of two City Magistrates:

- (1) Michelle Lue Sang
- (2) Elizabeth Arriola

In response to a question posed by Chairperson Sanders, Mr. Claspell reported that the surveys and applications will be available to the Board one to two weeks prior to the February 5, 2018 meeting for their review. He added that at prior reappointments the Board used the surveys to develop interview questions.

Chairperson Sanders reviewed the question/interview process.

Mr. Claspell clarified that the February 5, 2018 agenda will reflect the judicial reappointments as well as the salary recommendation for the magistrate compensation.

7. Scheduling of meetings and general information:

Next meeting:

February 5, 2018, 7:45 a.m.  
Lower Level Council Chambers  
57 E. First Street

8. Adjourn.

It was moved by Boardmember Brooks, seconded by Boardmember Swanson, that the meeting of the Judicial Advisory Board be adjourned at 8:46 a.m.

Chairperson Sanders declared the motion carried unanimously.

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 2<sup>nd</sup> day of October 2017. I further certify that the meeting was duly called and held and that a quorum was present.

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DEE ANN MICKELSEN, CITY CLERK