



JUDICIAL ADVISORY BOARD MINUTES

February 5, 2018

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 February 5, 2018 at 7:45 a.m.

BOARD PRESENT

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

BOARD ABSENT

None

STAFF PRESENT

Michael Claspell
Nicole Fazzio
Agnes Goodwine
Alfred Smith
Matt Tafoya
Paul Thomas

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

1. Approve minutes from the October 2, 2017 Board meeting.

It was moved by Boardmember Lesar, seconded by Boardmember Sheffield, that the minutes of October 2, 2017 be approved.

Chairperson Sanders declared the motion carried unanimously.

2. Items from citizens present.

Presiding Magistrate Matt Tafoya addressed the board and reviewed the historical standards for appointing a new magistrate. He stated that the court seeks candidates who have extensive judicial experience.

Court Administrator Paul Thomas provided background information relative to the magistrate compensation item that was consistent with what was provided to the board previously.

3. Review, discuss and take action on items related to the reappointment of Magistrate Elizabeth Arriola, whose term expires June 30, 2018, including the reappointment application, process and scheduling.

Chairperson Sanders requested that Presiding Magistrate Tafoya summarize any additional data or information specific to Judge Arriola's duties in the arraignment court.

Presiding Magistrate Tafoya reported that in July 2016, the arraignment court was restructured to allow for both the prosecution and defense to be ready to resolve a case on the same day. He noted that Judge Arriola is managing this high-volume court and resolving the cases in a timely manner.

In response to a question from Boardmember Lesar, Presiding Magistrate Tafoya explained that change of judge notices are not filed on the first day of court. He added that Judge Arriola processes a small number of non-jury trials that come from the in-custody court.

In response to a question from Boardmember Brooks, Presiding Magistrate Tafoya commented that Judge Tatz conducted the arraignment court for one year. He stated that Judge Arriola was moved to manage the arraignment court and Judge Tatz was moved to the jail court. He noted that the court now has two full-time judges with extensive experience that can work together. He added that Judge Arriola conducted in-custody and arraignment court for 20 years in Superior Court.

4. 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. § 38-431.03(A)(1)] Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law [A.R.S. § 38-431.03(A)(2)]

1. Reappointment of Magistrate Elizabeth Arriola
2. Information Regarding Magistrate Appointment Candidate and the Reappointment Process (consumer reporting agency reports, interview questions, and survey results)

It was moved by Boardmember Brooks, seconded by Boardmember Swanson, that the Board enter into an Executive Session at 7:54 a.m.

Chairperson Sanders declared the motion carried unanimously.

(At 8:29 a.m., the Executive Session adjourned and the Board reconvened their regular meeting.)

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

- a. Review appointment schedule

Boardmembers engaged in a discussion related to the tentative schedule (**See Attachment 1**) for new city magistrate court recruitment.

Chairperson Sanders stated that the job announcement would be posted for three weeks and that the board meeting to review the applications would be held on March 26th at 7:45 a.m.

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

Chairperson Sanders stated that the City Council requested the board review the magistrate compensation and asked Boardmember Lesar, and Deputy City Clerk Michael Claspell to summarize the compensation review process.

Mr. Claspell noted that staff provided compensation materials from the 2013 review to illustrate the process and discussion. He added that the board is not locked into the same process or the same recommendation.

Boardmember Lesar commented that in 2013, the board reviewed other valley court systems. He pointed out that municipalities faced severe budget challenges. He stated that the board reviewed the average compensation across many municipalities. He referenced the 2013 recommendation letter (**See Attachment 2**) and noted that a 14% increase in pay would have resulted in Mesa magistrates making more than the average. He stated that the goal has been to get the salary closer to the average or above. He also said all the municipalities have recently adjusted their compensation and that currently the average magistrate total compensation is approximately \$157,900.

Boardmember Brooks commented that when the board reviewed the compensation comparison in 2013, it had been many years since the magistrate's salary was reviewed. He indicated that it was the first time that the Council asked for board input relative to compensation. He added that prior to Council's request, the board only focused on appointments and reappointments.

In response to a question from Boardmember Brooks, Human Resources Analyst Nicole Fazzio stated that the City's overall compensation philosophy is to be at or above the market average. She also explained the process of compensation benchmarking and noted that she is not aware of any policy regarding magistrates' compensation structure.

Responding to a question from Boardmember Swanson, Ms. Fazzio stated that the benchmark process was completed internally. She indicated that staff finished the data collection last fall and it has been submitted to the City Manager for review.

Chairperson Sanders asked the Board how they would like to proceed with the compensation recommendations.

Boardmember Swanson suggested continued discussion to develop recommendations to the Council.

Chairperson Sanders asked if anything has changed since the board made the 2013 recommendations and if anything has changed that the Board needs to consider.

Mr. Claspell indicated that the board was provided comparative statistics of valley courts that included, salary comparison, extracurricular activities, and a summary of caseloads.

Boardmember Swanson commented that most of the cities compared in 2013 have gone through the compensation review process for their magistrates and now would be the right time to make the recommendations to Council.

Boardmember Brooks commented that Mesa is the second largest City in the survey, and that Mesa judges handle as much or more than most of the other judges in terms of caseload.

In response to a question from Boardmember Sheffield, Ms. Fazio stated that magistrates do not receive the same performance appraisals as regular City employees. She added that magistrates' performances are evaluated through the reappointment process and that employee merit increases are tied to the appraisal process.

Mr. Claspell commented that the Charter authorizes the City Council to appoint the magistrates and set their salary.

Discussion continued relative to deferred compensation and the computation of the average magistrate salary.

Ms. Fazio indicated that magistrates' salary review is a separate process than the regular city benchmarking. She noted that benchmarking for other classes consists of taking the average of the core five market cities (e.g., Chandler, Tempe, Glendale, Phoenix and Scottsdale). She added that data from Gilbert was collected in the past for the magistrate salary review, however, it is not included in the core market due to its smaller size.

Boardmember Costa pointed out that another factor to consider is the caseload managed by the Mesa court with fewer magistrates than other municipal courts.

Boardmember Swanson concurred with Boardmember Costa and stated that Mesa is very competitive related to the average caseload for magistrates. He stated that having reviewed the materials, he is inclined to recommend an increase of 8% to 13% to the council and hopes they will consider a median in that range.

Discussion ensued with regards to the compensation range.

It was moved by Boardmember Brooks, seconded by Boardmember Sheffield, that the board recommend increasing the magistrate salary, including the Presiding Magistrate, in a range from 9 to 14 percent.

Discussion ensued relative to the range and Boardmember Brooks amended the motion, seconded by Boardmember Sheffield, to adjust the recommended range to 9 to 12 percent.

Chairperson Sanders declared the motion carried unanimously.

Chairperson Sanders directed Mr. Claspell to draft the recommendation letter to the Mayor and City Council.

7. Scheduling of meetings and general information:

Next meeting:

Public Hearing and Interview
Magistrate Elizabeth Arriola
March 7, 2018
4:30 p.m.
Lower Level Council Chambers
57 E. First Street

Chairperson Sanders stated that the next meeting will be held on March 7, 2018, at 4:30 p.m. to conduct a public hearing and interview Magistrate Elizabeth Arriola.

8. Adjourn.

It was moved by Boardmember Brooks, seconded by Boardmember Sheffield, that the meeting of the Judicial Advisory Board be adjourned at 9:39 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 5th day of February 2018. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

Abg
(Attachments – 2)

Schedule for New City Magistrate Recruitment Winter/Spring 2018

February 9 – March 1: Job Announcement posted (3 weeks)

- Can increase to 4 weeks if the Board prefers; in 2016 did 3 weeks then extended to a 4th week per Board Chair's request due to low volume of applications
- HR will screen applications as they come in

March 5 – 8: HR screens remaining applications for minimum qualifications and distributes them all to the Board via Sharepoint site

March 8 – March 25: applications reviewed by the Board – (2.5 weeks)

- Each Board member reviews all applications and selects their top candidates to interview
- Potentially include in this packet interview questions asked during previous interviews. Ask board members to review so they can be finalized during the first review meeting.

March 26: Judicial Advisory Board meeting (plan for a longer meeting)

- Board selects candidates to interview
- Convene Executive Session to finalize and assign interview questions and reference checks
- Interviews currently scheduled for May 7

March 26 – May 6: Background Information Gathering Period

- HR schedules interviews for candidates on May 7
- HR conducts background checks of all candidates to be interviewed (Credit Report, education credential verification; State Bar disciplinary history)
- The Board conducts reference checking on all candidates to be interviewed

May 7: Interview candidates (at least 6)

- Convene Executive Session for the Board to discuss background information/references gathered in addition to interview results and reach consensus on top candidates
- The Board recommends to the City Council the three best qualified candidates for consideration as City Magistrate

After May 7:

- Develop letter from Board Chair to Mayor/Council communicating the Board's recommendations
- Letter and supporting materials distributed to the City Council (uploaded via secure site)
- Review and potential interviews over the next several weeks (dependent on Council schedule/availability)

May/June: Council makes appointment before Summer Break

October 16, 2013

The Honorable Scott Smith
Mayor, City of Mesa
20 East Main Street, Suite 750
Mesa, Arizona 85201

Dear Mayor Smith:

At the request of the mayor and city council, the Judicial Advisory Board has reviewed the compensation for Mesa's magistrates. The board recognizes the trust and responsibility the city council has placed on its members by asking for this review and has taken this charge very seriously.

The board initially met on August 12, 2013, to discuss the city council's request and to review a compensation comparison for judges of the Phoenix metropolitan area developed by the city's human resources department. Through this evaluation, the board determined that the collection and review of additional material was warranted. The city staff gathered additional information requested by the board:

- Statistical information for Mesa, Chandler, Glendale, Phoenix, Scottsdale, Tempe and Gilbert – magistrate salaries and benefits, population, number of magistrates and pro tems, number of cases, types of cases, revenue and expenditures
- Summary of extracurricular activities in which Mesa magistrates are engaged – community work, committee membership and leadership, teaching opportunities, presentations, etc.
- Organization charts – number of magistrates assigned to valley courts along with staff and reporting structures
- Job descriptions – scope of responsibility for presiding magistrates
- Administrative Order 2005-32 – job responsibilities for the presiding magistrates at the municipal level
- Compensation history for Mesa's magistrates – council meeting minutes and supporting documentation

In a subsequent meeting held on September 23, 2013, the board engaged in a lengthy and in-depth discussion of the salary comparisons and the additional information listed above (see attachments). Establishing a final proposal for the city council was not an easy task for the board. The analysis of data and information resulted in the following conclusions that served as the basis for the board's compensation recommendations:

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- It has been six years since the Mesa magistrates received a salary increase. During that same time period, the Mesa Municipal Court has become a top municipal court in the state. It has been recognized by the State Supreme Court and by many other municipalities.
- The Mesa magistrates handle a caseload that is among the highest in valley comparisons, but their salaries remain the lowest among those same jurisdictions.
- Mesa's population is the second highest of other valley jurisdictions and the magistrates are dealing with many matters and issues driven by population.
- Mesa has not kept up with other valley communities in terms of magistrate compensation.
- Mesa's magistrates participate in and perform many roles and functions, in addition to their obligations on the bench, which add value to the greater community.

Based on our extensive review and discussion regarding magistrate compensation, the Judicial Advisory Board recommends the following for city council consideration:

1. The board recommends that the base salaries for the presiding city magistrate and the city magistrates be increased within a range of 9% to 14%. The board recognizes that the magistrates are underpaid comparatively and understands that remaining competitive is an essential component in retaining quality staff. The board also understands the fiscal realities that accompany such a decision and believes the range will allow the city council to determine the most appropriate magistrate compensation levels.

The average city magistrate salary for valley courts is \$145,306. A 9% increase in pay for Mesa magistrates would result in an annual salary of \$141,700, while a 14% increase in pay would result in an annual salary of \$148,200. The average presiding magistrate salary for valley courts is \$168,430. A 9% increase in pay for the Mesa presiding magistrate would result in an annual salary of \$163,500, while a 14% increase in pay would result in an annual salary of \$171,000.

2. The board recommends that salaries of the presiding city magistrate and the city magistrates be reviewed every two years. In making this recommendation, the board believes that a regular review cycle will help ensure that magistrate salaries remain commensurate with other valley courts.
3. The board recommends that the City of Mesa explore the development of ongoing communications with other valley jurisdictions regarding compensation for magistrates. The intent of this recommendation is to encourage collaboration with other cities so that salaries are not increasing so rapidly that it appears the jurisdictions are in competition with respect to magistrate compensation.

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On behalf of the members of the Judicial Advisory Board, thank you for the opportunity to review this important compensation issue and to provide you and the city council with a thoughtful recommendation.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter V. Lesar".

Peter Lesar
Chair, Judicial Advisory Board

PL:mc
Attachments

c: City Council
Judicial Advisory Board Members
Christopher Brady
John Pombier
Debbie Spinner
Lindsey Lueptow
Michael Claspell